

- f. Intela kanye nenhlawulo ekhokhwa ngokwesilinganiso sendlu
- g. Inzalo kanye nezimali zokuqoqwa kwezikweletu
- h. Izimali zabameli nezinkantolo ngokwesigaba 3.2 kulemithetho yedolobha

“**Okweletayo**” kusho labo bantu abakweleta umkhandlu maqondana nentela kanye / noma inhlawulo ngomsebenzi isikhathi esingaphezu kwezinsuku ezingama-40 ( amashumi amane) kusukela osukwini lokukhokha.

“**Umhlali**” kusho nonoma yimuphi umuntu ohlala noma yikweyiphi indawo, kungabalulekile ukuthi uhlala kuleyo ndawo njengobani

“ **Umikazi wendawo**” kusho :

- a. Umuntu ngezikhathi thize ogunyazwe ngumthetho ukuba kuleyondawo
- b. Uma umuntu osemthethweni engasekho noma ehluleka ukukhokha, noma kunezihibe ezithile ezimvimbayo ngokomthetho, kuyoba yilowo ogama lakhe ligunyaziwe ngokomthetho ukuba abhekelele noma apha the leyondawo njengomphathi, umphathimafa obekiwe, umgcini mafa, ophethiswe inkantolo, oqokelwe ukukhokha izikweletu noma abanye abakhulumeli abasemthethweni.
- c. Esimweni lapho umkhandlu ungakwazi ukuthola lowo muntu, kuyoba yilowo muntu osethubeni lokuthola leyondawo noma isakhiwo esilapho
- d. Esimwemi sezindawo eziqashiswa iminyaka ewu-30 noma ngaphezulu, kuyoba umhlali waleyo ndawo;
- e. Maqondana ne:
  - (i) nomhlaba ochazwe ngokusikwa kwepulani, obhaliswe ngaphansi komthetho wokubhaliswa kwamatayitela (umthetho 95 ka-1986) futhi ngaphandle kokunciphisa okuchazwe ngenhla, umakhi noma amalunga omfelandawonye aphele leyo ndawo, noma
  - (ii) sigaba njengoba kuchaziwe kulowo mthetho , umuntu ogama lakhe libhalisiwe kuleso sigaba ngaphansi kwetayitela elenziwe futhi kuhlanganisa ngumuntu ongummeli wakhe oqokwe ngokomthetho yilowo muntu;
- f. Noma imuphi umuntu ovumelekile kuhlanganisa nakuba kungagcini kwi:-
  - (i) nkampani ebhaliswe ngokomthetho wezinkampani ka 1973 ( umthetho 61 ka 1973), inkampani eyi-trust, trust *mortis causa*, inkampani encane ebhaliswe ngokomthetho wezinkampani ezincane eziwumfelandawonye ka 1984 (umthetho 69 ka1984), inhlanganano esebenza ngokuzinikela;

- (ii) nanoma imuphi uMnyango kaHulumeni
- (iii) nanoma yimuphi umkhandlu noma ibhodi elisungulwe kulandelwa imithetho evumelekile eNingizimu ne-Afrika;
- (iv) Nanoma iyiphi indlu yamanxusa okanye esinye isakhiwo sezizwe

“ **Izindawo**” kuhlenganisa nanoma imuphi umhlaba, onemingcele echazwe njengokudwetshwa kwayo kwi-:

- a. pulani elijwayelekile noma umdwebo obhaliswe ngokomthetho weZokuklanywa kweMihlaba, we- 9 ka-1927 noma ngokomthetho 47 ka-1937 wokubhaliswa kwemihlaba noma;
- b. pulani elibhaliswe ngokomthetho wamatayitela umthetho 95 ka-1986, ngendlu eyakhiwe endaweni engaphansi komkhandlu.

“**UMphathi weZezimali**” kusho umuntu oqashwe umkhandlu ukubheka ukuphathwa kwezezimali zomkhandlu kanye nokuqoqwa kwezikweleti kulabo abakweleta umkhandlu, phakathi kwezinye izinto.

## 2. **IZIHLINZEKO EZIJWAYELEKILE**

### 2.1 **Izaziso kanye nemiqulu**

- a. Isaziso noma umqulu okhiswe umkhandlu uyothathwa njengosemthethweni uma ukhishwe wasayindwa umsebenzi ogunyazwe umkhandlu;
- b. Uma isaziso sizodluliselwa kumuntu ngokwalemithetho yedolobha kumele lokho kwenziwe ngokuthi:
  - (i) ahanjiselwe isaziso kuyena noma kulowo muntu ommele nogunyaziwe ngokufanekileyo
  - (ii) kuhanjiswe isaziso kwikheli lakhe lokuhlala noma endaweni yomsebenzi, ishiywe kumuntu obonakalayo uuthi iminyaka yakhe yevile kweyishumi nesithupha futhi okucacile ukuthi uhlala okanye uqashwe khona;
- c. Uma eqoke ikheli lakhe elisemthethweni okuzothunyelwa khona isaziso, sithunyelwe khona;
- d. Ikheli lakhe elibhalisiwe noma ikheli elokugcina elaziwayo
- e. Uma kuyisigungu esiphethe isakhiw, sithunyelwe ehhovisini elibhalisiwe noma ezindaweni zamabhizinisi aleso sigungu

- f. Uma lowo msebenzi ochazwe kwindima (b) kuya ku (e) ungeke wenzeke, isaziso kuyomele sichonywe esichabheni sokungena ngaphakathi, okanye sibekwe endaweni esobala noma ebonakalayo.

## **2.2 UKUFAKAZELWA KWEMIQULU**

- a. Zonke izaziso, izigunyazo neminye imiqulu edinga ukufakazelwa ngokusemthethweni iyothathwa njengesemthethweni uma isayinwe umsebenzi ogunyaziswe umkhandlu ngokwesinqumo somkhandlu okanye somthetho-dolobha
- b. Ukudluliswa kwekhophi kuyothwathwa ngendlela efanayo nokudluliswa kwencwadi yokuqala

## **2.3 Ukukhokhwa kwesikweletu ngokuphelele**

- a. uMphathi weZezimali uyoba negunya lokwemukela izimali ezitholwa umasipala njengenkokhelo yemisebenzi ethile ehlinzekwa umasipala
- b. Uma inani elinqunyiwe lingakhokhiwwe ngokuphelele, kepha kukhokhwe elingaphansi kwalo, leyo mali ngeke yamukelwe njengenkokhelo ephelile, ngaphandle uma lokho kwamukelwe uMphathi weZezimali okanye umsebenzi ogunyazwe nguye;
- c. Okuchazwe kwindima 2.3 (a) ngenhla yikho okuyokwemukelwa nakuba kungenzeka ukuthi kwemukelwe inani elingaphansi njenkookhelo yokucina;
- d. uMphathi weZezimali kanye nommele bayokwamukela leyo mali encane ngokubhala incwadi.

## **2.4 Imali yenzalo**

Ngokomthetho wokuphathwa kwezimali zikamasipala ngokwesigaba-64 (2), imali eseleyo elindelekile ukukhokhwa ngosuku lokucina iyokwengezwa inzalo (umthetho 56 ka-2003) njengoba kuhlelelwe kwisabiwo-zimali sonyaka ngokuhambisana nesigaba -24 (2) (ii) somthetho.

## **2.5 Ubufakazi obuphathekayo**

Isitifiketi esiveza imali ekweletwa umasipala, nesisayinwe uMphathi kaMasipala okanye omunye umsebenzi ogunyazisiwe, siyokwemukelwa njengobufakazi obuphathekayo ngaleso sikweletu kunoma iyiphi inkantolo.

### **3. AMANDLA OMKHANDLU OKUQOQA IZIKWELETU**

#### **3.1 Isithembiso senkokhelo esingafezekiswa**

Lapho ibhange lingayifaki imali ukufezekisa isithembiso senkokhelo esenziwe, umkhandlu unelungelo lokwengeza izimali ezithize kwi-akhawunti yalowo muntu okweleta umkhandlu, ulandela imigomo ebekiwe.

#### **3.2 Izindleko zomthetho**

Zonke izindleko zomthetho, kuhlenganisa izimali ezichithelwe abameli nezindleko zikamasipala ziyofakwa kwi-akhawunti yalowo muntu onesikweletu.

#### **3.3 Izindleko zokukhumbuzisa abakweletayo izimali ezisalele**

Izindleko zokukhumbuzisa okweletayo ngesikweletu sakhe, okungahlanganisa ukumshayela ucingo, ukumthumela incwadi noma isikhahlamezi, kungenzeka zifakwe kwi-akhawunti yalowo muntu okweletayo kulandelwa imigomo yomkhandlu.

#### **3.4 Izindleko zokunqamula imisebenzi kamasipala**

Lapho noma omuphi umsebenzi owehlukeneyo njengomphumela wokungabikho ukuthobelana kwalokho ngomthetho wabathengi, umkhandlu kamele avumele inhlawulo ahpinde abuyise inkokhelo yomgomo wokuhlukana njengokunqunywe umkhandlu ngezikhathi zonke kubasebenzise bomsebenzi.

### **3.5 AMA- AKHAWUNTI**

Umasipala anga:

- a. Hlanganisa nanoma yimaphi amakhawunti ahlukeneyo omuntu onecala lokukhokhela umasipala ;
- b. Thatha nanoma iyiphi inkokhelo eyenziwe yilowo okweletayo ayifake kunoma iyiphi yamanye ama akhawunti ake; futhi
- c. Angathatha nanoma iziphi izinyathelo ezichazwe kulemithetho yedolobha ukuqoqa izikweletu ezisalele.

### **4. ISIVUMELWANO SOKUSEBENZA**

- 4.1 Awukho msebenzi kagesi oyonikezelwa ngaphambi kokuthi umuntu afake isicelo ngefomu likamasipala elisemthethweni (imizi ejwayelekile namabhizinisi), bese ekhokha imali eyidiphozi, neyonqunywa umkhandlu.

4.2 Ukuphela kwesivumelwano somsebenzi kumele kuthunyelwe ngencwadi yilowo onenhloso yokwenze njalo.

## **5. UKUQOQWA KWENHLAWULO NGENXA YOKUNGAKHOKHI NGENDLELA**

### **5.1 Umgomo oqondene nokuhlelwa nokuphathwa kwezikweletu**

Umkhandlu uyoba nomgomo obhalwe phansi oqondene nokuphathwa kanye nokuqoqwa kwezikweleti, ohlinzekela:

- a. Inqubo yokuhlelwa kwezikweletu;
- b. Inqubo yokuqoqwa kwezikweletu;
- c. Ukuhlinzekela abampofu, okuyohambisana nemigomo kamasipala yokubhekela abampofu, kanye nekahulumeni kuzwelonke
- d. Inzalo kwihlawulo yokungakhokhi
- e. Ukwengezwa kwesikhathi sokukhokhelwa ama-akhawunti;
- f. Ukuphela komsebenzi noma ukumiswa komsebenzi uma sekuze kwadlula isikhathi kungakhokhiwe, kwangena nenye imali yenzalo ngaphezulu ;
- g. Ngenkathi unquma ngaloluhlelo, umkhandlu ungahlukanisa ngendlela obona kufanele phakathi kwezigaba zabantu, abathengi, abakweletayo, kanye nabanikazi.

### **5.2 Amandla okunciphisa noma okunqamula ukudluliswa kwemisebenzi**

- a. Umkhandlu unganciphisa okanye unqamule ukudluliswa kwamandla kagesi, noma umise noma ngabe yimuphi umsebenzi kunoma iyiphi indawo uma ngabe ohlomula ngokusebenzisa lowo msebenzi:
  - (i) ehluleka ukukhokha ngokugcwele ngosuku olunqunyweyo noma ohluleka ukwenza izinhlelo ezivumelekile zokukhokha lelo nani, ntela ayikweletayo;
  - (ii) ehluleka ukuhambisana nombandela onqunywwe umkhandlu;
  - (iii) evimbela ukudluliselwa kukagesi noma eminye imisebenzi komunye umuntu;
  - (iv) edlulisela umsebenzi kamasipala noma evuma ukuba kuqhutshekwe kudluliselwe imisebenzi kamasipala kumthengi ongavumelekile;
  - (v) obangela isimo ngokombono womkhandlu esiyingozi noma obangela ukwaphulwa kwemithetho;

- (vi) obekwe ngaphansi kwamandla enkantolo isikhashana , izikweletu zakhe ziphethwe umthetho noma owenza okuphathelene nalokho ngokomthetho i-Insolvency Act, umthetho no. 24 ka-1936;
  - (vii) uma umthetho unikeze igunya lokuba lowo muntu aphaathelwe amandla ngokwesigaba 74 somthetho ongamele iziNkantolo zeziMantshi ka 1944 (umthetho 32 ka-1944);
- b. Umkhandlu uyobuye uxhume okanye ubuyisele umsebenzi esimweni esijwayelekile emva kokuba yonke imali ekweletwayo ikhokhwe ngokuphelele, kuhlanganisa nezimali eziyinkokhelo yokwenza lowo msebenzi wokuxhuma kabusha lowo msebenzi onqanyulwe, kanye nanoma iyiphi enye imali njengoba inqunywe kwinqubo-mgomo yomkhandlu eqondene nokuphathwa kwezikweletu.
- c. Umkhandlu uyoba nelungelo lokubamba noma ukuvala umsebenzi ngenxa yokungakhokhelwa kwemisebenzi ehlinzekwa umkandlu noma izintela ezithize, noma ngabe kukhona inkokhelo eyenziwe eqondene nemisebenzi ethize, futhi lelo lungelo uyophinde uligodle nakuba kungenzeka ukuthi umnini ndawo akusiye owangena kwisivumelwano nomkhandlu.

### 5.3 Amandla okungena kanye nokuhlola

- a. Umsebenzi omele umkhandlu ngokusemthethweni unelungelo lokungena abuye ahlole nanoma iyiphi indawo ngenhloso yokuqinisekisa ukugcinwa kwalemithetho yedolobha, okanye ngezinhloso zokuxhuma noma ukulungisa nanoma iyiphi into elimele, okanye ezonciphisa, ezovala noma ezongamula nanoma imuphi umsebenzi.
- b. Uma umkhandllu ubona kubalulekile ukuba kwenziwe umsebenzi othize ngaphambi kokuba umsebenzi kamasipala afike ukuzokwenza umsebenzi ochazwe ngenhla, kungenzeka:
- (i) ubhalele umninindawo noma umhlali umyalele ukuba enze lowo msebenzi ngokwezindleko zakhe kungakapheli isikhathi esithile noma;
  - (ii) uma ngokombona wawo isimo siphuthuma, umkhandlu uwenze wona lowo msebenzi okanye uthumele ukuba wenziwe kepha ukhokhelwe umninindawo.
- c. Uma umsebenzi uchazwe ku (b) ngaphezulu wenziwa ngenhloso yokuhlola ukuthi lemithetho iphuliwe na, bese kuvela ukuthi akunjalo, izindleko zalowo msebenzi kanye nokubuyisela indawo esimweni sayo sakudala ziyothwalwa umkhandlu.

#### **5.4 Izinhlelo zokukhokha imali esele kanye nemali enqunyiwe ngokulandelana ngamancozuncozu**

- a. Umuntu okweletayo angangena esivumelwaneni esibhalwe phansi sagunyazwa umkhandlu ukuba akhokhele noma yiyiphi imali esele ngaphansi kwemibandela elandelayo:
  - (i) imali eshodayo, inhlawulo kanye nenzalo kungakhokhwa ngamancozuncozu nyangazonke ngokuhlelwa okufanele, kubuye kubhekwe nezimali ezizoqhubeka nokufakwa kuma-akhawunti njengenkohelo yemisebenzi esikhathini esizayo.
  - (ii) isivumelwano esibhalwe phansi kumelwe sisayindwe omkhulu ophethe ovunyelwe ngokufanele esikhundleni somkhandlu .
- b. Uma kwenzeka kuvela noma yimuphi umbango ngemali ekwweletwa umnikazi wendawo ngenxa yezindleko zikamasipala, umnikazi wendawo akanganaki nokho lowo mbango aqhubeka nokukhokha ngokujwayelekile ngangokusho kwezibalo zesilinganiso ye-akhawunti kamasipala ngokuqala ezinyangeni ezintathu ngaphambi kokunyuswa umbango kanye nokuthathwa kwenzalo kuma-akhawunti kanye kanye nenguqukoyanjalo njalo kanye ngonyaka yamaphoyisa omgwagqo awomkhandlu.

#### **5.5 Ukubuyiselwa esimweni kwemisebenzi**

UMphathi weZezimali uyogunyaza ukuphinda kubuyiselwe esimweni imisebenzi kamasipala ngemuva kokwamukela inkokhelo kanye / noma ukuhlelwa kwendlela yokukhokha eseyenziwe njengokusho kwenqubo yokuhlelwa izikweleti zomkhandlu.

### **6. UKUKLANYWA KWENTELA**

#### **6.1 Inani elilindelwe ngentela eklanyiwe**

- a. Yonke inqubo yentela enqunye abanikazi bendawo ikhokhwa ngosuku olubekiwe njengokunqunyiwe womkhandlu
- b. Ukuhlanguka kwabanikazi bendawo akubambisene kanye nokuhluleka okumbalwa kokukhokhela intela enqunyiwe.
- c. ukunqunywa kwentela kuzonqunya ngokulingana kokukhokha nyangazonke njengokunqunyiwe umkhandlu noma kube ukukhokha kanye njalo ngonyaka , njengesivumelwano esibhalwe phansi.

- d. ukukhokhelwa kwentela okunqunyiwe akungabi nomehluko ukudlula usuku olunqunyiwe ngenhloso yokuphikisana nesinqumo sentengo elinganisiwe.

**6.2 Ukufakwa kwesicelo sokudla imali yerenti ngenxa yemali yama-rates engakhokhiwe**

Umkhandlu ungafaka isicelo enkantolo sokuhlenganisa noma iyiphi irenti ngendlela yokukhokheleka kwentela yendawo, ngokukhokhela ingxenye noma yonke imali esalele ngokwenqubo yentela uma usuku olunqunyiwe selweqile ezinyangeni ezintathu.

**6.3 Isibophezelo sabaqondisi bezinkampani ukukhokha inhlawulo yentela yezakhiwo**

Lapho inkampani yomfelandawonye noma amalunga omfelandawonye ngokomthetho wamatayitela ka1986, inesibophezelo sokukhokhelwa kwanoma iyiphi inhlawulo kumkhandlu, lesi sikweletu siyodluliselwa kubaqondisi baleyo nkampani, ndawonye noma umuntu ngamunye ngamunye.

**6.4 Ukukhokhwa kwentela ngempahla yomkhandlu ethengisiwe**

- a. Umthengi wendawo yomkhandlu unesibopho sokukhokhela intela enqunyiwe ngendawo ngonyaka wezimali athenge ngawo leyo ndawo.
- b. Uma kwenzeka umkhandlu uphinde uyidla leyo ndawo, nanoma iziphi izimali ezisalele kuyomele zikhokhwe umthengi.

**6.5 Ukumiswa kokubhaliswa kwendawo ngomnikazi omusha**

- a. Irejista yezinto noma okunye okubhalisiwe kumphakathi wempahla engenakususwa ongeke ukwazi ukubhaliselwa ekudlulisweni kwempahla kphela kokwenzelwa isitifiketi esimisiwe:
- (i) esikhishwe umasipala wakuleyo ndawo eyakhiwe futhi
  - (ii) esivumelana nalo lonke inani elinqunywe ekuhlanganeni kwemali enqunywe umsebenzi kamasipala, imali enqanyulwe inhlawulo yentela eyelekiweyo yempahla kanye nezinye izintela zikamasipala, inhlawulo kanye nezinye izidingo kumele zikhokhwe ngokuphelele
- b. esikhundleni sokudluliswa kwempahla engenakususwa, wumphathi obekiwe wefa lomuntu ongasekho ukulungisela lesi sigaba kumsuka wesigaba-89 somuntu owabhala i8fa ongasekho uthetho-1936 ( umthetho sisekelo-24 ka-1936)

- c. Inani elinqunyiwe lezindleko zomsebenzi kamasipala , imali enqunyelwe inhlawulo ephindiwe, intela yempahla kanye nezinye izintela zikamasipala izinhlawulo kanye nezinye izinto ezibanjwayo futhi nokujabulela ngothando ngaphezulu kwanoma eyiphi imali ebanjiwe ebhaliselwe esikhundleni sempahla

## **6.6 Ukunqunywa kwentela ekhokhwa endaweni kamasipala**

- a. Umsebenzisi wendawo kamasipala ubhekelele ukukhokhela noma esiphiisinqumo esijwayelekile sokukhokhela intela yendawo ngobungako besikhathi sesivumelwano nomuntu oqashile njengokuba echishe eba umnikazi waleyondawo.
- b. Umphathi omkhulu wezimali angakhetha ukuhlanganisa isinqumo sentela ngokubhekelelwa kwendawo emalini esikhundleni sokuthi bayithumelele ngokwehlukana njengendada yabanikazi bendawo

## **7. UKUXEGISA, USHWELE NOKUHLUKANISA**

- 7.1 Umkhandlu ungahlukanisa phakathi kwezinhlobo ezehlukene zezindawo , izinhlobo ezehlukene zabanikazi bendawo , abasebenzisi bezinto zokusebenza , abakweleti , intela imisebenzi ,izinga lomsebenzi kanye nokunye okuthile
- 7.2 Umkhandlu ungakhululeka noma uyekele ekubhaleni izidingo zokulungisela esibonisweni esithile futhi nakubanikazi abathile bendawo noma kumthengi, lokhu ngemithetho.
- 7.3 Noma yikuphi ukwahlukaniswa noma ukukhululwa akube ngaphansi kwesimiso esithile ongakwazi ukucabanga okufanele ukunquma uma kuwumbono wokuthi isicelo noma ukusebenza kwalokho kulungisela kulokho kolokho kokubonakala okumele kungabinasizathu

## **8. UKUDLULISWA KWEMININGWANE YABAKWELETA UMKHANDLU**

Umkhandlu unelungelo lokudlulisela ulwazi ngalabo bantu abawukweletayo ezinhlanganweni ezisebenza ngalolo lwazi. Ulwazi oluyodluliswa ngaleyo ndlela luyohlanganisa imininingwane ekhona ngalowo muntu, kanti uma lowo muntu kuyinkampani, kudluliselelwe ulwazi olukhona ngabantu baphethe leyo nkampani.

**9. UKUCHITHWA KWEMITHETHO YEDOLOBHA YOMKHANDLU  
ENGAMELE UKUQOQWA KWEZIKWELETU**

Nanoma imiphi imithetho-dolobha ebikhona engamele ukuqoqwa nokuphathwa kwezikweletu iyachithwa uma ngabe lokho ekhuluma ngakho kuvela nakulemithetho.; futhi leyo mithetho engachithiwe iyothathwa njengesemthethweni lapho ingashayisani nokuhlinzekwe kulemithetho yedolobha.

**10. AMACALA**

**10.1 Umuntu:-**

- a. Olulekayo ukkunika izidingo ezifunwa umphathi ngendlela yalemithetho
- b. Ovimbela noma ovimbela umphathi ekwenzeni umsebenzi noma ekwenzeni okungaphansi kwalokhu ngomthetho
- c. Ukusebenza noma ukungenelela kwezinto zokusebenza zomkhandlu noma ukuqedwa kokudluliswa komsebenzi

**11. ISIHLOKO ESIFISHANE**

Lokhu ngomthetho kungabizwa ngokunakekelawa kwabathengi bese Hibiscus Coast Municipality, ukuhlelwa kokuthenga kanye nokuqoqwa kwezikweletu ngomthetho-2008

**12. UKUQALA KOKUSEBENZA KWEMITHETHO**

Lemithetho iyosetshenziswa ngokusemthethweni kusukela mhlaka 01 Julayi 2008.

No. 38

30 October 2008

**HIBISCUS COAST MUNICIPALITY****Adoption of new Credit Control and Debt Collection Bylaws**

The Hibiscus Coast Municipal Council, acting under the authority of section 156(2) of the Constitution, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and section 6 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), hereby publishes the following bylaws as adopted by the Council at its meeting held on 24 June 2008, which bylaws shall come into effect on the first day of the month following publication hereof.

SW MKHIZE  
MUNICIPAL MANAGER

**CREDIT CONTROL & DEBT COLLECTION BY-LAWS****ARRANGEMENT OF SECTIONS****Section**

- 1 Definitions
- 2 General provisions
- 3 Power of Council to recover costs
- 4 Service agreements
- 5 Arrears collection
- 6 Assessment rates
- 7 Relaxation, waiver and differentiation Reporting of defaulters
- 8 Repeal of Council's Credit Control By-laws
- 9 Offenses
- 10 Short title
- 11 Commencement

## 1. DEFINITIONS

For the purpose of these by-laws, unless the context indicates otherwise:

**“Apparatus”** includes a building, structure, pipe, pump, wire, cable, meter, machine or any fitting.

**“Council”** means a municipal council as referred to in section 157 of the Constitution.

**“Credit Control”** means all the functions relating to the collection of monies owed by ratepayers and users of municipal services.

**“Customer Management”** means the focusing on the client’s needs in a responsive and pro-active way to encourage payment, thereby limiting the need for enforcement.

**“Customer”** means any occupier of any premises to which the Council has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises.

**“Billing”** means proper formal notification (invoicing) on a statement to each customer of amounts levied for assessment rates and services and the net accumulated balance of the account.

**“Interest”** constitutes a levy equal to service levies and is calculated at a rate determined by the Council on all service levies in arrears.

**“Municipal Services”** those services, rates and taxes reflected on the municipal account for which payments is required by Council.

**“Municipal Account”** shall include levies or charges in respect of the following services and/or taxes:

- (a) Electricity consumption;
- (b) Housing rental and instalments;
- (c) Sundry charges;
- (d) Refuse removal;
- (e) Sewerage services;
- (f) Rates and taxes charged in relation to the value of the premises;
- (g) Interest and collection charges;
- (h) Legal fees in terms of paragraph 3.2 of these bylaws.

**“Defaulter”** means those persons owing the Council in respect of taxes and/or service charges for a period of more than 40 (forty) days from date of account.

**“Occupier”** means any a person who occupies any premises or part thereof, without regard to the title under which he or she occupies.

**“Owner”** means:

- (a) The person in whom from time to time is vested the legal title to premises;

- (b) In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) In any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;
- (d) In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
- (e) In relation to:
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986 (Act 95 of 1986), and without restricting the above the developer or the body corporate in respect of the common property, or
  - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
- (f) Any legal person including but not limited to:
  - (i) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), Trust *inter vivos*, Trust *mortis causa*, a Closed Corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984), a Voluntary Association;
  - (ii) any Department of State;
  - (iii) any Council or Board established in terms of any legislation applicable to the Republic of South Africa;
  - (iv) any Embassy or other foreign entity.

“**Premises**” includes any piece of land, the external surface boundaries of which are delineated on:

- (a) A general plan or diagram registered in terms of the Land Survey Act, 9 of 1927 or in terms of the Deeds Registry Act, 47 of 1937; or
- (b) A sectional plan registered in terms of the Sectional Titles Act, 95 of 1986, which is situated within the area of jurisdiction of the Council.

“**Chief Financial Officer**” means a person appointed by the Council to manage, *inter alia*, the Council’s financial administration and debt collection of the Council’s debtors.

## 2. GENERAL PROVISIONS

### 2.1 Notices and Documents

- (a) A notice or document issued by the Council in terms of these by-laws shall be deemed to be duly issued if it is signed by an officer authorized by the Council;
- (b) If a notice is to be served on a person in terms of these by-laws, such service shall be effected by:
  - (i) delivering the notice to him or her personally or to his or her duly authorized agent;
  - (ii) by delivering the notice at his or her residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;

- (c) If he or she has nominated an address for legal purposes, by delivering the notice to such an address;
- (d) Registered or certified post addressed to his or her last known address;
- (e) In the event of a body corporate, by delivering it at the registered office or the business premises of such body corporate;
- (f) If service cannot be effected in terms of paragraphs (b) to (e) by affixing it to the principal door of entry to the premises, or placing it to a conspicuous place on the land to which it relates.

## **2.2 Authentication of documents**

- (a) Every order, notice of other document requiring authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorized officer of the Council, such authority being conferred by resolution of the Council or by a by-law or regulation;
- (b) Delivery of a copy shall be deemed to be delivery of the original.

## **2.3 Full and final settlement of an amount**

- (a) The Chief Financial Officer shall be at liberty to appropriate monies received in respect of any of its municipal services it deems fit;
- (b) Where the exact amount due and payable to the Council has not been paid in full, any lesser amount tendered to and accepted by any Council employee, except the Chief Financial Officer and/or his/her fully authorized delegate, shall not be deemed to be in final settlement of such an amount;
- (c) The provisions in 2.3(a) above shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full settlement;
- (d) The Chief Financial Officer and/or his/her delegate shall consent to the acceptance of such a lesser amount in writing.

## **2.4 Interest charges**

Interest on arrears outstanding after the due date, will be charged in accordance with Section 64 (2) of the Municipal Finance Management Act (Act 56 of 2003), as set in the Tariff of Charges as approved annually in the setting of the budget, in accordance with Section 24 (2) (c) (ii) of the Municipal Finance Management Act.

## **2.5 Prima facie evidence**

A certificate reflecting the amount due and payable to the Council, under the hand of the Municipal Manager, or suitably qualified person authorized by the Municipal Manager, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

### **3. POWER OF COUNCIL TO RECOVER COSTS**

#### **3.1 Dishonoured payments**

Where any payment made to the Council is later dishonoured by the bank, the Council may levy such costs and administration fees against an account of the defaulting debtor in terms of the Council's tariff provisions.

#### **3.2 Legal fees**

All legal costs, including attorney-and-own-client costs incurred in the recovery of amounts in arrears shall be levied against the arrears account of the debtor.

#### **3.3 Cost to remind debtors of arrears**

For any action taken in demanding payment from the debtor or reminding the debtor, by means of telephone, fax, email, letter or otherwise, that his/her payments are due, a penalty fee may be levied against the account of the debtor in terms of the Council's tariff provisions.

#### **3.4 Disconnection fees**

Where any service is disconnected as a result of non-compliance with these by-laws by the customer, the Council shall be entitled to levy and recover the standard disconnection fee as determined by the Council from time to time from the user of the services.

#### **3.5 Accounts**

A municipality may:

- (a) Consolidate any separate accounts of persons liable for payments to the municipality;
- (b) Credit any unspecified payment by such a person against any account of that person; and
- (c) Implement any of the debt collection and credit control measures provided for in these by-laws in relation to any arrears on any of the accounts of such a person.

### **4. SERVICE AGREEMENT**

4.1 No supply of electricity services shall be given unless and until application has been made and a service agreement, in the Council's prescribed form in the format or as close as possible to the format reflected in Schedules 1A (Household Consumers) and 1B (Business Consumers), has been entered into and a deposit as security equal to an amount and in the form of either cash or a bank guarantee as determined by the Council from time to time, has been paid in full.

4.2 Termination of the services agreement must be in writing to the other party of the intention to do so.

## **5. ARREARS COLLECTION**

### **5.1 Credit Control Policy**

The Council shall have a written policy on credit control and debt collection, which provides for:

- (a) Credit control procedures and mechanisms;
- (b) Debt collection procedures and mechanisms;
- (c) Provision for indigent debtors that is consistent with its rates and tariff policies and any national policy on indigents;
- (d) Interest on arrears;
- (e) Extensions of time for payment of accounts;
- (f) Termination of services or the restriction of the provision of services when payments are in arrears;
- (g) In determining its policy the Council may differentiate between categories of person, clients, debtors and owners, as it may deem appropriate.

### **5.2 Power to restrict or disconnect supply of services**

- (a) The Council may restrict or disconnect the supply of electricity, or discontinue any other service to any premises whenever a user of any service:
  - (i) fails to make full payment on the due date or fails to make acceptable arrangements for the repayment of any amount for services, rates, or taxes;
  - (ii) fails to comply with a condition of supply imposed by the Council;
  - (iii) obstructs the efficient supply of electricity, or any other municipal services to another customer;
  - (iv) supplies such municipal service to a customer who is not entitled thereto or permits such service to continue;
  - (v) causes a situation which in the opinion of the Council is dangerous or a contravention of relevant legislation;
  - (vi) is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act no 24 of 1936;
  - (vii) if an administration order is granted in terms of section 74 of the Magistrates Court Act, 1944 (Act 32 of 1944) in respect of such user;
- (b) The Council shall reconnect and/or restore full levels of supply of any of the restricted or discontinued services only after the full amount outstanding amounts, including the costs of such disconnection and reconnection, if any, have been paid in full, or any other condition or conditions of the Council's Credit Control Policy, as it may deem fit, have been complied with.
- (c) The right to restrict, disconnect or terminate a service due to non-payment for any other service or assessment rate, shall be in respect of any service rendered by Council, and shall prevail, notwithstanding the fact that payment has been made in respect of any specific service, and shall also prevail notwithstanding the fact that the person who entered into agreement for supply of services with the Council and the owner, are different entities or persons, as the case may be.

### **5.3 Power of entry and inspection**

- (a) A duly authorized representative of the Council may for any purpose related to the implementation or enforcement of these by-laws, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for purposes of installing or repairing any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service.
- (b) If the Council considers it necessary that work be performed to enable an officer to perform a function referred to in (a) above properly and effectively, it may:
  - (i) by written notice require the owner or occupier of the premises, at his or her own expense, to do specified work within a specified period; or
  - (ii) if in its opinion the situation is a matter of urgency, without prior notice, do such work or cause it to be done at the expense of the owner.
- (c) If the work referred to in (b) above is carried out for the sole purpose of establishing whether a contravention of these by-laws has been committed and no such contravention has taken place, the Council shall bear the expense connected therewith together with that of restoring the premises to their former condition.

### **5.4 Arrangements to pay outstanding and due amount in consecutive installment**

- (a) A debtor may enter into a written agreement with the Council to repay any outstanding and due amount to the Council under the following conditions:
  - (i) the outstanding balance, costs and any interest thereon shall be paid in regular and consecutive monthly installments within a reasonable period of time, also taking into consideration the billing of future rates and services;
  - (ii) the written agreement has to be signed on behalf of the Council by a duly authorized officer.
- (b) Should any dispute arise as to the amount owing by an owner in respect of municipal services, the owner shall notwithstanding such dispute proceed to make regular minimum payments based on the calculation of the average municipal account for the preceding three months prior to the arising of the dispute and taking into account interest as well as the annual amendments of tariffs of the Council.

### **5.5 Reconnection of services**

The Chief Financial Officer shall authorize the reconnection of services or reinstatement of service delivery after satisfactory payment and/or arrangement for payment has been made according to the Council's Credit Control Policy.

## **6. ASSESSMENT RATES**

### **6.1 Amount due for assessment rates**

- (a) All assessment rates due by property owners are payable by the due date as determined by Council.
- (b) Joint owners of property shall be jointly and severally liable for payment of assessment rates.
- (c) Assessment rates will be levied in equal monthly installments, as determined by council, or in one annual payment, as per a written agreement.
- (d) Payment of assessment rates may not be deferred beyond the due date by reason of an objection to the valuation roll.

### **6.2 Claim on rental for assessment rates in arrears**

The Council may apply to Court for the attachment of any rent due in respect of rateable property, to cover in part or in full any amount outstanding in respect of assessment rates for a period longer than three months after the fixed date.

### **6.3 Liability of company directors for assessment rates**

Where a company, closed corporation or a body corporate in terms of the Sectional Titles Act, 1986 is responsible for the payment of any arrears amount to the Council, the liability of such entity shall be extended to the directors or members thereof jointly and severally, as the case may be.

### **6.4 Disposed of Council's property and payment of assessment rates**

- (a) The purchaser of Council property is liable for the payment of assessment rates on the property in respect of the financial year in which the purchaser becomes the new owner.
- (b) In the event that the Council repossesses the property, any outstanding and due amount in respect of assessment rates shall be recovered from the purchaser.

### **6.5 Restraint of transfer of property**

- (a) A registrar of deeds or other registration officer of immovable property may not register the transfer of property except on production of a prescribed certificate:
  - (i) issued by the municipality in which that property is situated; and
  - (ii) which certifies that all amounts due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties have been fully paid.

- (b) In the case of the transfer of immovable property by a trustee of an insolvent estate, the provisions of this section are subject to section 89 of the Insolvency Act, 1936 (Act No. 24 of 1936).
- (c) An amount due for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property.

#### **6.6 Assessment rates payable on municipal property**

- (a) The lessee of municipal property is responsible for payment of any general assessment rates payable on the property for the duration of the lease, as if he is the owner of such property.
- (b) The Chief Financial Officer may elect to include the assessment rates in respect of a property in the rent payable by the lessee, instead of billing it separately as in the case of owners of properties.

### **7. RELAXATION, WAIVER AND DIFFERENTIATION**

- 7.1 The Council may differentiate between different categories of properties, different categories of owners, users of services, customers, debtors, taxes, services, service standards and other matters.
- 7.2 The Council may, in a specific instance and for a particular owner or customer, relax or waive in writing the requirements of a provision of these by-laws.
- 7.3 Any such differentiation or relaxation shall be upon such conditions as it may deem fit to impose if it is of the opinion that the application or operation of that provision in that instance would be unreasonable.

### **8. REPORTING OF DEFAULTERS**

The Council may in its discretion through a duly delegated officer report such persons that owe the Council monies to bodies that collate and retain such information. The information that would be included in such a report shall be the available personal information of the defaulter, or in the event of a legal person, the available statutory details, including information pertaining to the responsible officers of such legal person.

### **9. REPEAL OF COUNCIL CREDIT CONTROL BY-LAWS**

The provisions of any by-law relating to the credit control and debt collection by the Council, are hereby repealed insofar as they relate to matters provided for in these by-laws; provided that such provisions shall be deemed not to have been repealed in respect of any such by-law which has not been repealed and which is not repugnant to these by-laws on the basis as determined by the relevant by-laws.

**10. OFFENCES****10.1 A person who:**

- (a) Fails to give the access required by an officer in terms of these by-laws;
- (b) Obstructs or hinders an officer in the exercise of his or her powers or performance of functions or duties under these by-laws;
- (c) Uses or interferes with Council equipment or consumption of services supplied.

**11. SHORT TITLE**

These by-laws shall be called Hibiscus Coast Municipality Customer Care, Credit Control and Debt Collection By-Laws 2008

**12. COMMENCEMENT**

These by-laws come into effect on the first day of the month following publication hereof.

No. 39

30 kuMfumu 2008

**IMITHETHO YEDOLOBHA EQONDENE NOKUPHATHWA  
KWAMAKHASIMENDE, UKUQOQWA NOKUHLELELWA KWEZIKWELETU**

Lemithetho elandelayo iphasiswe umkhandlu-dolobha uHibiscus Coast ngokwesigaba 156(2) soMthethosisekelo ka 1996, sifundwa nesigaba 98 soMthetho ongamele ukuhlelwa koMasipala (umthetho 32 ka 2000):

**UKUHLELWA KWEZIGABA**

**Isigaba**

1. Izincazelo
2. Izihlinzeko ezijwayelekile
3. Amandla omkhandlu okuqoqa izikwletu
4. Izivumelwano zokusebenza
5. Ukuqoqwa kwenhlawulo ngenxa yokungakhokhi ngendlela
6. Ukuklanywa kwentela
7. Ukuxegisa, ushwele nokuhlukanisa
8. Ukudluliswa kwemininingwane yabakweleta umkhandlu
9. Ukuchithwa kwemithetho yedolobha engamele ukuqoqwa kwezikweletu
10. Amacala
11. Isihloko esifishane
12. Ukuqala kokusebenza kwemithetho

## IZINCAZELO

Ngokwenhloso yalemithetho, ngaphandle kokuba ingqikithi iveza okuhlukile

**“Okuthize”** kuhlenganisa isakhiwo, amapayipi, uphampu, ugcingo lokwakha, izintambo zikagesi, izinsimbi, imishini, nanoma yikuphi okungenayo

**“UMkhandlu”** kusho umkhandlu kamasipala njengokuchazwe esigabeni - 157soMthethosisekelo

**“ukuhlelelwa kwezikweletu”** kusho zonke izinhlelo eziqondene nokuqoqwa kwezimali ezikweletwa abakhokhi bentela kanye nabasebenzisa imisebenzi kamasipala

**“Obhekelele abathengi”** kusho ukunakekela izidingo zabathengi ngokuvumelekile nangokwendlela yokwenza ngokucophelela ukugqugquzela kokukhokhwa, ngalokho-ke kunchipha izidingo zokuphoqa abantu

**“Ikhazimende”** kusho noma yimuphi umuntu kunoma iyiphi indawo lapho umkhandlu uvumile ukudlulisa noma eqinisekisa ukudlulisa imisebenzi, noma uma kungekho muntu ongumhlali kuleyo ndawo, kube ngumnikazi wendawo

**“Inkokhelo”** kusho isaziso esisemthethweni esinjengesitatimende kulowo nalowo mthengi ngenani elinqunyiwe okumele alikhokhe ngemisebenzi kamasipala, kuhlenganisa nayo yonke enye imali okungenzeka iyisikweletu esele kwi-akhawunti

**“Inzalo”** kuchaza inhlawulo elingana nenhlawulo ekhokhelwa imisebenzi nebalwa ngokwesinqumo esikhushwe umkhandlu ngazo zonke izikweletu ezisalele ngemuva

**“Imisebenzi kamasipala”** kusho leyo misebenzi, intela, kanye nentela evela kwi-akhawunti kamasipala ngemisebenzi eyenziwe umkhandlu engakakhokhelwa.

**“I-akhawunti kamasipala”** ingahlenganisa intela, nenhlawulo ngemisebenzi elandelayo kanye/noma izintela:

- a. Ukusetshenziswa kukagesi
- b. Indawo yokuhlala eqashisayo kanye nezimali ezikhokhwa njalo ngenyanga
- c. Izinkokhelo ezinhlobonhlobo
- d. Ukuthuthwa kukadoti
- e. Ukuthuthwa kwendle
- f. Intela kanye nenhlawulo ekhokhwa ngokwesilinganiso sendlu
- g. Inzalo kanye nezimali zokuqoqwa kwezikweletu
- h. Izimali zabameli nezinkantolo ngokwesigaba 3.2 kulemithetho yedolobha

“**Okweletayo**” kusho labo bantu abakweleta umkhandlu maqondana nentela kanye / noma inhlawulo ngomsebenzi isikhathi esingaphezu kwezinsuku ezingama-40 ( amashumi amane) kusukela osukwini lokukhokha.

“**Umhlali**” kusho nonoma yimuphi umuntu ohlala noma yikweyiphi indawo, kungabalulekile ukuthi uhlala kuleyo ndawo njengobani

“ **Umikazi wendawo**” kusho :

- a. Umuntu ngezikhathi thize ogunyazwe ngumthetho ukuba kuleyondawo
- b. Uma umuntu osemthethweni engasekho noma ehluleka ukukhokha, noma kunezihibe ezithile ezimvimbayo ngokomthetho, kuyoba yilowo ogama lakhe ligunyaziwe ngokomthetho ukuba abhekelele noma apha the leyondawo njengomphathi, umphathimafa obekiwe, umgcini mafa, ophethiswe inkantolo, oqokelwe ukukhokha izikweletu noma abanye abakhulumeli abasemthethweni.
- c. Esimweni lapho umkhandlu ungakwazi ukuthola lowo muntu, kuyoba yilowo muntu osethubeni lokuthola leyondawo noma isakhiwo esilapho
- d. Esimwemi sezindawo eziqashiswa iminyaka ewu-30 noma ngaphezulu, kuyoba umhlali waleyo ndawo;
- e. Maqondana ne:
  - (i) nomhlaba ochazwe ngokusikwa kwepulani, obhaliswe ngaphansi komthetho wokubhaliswa kwamatayitela (umthetho 95 ka-1986) futhi ngaphandle kokunciphisa okuchazwe ngenhla, umakhi noma amalunga omfelandawonye aphele leyo ndawo, noma
  - (ii) sigaba njengoba kuchaziwe kulowo mthetho , umuntu ogama lakhe libhalisiwe kuleso sigaba ngaphansi kwetayitela elenziwe futhi kuhlanganisa ngumuntu ongummeli wakhe oqokwe ngokomthetho yilowo muntu;
- f. Noma imuphi umuntu ovumelekile kuhlanganisa nakuba kungagcini kwi-:
  - (i) nkampani ebhaliswe ngokomthetho wezinkampani ka 1973 ( umthetho 61 ka 1973), inkampani eyi-trust, trust *mortis causa*, inkampani encane ebhaliswe ngokomthetho wezinkampani ezincane eziwumfelandawonye ka 1984 (umthetho 69 ka1984), inhlanganano esebenza ngokuzinikela;
  - (ii) nanoma imuphi uMnyango kaHulumeni
  - (iii) nanoma yimuphi umkhandlu noma ibhodi elisungulwe kulandelwa imithetho evumelekile eNingizimu ne-Afrika;

(iv) Nanoma iyiphi indlu yamanxusa okanye esinye isakhiwo sezizwe

“**Izindawo**” kuhlenganisa nanoma imuphi umhlaba, onemingcele echazwe njengokudwetshwa kwayo kwi-:

- a. pulani elijwayelekile noma umdwebo obhaliswe ngokomthetho weZokuklanywa kweMihlaba, we- 9 ka-1927 noma ngokomthetho 47 ka-1937 wokubhaliswa kwemihlaba noma;
- b. pulani elibhaliswe ngokomthetho wamatayitela umthetho 95 ka-1986, ngendlu eyakhiwe endaweni engaphansi komkhandlu.

“**UMphathi weZezimali**” kusho umuntu oqashwe umkhandlu ukubheka ukuphathwa kwezezimali zomkhandlu kanye nokuqoqwa kwezikweleti kulabo abakweleta umkhandlu, phakathi kwezinye izinto.

## 2. IZIHLINZEKO EZIJWAYELEKILE

### 2.1 Izaziso kanye nemiqulu

- a. Isaziso noma umqulu okhiswe umkhandlu uyothathwa njengosemthethweni uma ukhishwe wasayindwa umsebenzi ogunyazwe umkhandlu;
- b. Uma isaziso sizodluliselwa kumuntu ngokwalemithetho yedolobha kumele lokho kwenziwe ngokuthi:
  - (i) ahanjiselwe isaziso kuyena noma kulowo muntu ommele nogunyaziwe ngokufanekileyo
  - (ii) kuhanjiswe isaziso kwikheli lakhe lokuhlala noma endaweni yomsebenzi, ishiywe kumuntu obonakalayo uuthi iminyaka yakhe yevile kweyishumi nesithupha futhi okucacile ukuthi uhlala okanye uqashwe khona;
- c. Uma eqoke ikheli lakhe elisemthethweni okuzothunyelwa khona isaziso, sithunyelwe khona;
- d. Ikheli lakhe elibhalisiwe noma ikheli elokugcina elaziwayo
- e. Uma kuyisigungu esiphethe isakhiw, sithunyelwe ehhovisini elibhalisiwe noma ezindaweni zamabhizinisi aleso sigungu
- f. Uma lowo msebenzi ochazwe kwindima (b) kuya ku (e) ungeke wenzeke, isaziso kuyomele sichonywe esichabheni sokungena ngaphakathi, okanye sibekwe endaweni esobala noma ebonakalayo.

### 2.2 UKUFAKAZELWA KWEMIQULU

- a. Zonke izaziso, izigunyazo neminye imiqulu edinga ukufakazelwa ngokusemthethweni iyothathwa njengesemthethweni uma isayinwe umsebenzi ogunyaziswe umkhandlu ngokwesinqumo somkhandlu okanye somthetho-dolobha

- b. Ukudluliswa kwekhophi kuyothwathwa ngendlela efanayo nokudluliswa kwencwadi yokuqala

### **2.3 Ukukhokhwa kwesikweletu ngokuphelele**

- a. uMphathi weZezimali uyoba negunya lokwemukela izimali ezitholwa umasipala njengenkokhelo yemisebenzi ethile ehlinzekwa umasipala
- b. Uma inani elinqunyiwe lingakhokhiwe ngokuphelele, kepha kukhokhwe elingaphansi kwalo, leyo mali ngeke yamukelwe njengenkokhelo ephelele, ngaphandle uma lokho kwamukelwe uMphathi weZezimali okanye umsebenzi ogunyazwe nguye;
- c. Okuchazwe kwindima 2.3 (a) ngenhla yikho okuyokwemukelwa nakuba kungenzeka ukuthi kwemukelwe inani elingaphansi njenkookhelo yokugcina;
- d. uMphathi weZezimali kanye nommele bayokwamukela leyo mali encane ngokubhala incwadi.

### **2.4 Imali yenzalo**

Ngokomthetho wokuphathwa kwezimali zikamasipala ngokwesigaba-64 (2), imali eseleyo elindelekile ukukhokhwa ngosuku lokugcina iyokwengezwa inzalo (umthetho 56 ka-2003) njengoba kuhlelelwe kwisabiwo-zimali sonyaka ngokuhambisana nesigaba -24 (2) (ii) somthetho.

### **2.5 Ubufakazi obuphathekayo**

Isitifiketi esiveza imali ekweletwa umasipala, nesisayinwe uMphathi kaMasipala okanye omunye umsebenzi ogunyazisiwe, siyokwemukelwa njengobufakazi obuphathekayo ngaleso sikweletu kunoma iyiphi inkantolo.

## **3. AMANDLA OMKHANDLU OKUQOQA IZIKWELETU**

### **3.1 Isithembiso senkokhelo esingafezekiswa**

Lapho ibhange lingayifaki imali ukufezekisa isithembiso senkokhelo esenziwe, umkhandlu unelungelo lokwengeza izimali ezithize kwi-akhawunti yalowo muntu okweleta umkhandlu, ulandela imigomo ebekiwe.

### **3.2 Izindleko zomthetho**

Zonke izindleko zomthetho, kuhlanganisa izimali ezichithelwe abameli nezindleko zikamasipala ziyofakwa kwi-akhawunti yalowo muntu onesikweletu.

### **3.3 Izindleko zokukhumbuzisa abakweletayo izimali ezisalele**

Izindleko zokukhumbuzisa okweletayo ngesikweletu sakhe, okungahlanganisa ukumshayela ucingo, ukumthumela incwadi noma isikhahlamezi, kungenzeka zifakwe kwi-akhawunti yalowo muntu okweletayo kulandelwa imigomo yomkhandlu.

### **3.4 Izindleko zokunqamula imisebenzi kamasipala**

Lapho noma omuphi umsebenzi owehlukeneyo njengomphumela wokungabikho ukuthobelana kwalokho ngomthetho wabathengi, umkhandlu kamele avumele inhlawulo ahpinde abuyise inkokhelo yomgomo wokuhlukana njengokunqunywe umkhandlu ngezikhathi zonke kubasebenzise bomsebenzi.

## **3.5 AMA- AKHAWUNTI**

Umasipala anga:

- a. Hlanganisa nanoma yimaphi amakhawunti ahlukeneyo omuntu onecala lokukhokhela umasipala ;
- b. Thatha nanoma iyiphi inkokhelo eyenziwe yilowo okweletayo ayifake kunoma iyiphi yamanye ama akhawunti ache; futhi
- c. Angathatha nanoma iziphi izinyathelo ezichazwe kulemithetho yedolobha ukuqoqa izikweletu ezisalele.

## **4. ISIVUMELWANO SOKUSEBENZA**

- 4.1 Awukho msebenzi kagesi oyonikezelwa ngaphambi kokuthi umuntu afake isicelo ngefomu likamasipala elisemthethweni (imizi ejwayelekile namabhizinisi), bese ekhokha imali eyidiphozi, neyonqunywa umkhandlu.
- 4.2 Ukuphela kwesivumelwano somsebenzi kumele kuthunyelwe ngencwadi yilowo onenhloso yokwenze njalo.

## **5. UKUQOQWA KWENHLAWULO NGENXA YOKUNGAKHOKHI NGENDLELA**

### **5.1 Umgomo oqondene nokuhlelwa nokuphathwa kwezikweletu**

Umkhandlu uyoba nomgomo obhalwe phansi oqondene nokuphathwa kanye nokuqoqwa kwezikweletu, ohlinzekela:

- a. Inqubo yokuhlelwa kwezikweletu;

- b. Inqubo yokuqoqwa kwezikweletu;
- c. Ukuhlinzekela abampofu, okuyohambisana nemigomo kamasipala yokubhekela abampofu, kanye nekahulumeni kuzwelonke
- d. Inzalo kwinhlawulo yokungakhokhi
- e. Ukwengezwa kwesikhathi sokukhokhelwa ama-akhawunti;
- f. Ukuphela komsebenzi noma ukumiswa komsebenzi uma sekuze kwadlula isikhathi kungakhokhiwe, kwangena nenye imali yenzalo ngaphezulu ;
- g. Ngenkathi unquma ngaloluhlelo, umkhandlu ungahlukanisa ngendlela obona kufanele phakathi kwezigaba zabantu, abathengi, abakweletayo, kanye nabanikazi.

## **5.2 Amandla okunciphisa noma okunqamula ukudluliswa kwemisebenzi**

- a. Umkhandlu unganciphisa okanye unqamule ukudluliswa kwamandla kagesi, noma umise noma ngabe yimuphi umsebenzi kunoma iyiphi indawo uma ngabe ohlomula ngokusebenzisa lowo msebenzi:
  - (i) ehluleka ukukhokha ngokugcwele ngosuku olunqunyiweyo noma ohluleka ukwenza izinhlelo ezivumelekile zokukhokha lelo nani, ntela ayikweletayo;
  - (ii) ehluleka ukuhambisana nombandela onqunywe umkhandlu;
  - (iii) evimbela ukudluliselwa kukagesi noma eminye imisebenzi komunye umuntu;
  - (iv) edlulisela umsebenzi kamasipala noma evuma ukuba kuqhutshekwe kudluliselwe imisebenzi kamasipala kumthengi ongavumelekile;
  - (v) obangela isimo ngokombono womkhandlu esiyingozi noma obangela ukwaphulwa kwemithetho;
  - (vi) obekwe ngaphansi kwamandla enkantolo isikhashana , izikweletu zakhe ziphethwe umthetho noma owenza okuphathelene nalokho ngokomthetho i-Insolvency Act, umthetho no. 24 ka-1936;
  - (vii) uma umthetho unikeze igunya lokuba lowo muntu aphantselwe amandla ngokwesigaba 74 somthetho ongamele iziNkantolo zeziMantshi ka 1944 (umthetho 32 ka-1944);
- b. Umkhandlu uyobuyele uxhume okanye ubuyisele umsebenzi esimweni esijwayelekile emva kokuba yonke imali ekweletwayo ikhokhwe ngokuphelele, kuhlenganisa nezimali eziyinkokhelo yokwenza lowo msebenzi wokuxhuma kabusha lowo msebenzi onqanyulwe, kanye nanoma iyiphi enye imali njengoba inqunywe kwinqubo-mgomo yomkhandlu eqondene nokuphathwa kwezikweletu.

- c. Umkhandlu uyoba nelungelo lokubamba noma ukuvala umsebenzi ngenxa yokungakhokhelwa kwemisebenzi ehlinzekwa umkandlu noma izintela ezithize, noma ngabe kukhona inkokhelo eyenziwe eqondene nemisebenzi ethize, futhi lelo lungelo uyophinde uligodle nakuba kungenzeka ukuthi umnini ndawo akusiye owangena kwisivumelwano nomkhandlu.

### **5.3 Amandla okungena kanye nokuhlola**

- a. Umsebenzi omele umkhandlu ngokusemthethweni unelungelo lokungena abuye ahlole nanoma iyiphi indawo ngenhloso yokuqinisekisa ukugcinwa kwalemithetho yedolobha, okanye ngezinhloso zokuxhuma noma ukulungisa nanoma iyiphi into elimele, okanye ezonciphisa, ezovala noma ezonqamula nanoma imuphi umsebenzi.
- b. Uma umkhandlu ubona kubalulekile ukuba kwenziwe umsebenzi othize ngaphambi kokuba umsebenzi kamasipala afike ukuzokwenza umsebenzi ochazwe ngenhla, kungenzeka:
- (i) ubhalele umninindawo noma umhlali umyalele ukuba enze lowo msebenzi ngokwezindleko zakhe kungakapheli isikhathi esithile noma;
  - (ii) uma ngokombona wawo isimo siphuthuma, umkhandlu uwenze wona lowo msebenzi okanye uthumele ukuba wenziwe kepha ukhokhelwe umninindawo.
- c. Uma umsebenzi uchazwe ku (b) ngaphezulu wenziwa ngenhloso yokuhlola ukuthi lemithetho iphuliwe na, bese kuvela ukuthi akunjalo, izindleko zalowo msebenzi kanye nokubuyisela indawo esimweni sayo sakudala ziyothwalwa umkhandlu.

### **5.4 Izinhlelo zokukhokha imali esele kanye nemali enqunyiwe ngokulandelana ngamancozuncozu**

- a. Umuntu okweletayo angangena esivumelwaneni esibhalwe phansi sagunyazwa umkhandlu ukuba akhokhele noma yiyiphi imali esele ngaphansi kwemibandela elandelayo:
- (i) imali eshodayo, inhlawulo kanye nenzalo kungakhokhwa ngamancozuncozu nyangazonke ngokuhlelwa okufanele, kubuye kubhekwe nezimali ezizoqhubeka nokufakwa kuma-akhawunti njengenkokhelo yemisebenzi esikhathini esizayo.
  - (ii) isivumelwano esibhalwe phansi kumelwe sisayindwe omkhulu ophethe ovunyelwe ngokufanele esikhundleni somkhandlu .
- b. Uma kwenzeka kuvela noma yimuphi umbango ngemali ekwweletwa umnikazi wendawo ngenxa yezindleko zikamasipala, umnikazi wendawo akanganaki nokho lowo

mbango aqhubeke nokukhokha ngokujwayelekile ngangokusho kwezibalo zesilinganiso ye-akhawunti kamasipala ngokuqala ezinyangeni ezintathu ngaphambi kokunyuswa umbango kanye nokuthathwa kwenzalo kuma-akhawunti kanye kanye nenguqokoyanjalo njalo kanye ngonyaka yamaphoyisa omgwagqo awomkhandlu.

## **5.5 Ukubuyiselwa esimweni kwemisebenzi**

UMphathi weZezimali uyogunyaza ukuphinda kubuyiselwe esimweni imisebenzi kamasipala ngemuva kokwamukela inkokhelo kanye / noma ukuhlelwa kwendlela yokukhokha eseyenziwe njengokusho kwenqubo yokuhlelwa izikweleti zomkhandlu.

## **6. UKUKLANYWA KWENTELA**

### **6.1 Inani elilindelwe ngentela eklanyiwe**

- a. Yonke inqubo yentela enqunye abanikazi bendawo ikhokhwa ngosuku olubekiwe njengokunqunyiwe womkhandlu
- b. Ukuhlangana kwabanikazi bendawo akubambisene kanye nokuhluleka okumbalwa kokukhokhela intela enqunyiwe.
- c. ukunqunywa kwentela kuzonqunya ngokulingana kokukhokha nyangazonke njengokunqunyiwe umkhandlu noma kube ukukhokha kanye njalo ngonyaka , njengesivumelwano esibhalwe phansi.
- d. ukukhokhelwa kwentela okunqunyiwe akungabi nomehluko ukudlula usuku olunqunyiwe ngenhloso yokuphikisana nesinqumo sentengo elinganisiwe.

### **6.2 Ukufakwa kwesicelo sokudla imali yerenti ngenxa yemali yam-rates engakhokhiwe**

Umkhandlu ungafaka isicelo enkantolo sokuhlanganisa noma iyiphi irenti ngendlela yokukhokheleka kwentela yendawo, ngokukhokhela ingxenye noma yonke imali esalele ngokwenqubo yentela uma usuku olunqunyiwe selweqile ezinyangeni ezintathu.

### **6.3 Isibophezelo sabaqondisi bezinkampani ukukhokha inhlawulo yentela yezakhiwo**

Lapho inkampani yomfelandawonye noma amalunga omfelandawonye ngokomthetho wamatayitela ka1986, inesibophezelo sokukhokhelwa kwanoma iyiphi inhlawulo kumkhandlu, leso sikweletu siyodluliselwa kubaqondisi baleyo nkampani, ndawonye noma umuntu ngamunye ngamunye.

#### 6.4 Ukukhokhwa kwentela ngempahla yomkhandlu ethengisiwe

- a. Umthengi wendawo yomkhandlu unesibopho sokukhokhela intela enqunyiwe ngendawo ngonyaka wezimali athenge ngawo leyo ndawo.
- b. Uma kwenzeka umkhandlu uphinde uyidla leyo ndawo, nanoma iziphi izimali ezisalele kuyomele zikhokhwe umthengi.

#### 6.5 Ukumiswa kokubhaliswa kwendawo ngomnikazi omusha

- a. Irejista yezinto noma okunye okubhalisiwe kumphakathi wempahla engenakususwa ongeke ukwazi ukubhaliselwa ekudlulisweni kwempahla kphela kokwenzelwa isitifiketi esimisiwe:
  - (i) esikhishwe umasipala wakuleyo ndawo eyakhiwe futhi
  - (ii) esivumelana nalo lonke inani elinqunywe ekuhlanganeni kwemali enqunywe umsebenzi kamasipala ,imali enqanyulwe inhlawulo yentela eyelekiweyo yempahla kanye nezinye izintela zikamasipala ,inhlawulo kanye nezinye izidingo kumele zikhokhwe ngokuphelele
- b. esikhundleni sokudluliswa kwempahla engenakususwa , wumphathi obekiwe wefa lomuntu ongasekho ukulungisela lesi sigaba kumsuka wesigaba-89 somuntu owabhala i8fa ongasekho uthetho-1936 ( umthetho sisekelo-24 ka-1936)
- c. Inani elinqunyiwe lezindleko zomsebenzi kamasipala , imali enqanyulwe inhlawulo ephindiwe, intela yempahla kanye nezinye izintela zikamasipala izinhlawulo kanye nezinye izinto ezibanjwayo futhi nokujabulela ngothando ngaphezulu kwanoma eyiphi imali ebanjiwe ebhaliselwe esikhundleni sempahla

#### 6.6 Ukunqunywa kwentela ekhokhwa endaweni kamasipala

- a. Umsebenzisi wendawo kamasipala ubhekelele ukukhokhela noma esiphiisinqumo esijwayelekile sokukhokhela intela yendawo ngobungako besikhathi sesivumelwano nomuntu oqashile njengokuba echishe eba umnikazi waleyondawo.
- b. Umphathi omkhulu wezimali angakhetha ukuhlanganisa isinqumo sentela ngokubhekelelwa kwendawo emalini esikhundleni sokuthi bayithumelele ngokwehlukana njengendada yabanikazi bendawo

## **7. UKUXEGISA, USHWELE NOKUHLUKANISA**

- 7.1 Umkhandlu ungahlukanisa phakathi kwezinhlobo ezehlukene zezindawo, izinhlobo ezehlukene zabanikazi bendawo, abasebenzisi bezinto zokusebenza, abakweleti, intela imisebenzi, izinga lomsebenzi kanye nokunye okuthile
- 7.2 Umkhandlu ungakhululeka noma uyekele ekubhaleni izidingo zokulungisela esibonisweni esithile futhi nakubanikazi abathile bendawo noma kumthengi, lokhu ngemithetho.
- 7.3 Noma yikuphi ukwahlukaniswa noma ukukhululwa akube ngaphansi kwesimiso esithile ongakwazi ukucabanga okufanele ukunquma uma kuwumbono wokuthi isicelo noma ukusebenza kwalokho kulungisela kulokho kolokho kokubonakala okumele kungabinasizathu

## **8. UKUDLULISWA KWEMININGWANE YABAKWELETA UMKHANDLU**

Umkhandlu unelungelo lokudlulisela ulwazi ngalabo bantu abawukweletayo ezinhlanganweni ezisebenza ngalolo lwazi. Ulwazi oluyodluliswa ngaleyo ndlela luyohlukanisa imininingwane ekhona ngalowo muntu, kanti uma lowo muntu kuyinkampani, kudluliselelwe ulwazi olukhona ngabantu baphethe leyo nkampani.

## **9. UKUCHITHWA KWEMITHETHO YEDOLOBHA YOMKHANDLU ENGAMELE UKUQOQWA KWEZIKWELETU**

Nanoma imiphi imithetho-dolobha ebikhona engamele ukuqoqwa nokuphathwa kwezikweletu iyachithwa uma ngabe lokho ekhuluma ngakho kuvela nakulemithetho.; futhi leyo mithetho engachithiwe iyothathwa njengesemthethweni lapho ingashayisani nokuhlinzekwe kulemithetho yedolobha.

## **10. AMACALA**

### **10.1 Umuntu-:**

- a. Olulekayo ukunika izidingo ezifunwa umphathi ngendlela yalemithetho
- b. Ovimbela noma ovimbela umphathi ekwenzeni umsebenzi noma ekwenzeni okungaphansi kwalokhu ngomthetho
- c. Ukusebenza noma ukungenelela kwezinto zokusebenza zomkhandlu noma ukuqedwa kokudluliswa komsebenzi

**11. ISIHLOKO ESIFISHANE**

Lokhu ngomthetho kungabizwa ngokunakekelawa kwabathengi bese Hibiscus Coast Municipality, ukuhlelwa kokuthenga kanye nokuqoqwa kwezikweleti ngomthetho-2008

**12. UKUQALA KOKUSEBENZA KWEMITHETHO**

Lemithetho iyosetshenziswa ngokusemthethweni kusukela mhlaka 01 Julayi 2008.

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**PUBLIC NOTICE**

[Regulation 21(10)(c) of the Development Facilitation Regulations in terms of the Development Facilitation Act, Act 67 of 1995]

Alrose Properties (Pty) Ltd, represented herein by Siyazama Consulting, has lodged an application for the establishment of a land development area to be known as Royal Palm Industrial Estate, over the property described as Rem of Portion 6, Rem of Portion 13, Rem of Portion 10 and a portion of Rem of Portion 19, all of the Farm Chaka's Kraal No. 865 in terms of Chapter V of the Development Facilitation Act, Act 67 of 1995.

The land development area will comprise 49 (forty nine) erven to be zoned for light industry, 1 (one) erf to be zoned for education and to be developed as a training centre, 6 (six) erven to be zoned as public open space, 3 (three) erven to be zoned special residential, roads and infrastructure.

The relevant plan(s), document(s) and information are available for inspection at KwaDukuza Municipality, 10 Leonora Drive Ballito.

**The application will be considered at a tribunal hearing to be held in the Ballito Council Chambers on 23 January 2008 at 10h00.**

All interested and affected parties are hereby informed that they may attend an *inspection in loco* of the land development area, which will be conducted by the Tribunal on 22 January 2008 at 14H00. A pre-hearing conference will be held in the Ballito Council Chambers on 26 November 2008 at 10H00. Any person having an interest in the application should please note:

1. You may within a period of 21 days from 27 October 2008, provide the Designated Officer with your written objections or representations; or
2. If your comments constitute an objection to any aspect of the land Development application, you must appear in person or through a Representative before the Tribunal on the date mentioned above.

**Any written objection or representation must be delivered to the Designated Officer, Malcolm Moonsamy at:**

**KwaDukuza Municipality  
Corner Chief Albert Luthuli Street  
and Mahatma Ghandi Street  
Stanger**

or

**KwaDukuza Municipality  
P O Box 72  
Stanger  
4450**

You may contact the Designated Officer if you have any queries on telephone no. 032 – 9468000/8021 and fax no. 032 – 946 8067.

## ISAZISO SOMPHAKATHI

Ngokomgomo 21(10)(c) wokukhuthaza intuthuko owaziwa ngokuthi (Development Facilitation Act, Act 67 of 1995)

Alrose Properties (Pty) Ltd, emelwe uSiyazama Consulting ifake isicelo sokusungula uhlelo lokuthuthukisa umhlaba ngokwemigomo ekusahluko somthetho wokukhuthaza intuthuko owaziwa ngokuthi (Development Facilitation Act, 67 of 1995)

Indawo ezothuthukiswa izokuba neziza ezingamashumi amane neshishagalolunye (49) zezindawo zokuhweba. Esisodwa (1) sezemfundo nesizothuthukiswa sibe isikhungo sokufundela amakhono, eziyisithupha (6) ezizokuba izindawo ezivulelekile, ezintathu (3) zezindawo zokuhlala zekhethelo, imigwaqo kanye nezinye izingqalasizinda. Amapulani kanye nezinye izincwadi ezinayo yonke imininingwane kuyatholakala ukuba kucutshungulwe kuMasipala wakwaDukuza ; 10 Leonara Drive Ballito.

Izicelo ziyocutshungulwa mhla zingu 23 kuMasingana ( January) 2009 ngehora leshumi ekuseni eBallito Council Chambers.

Bonke abathintekayo nalabo abanetshisekelo bayacelwa ukuba bahlanganyele kucwaningo lokuthuthukiswa kwezomhlaba oluyokuba mhla zingu 22 kuMasingana (January) 2009 ngehora lesibili ntambama, ehhovisi lesishayamthetho .Imkomfa yokulalela kabusha iyokuba eBallito Council Chambers mhla zingu 26 kuZibandlela ( November) 2008 ngehora leshumi ekuseni.

Wonke umuntu onentshisekelo ekufakeni isicelo komele aqaphele lokhu:

1. ngaphambi kwezinsuku ezingamashumi amabili nanye (21) kusuka osukwini lesikhangisi wazise olilungu lehhovisi ngokubhalwe phansi, uma unezwi lokuphikisa , imibono noma ukumelwa okanye izikhalo.
2. uma imibono yakho okanye ukuphawula kwakho kuphathelene nempikiswano noma engaba iluphi uhlobo ekufakweni kwezicelo zentuthuko, komele uzifikele wena mathupha noma umelwe ngaphambi kosuku olubekiwe.

Zonke izikhalo, imibono ephikisayo, noma ukumelwa okanye izikhalo ezibhaliwe zingathunyelwa e Designated Officer, Malcom Moonsamy at:

**KwaDukuza Municipality**  
**Corner Chief Albert Luthuli Street**  
**and Mahatma Ghandi Street**  
**Stanger**

or

**KwaDukuza Municipality**  
**P O Box 72**  
**Stanger**  
**4450**

Uma unemibuzo ungathintana ne Designated Officer kulenimbolo yocingo u 032 9468000/8021 noma kwisikhahlezi 032 9468067.

**ZIMBALI TOWN PLANNING SCHEME  
(IN COURSE OF PREPARATION)  
PROPOSED AMENDMENT**

Notice is hereby given in terms of Section 47 bis B of the Town Planning Ordinance, No. 27 of 1949, that the KwaDukuza Council intends to consider the following amendment to the Zimbali Town Planning Scheme:

The proposed rezoning of Erf 159, Zimbali from "Special Residential" to "Conservation" purposes.

Any person desiring to object to this proposal may do so by lodging a written notice setting out the grounds of his / her objection on or before 21 November 2008 with : The Municipal Manager, KwaDukuza Municipality, P.O. Box 72, Stanger, 4450.

Objectors must, in notifying the Municipal Manager, clarify that a copy of the notice has been served on the applicant at the address given below by registered or certified post or by hand. Any objection received after the prescribed date and / or where a copy has not been served on the applicant is not valid.

Plans and particulars relating to this application may be inspected during normal office hours Monday to Friday (excluding public holidays) at The Secretary : Development and Planning Section, KwaDukuza Municipality, 10 Leonora Drive, Ballito. The application will lie for inspection from the 31 October 2008

**Name and address of applicant**  
Tongaat Hulett Development Pty (Ltd)  
Represented by  
AF Planning Consultants  
P.O. Box 234  
Ballito, 4420  
Suite 3, Siza Water Complex  
2 Ray's Place  
Tel :032-946 0151  
Fax : 032-946 0984

**Date of Publication of Advert : 30 October 2008.**

**UMASIPALA WA KWADUKUZA  
OLUNGUMHLAHLANDLELA WEDOLOBHA LASE – ZIMBALI  
ISICHIBIYELO ESIHLONGOZWAYO**

Lapha kukhishwa isaziso ngokwemigomo yoMthetho u-Section 47 bis B okuyiMthetho engumhlahlandlela yamadolobha oMasipala, onguNo. 27 ka 1949, njengokuchibiyelwa kwayo, ukuthi umkhandlu wakwaDukuza uhlongoza ukuchibiyela uhlelo olungumhlahlandlela wedolobha kubalulwa lapha ngezansi.

The proposed rezoning of Erf 159, Zimbali from "Special Residential" to "Conservation" purposes.

Bonke abafisa ukuphikisana nesicelo sokushintsha ukusetshenziswa kwendawo bangaletsa imibono yabo phambi kuka 21 November 2008 kulelikheli elilandelayo with The Municipal Manager, KwaDukuza Municipality, P.O. Box 72, Stanger, 4450.

Abaphikisayo kumelobaszise umphakathi wakwa Masipala bachaze kabanzi ukuthi ikhophi yesaziso sinikwe kulowo ofake isicelo kuleli kheli elingenzansi ngeposi noma ngokuyinikezela ngesandla. Isikhalazo esifika sekudlule nogkuyinikezela ngesandla. Isiskhalazo esifika sekudlule usuko olubhaliwe / noma isikhalazo esingafrikanga kulowo osifakile isicelo ngekesibalwe.

Imidwebo ne mininingwane ehambisana nalesicelo ingabonakala kumahhovisi kaMasipala kusukela ngo msombuluko kuya kulwesihlanu (ngaphandle kwaMaholidi) kusukela ngo 08h00 ekuseni kuyaku 16h00 ntambama.

**Igama Nekheli Lalowo Ofaka Isicelo**

Tongaat Hulett Development (Pty) Ltd

Represented by

AF Planning Consultants

P.O. Box 234

Ballito, 4420

Suite 3, Siza Water Complex

2 Ray's Place

Tel :032-946 0151

Fax : 032-946 0984

**Date of Publication of Advert : 30 October 2008.**

**STANGER TOWN PLANNING SCHEME  
(IN COURSE OF PREPARATION)  
PROPOSED AMENDMENT**

Notice is hereby given in terms of Section 47 bis B of the Town Planning Ordinance, No. 27 of 1949, that the KwaDukuza Council intends to consider the following amendment to the Stanger Town Planning Scheme:

The proposed rezoning of proposed erven, situated within Extensions 33, 34 & 35, Stanger ("Dokterskop") from "Special Residential" to "Intermediate Residential" and "General Residential 2" purposes.

Any person desiring to object to this proposal may do so by lodging a written notice setting out the grounds of his / her objection on or before 21 November 2008 with : The Municipal Manager, KwaDukuza Municipality, P.O. Box 72, Stanger, 4450.

Objectors must, in notifying the Municipal Manager, clarify that a copy of the notice has been served on the applicant at the address given below by registered or certified post or by hand. Any objection received after the prescribed date and / or where a copy has not been served on the applicant is not valid.

Plans and particulars relating to this application may be inspected during normal office hours Monday to Friday (excluding public holidays) at The Secretary : Development and Planning Section, KwaDukuza Municipality, 10 Leonora Drive, Ballito. The application will lie for inspection from the 31 October 2008

**Name and address of applicant**

Zari Investments Pty (Ltd)

Represented by

AF Planning Consultants

P.O. Box 234

Ballito, 4420

Suite 3, Siza Water Complex

2 Ray's Place

Tel :032-946 0151

Fax : 032-946 0984

**Date of Publication of Advert : 30 October 2008.**

**UMASIPALA WA KWADUKUZA  
OLUNGUMHLAHLANDLELA WEDOLOBHA LASE – STANGER  
ISICHIBIYELO ESIHLONGOZWAYO**

Lapha kukhishwa isaziso ngokwemigomo yoMthetho u-Section 47 bis B okuyiMthetho engumhlahlandlela yamadolobha oMasipala, onguNo. 27 ka 1949, njengokuchibiyelwa kwayo, ukuthi umkhandlu wakwaDukuza uhlongoza ukuchibiyela uhlelo olungumhlahlandlela wedolobha kubalulwa lapha ngezansi.

The proposed rezoning of proposed erven, situated within Extensions 33, 34 & 35, Stanger ("Dokterskop") from "Special Residential" to "Intermediate Residential" and "General Residential 2" purposes.

Bonke abafisa ukuphikisana nesicelo sokushintsha ukusetshenziswa kwendawo bangaletsha imibono yabo phambi kuka 21 November 2008 kulelikheli elilandelayo with The Municipal Manager, KwaDukuza Municipality, P.O. Box 72, Stanger, 4450.

Abaphikisayo kumelobaszise umphakathi wakwa Masipala bachaze kabanzi ukuthi ikhophi yesaziso sinikwe kulowo ofake isicelo kuleli kheli elingenzansi ngeposi noma ngokuyinikezela ngesandla. Isikhalazo esifika sekudlule nogkuyinikezela ngesandla. Isikhalazo esifika sekudlule usuko olubhaliwe / noma isikhalazo esingafrikanga kulowo osifakile isicelo ngekesibalwe.

Imidwebo ne mininingwane ehambisana nalesicelo ingabonakala kumahhovisi kaMasipala kusukela ngo msombuluko kuya kulwesihlanu (ngaphandle kwaMaholidi) kusukela ngo 08h00 ekuseni kuyaku 16h00 ntambama.

**Igama Nekheli Lalowo Ofaka Isicelo**

Zari Investments (Pty) Ltd  
Represented by  
AF Planning Consultants  
P.O. Box 234  
Ballito, 4420  
Suite 3, Siza Water Complex  
2 Ray's Place  
Tel :032-946 0151  
Fax : 032-946 0984

**Date of Publication of Advert : 30 October 2008.**

**CITY OF UMHLATHUZE****AMENDMENT TO THE RICHARDS BAY TOWN PLANNING SCHEME IN  
COURSE OF PREPARATION: RICARDS BAY – GU**

Notice is herewith given in terms of Section 47 bis A.(1) of the Natal Town Planning Ordinance No. 27 of 1949 as amended, of the intention of the uMhlathuze Municipality to amend the provisions of Clause 3.2.3.2.2. of Schedule 4 ("Number of dwelling units per lot") of the Richards Bay Town Planning Scheme in course of preparation by the removal of the restriction of the maximum permissible floor area of additional dwelling units on Erven 7995 to 8251 Birdswood, Richards Bay. Successful conclusion of this procedure would assist the owners of Erven 7995 and 8251 Birdswood, to apply for Council's special consent to authorize second dwelling units larger than 80m<sup>2</sup> on their properties.

Details of the proposed amendment together with all the relevant documents are open for inspection by prior appointment with Mr M van Rooijen at 035 – 907 5414 (direct line) or 035 907 5428 (Departmental Switchboard) in office No D334, Civic Centre, 5 Mark Strasse Richards Bay, during office hours.

Written objections against or representations concerning the proposed amendment should reach the Chief Executive Officer within 21 days from date of advertisement at the following address:

**Civic Offices  
Private Bag X1004  
RICHARDS BAY  
3900**

**DR A W HEYNEKE  
MUNICIPAL MANAGER**

**MN 193/2008**

**STAD VAN uMHLATHUZE****WYSIGING AAN DIE RICHARDSBAAI STADSBEPLANNINGSKEMA IN WORDING: RICHARDSBAAI - GU**

Kennisgewing geskied hiermee ingevolge die bepalings van Artikel 47 bis A.(1) van die Dorpsbeplanningsordonnansie, Nr. 27 van 1949, soos gewysig, van die voorneme van die uMhlathuze Munisipaliteit om die Richardsbaai Stadsbeplanning Skema in wording te wysig deur die bepalings van Klousule 3.2.3.2.2. Skedule 4 ("Getal wooneenhede per erf") te wysig deur die beperking van die maksimum toelaatbare vloeroppervlakte van addisionele wooneenhede op Erwe 7995 tot 8251 Birdswood Richardsbaai te verwyder. Die suksesvolle afhandeling van hierdie prosedure sal die eienaars van Erwe 7995 tot 8251 Birdswood in staat stel om aansoek te doen vir die Raad se spesiale vergunning om tweede wooneenhede groter as 80m<sup>2</sup> op hulle erwe te magtig.

Besonderhede van die voorgestelde hersonering met die toepaslike dokumente lê gedurende kantoorure vir die publiek ter insae te Kantoor D334, Burgersentrum, Mark Strasse 5, Richardsbaai. (Afspraak met Mnr M van Rooijen – tel. 035-9075414 (direkte lyn) of tel. 035-9075428 (Departementele Skakelbord) in hierdie verband is noodsaaklik).

Skriftelike besware teen of vertoë aangaande die voorgestelde wysiging moet die Hoof Uitvoerende Beampte binne 21 dae van die datum van hierdie advertensie by die volgende adres bereik:

**Burgersentrum  
Privaatsak X 1004  
RICHARDSBAAI  
3900**

**DR A W HEYNEKE  
MUNISIPALE BESTUURDER**

**MN 193/2008**

**IDOLOBHA LASEMHLATHUZE****ISIPHAKAMISO SOKUCHIBIYELA KOMTHETHO WERICHARDS BAY TOWN PLANNING SCHEME IN COURSE OF PREPARATION**

Isaziso ngokomthetho ka section 47bis A. (1) we Town Planning Ordinance No. 27 of 1949 njengoba uchibiyelwe, iziphakamiso zomkandlu dolobha wase uMhlathuze zokuchibiyela umthetho we Richards Bay Town Planning Scheme in Course of Preparation, ngokusho kwesigatshana u 3.2.3.2.2 sikaShedula 4 (okhuluma ngenani lezindlu zokuhlala ezingakhiwa esizeni ngasinye) ngokususa umkhawulo wobubanzi bendlu yesibili kulezi ziza ezisuka ku 7995 kuya ku 8251 eBirdswood, Richards Bay

Ukuphethwa ngempumelelo kwalolu hlelo kosiza abanikazi baleziziza ezibalwe ngenhla ukuba bakwazi ukufaka izicelo ngokusemthethweni eMkhandlwini waseMhlathuze zokuba nendlu yesibili engaphezulu kuka 80m<sup>2</sup> (Amamitha angamashumi ayisishagalombili) isiza ngasinye.

Iminingwane egcwele ngalesi siphakamiso, ivulelekile kumphakathi ehhovisini u D334 ema hhovisini ka Masipala, 5 Mark Strasse, Richards Bay ngezikhathi zama hhovisi, (umphakathi ungathintana no Mnuz. M van Rooijen, ukuze nihlele isikhathi sokubonana kule nombolo yocingo ethi 035-9075414 noma Departmental Switchboard 035-9075428).

Uma kukhona abanezikhalo ngalesi siphakamiso, ababhalele uMphathi we dolobha kuleli-kheli elingezansi zingakapheli izinsuku ezingamashumi amabili nanye (21) siphumile lesi saziso ephepheni.

**uMhlathuze Municipality  
Civic Centre  
Private Bag X1004  
RICHARDS BAY  
3900**

**DR A W HEYNEKE  
CHIEF EXECUTIVE OFFICER**

**MN 193/2008**

**GREATER KOKSTAD MUNICIPALITY  
AMENDMENT OF THE KOKSTAD TOWN PLANNING SCHEME  
IN COURSE OF PREPARATION**

Notice is hereby given in terms of Section 47 *bis* B of the Town Planning Ordinance (No. 27 of 1949), as amended, that an application has been lodged with the Kokstad Municipality to amend the Town Planning Scheme in the course of preparation by rezoning portion of Erf 8878, Kokstad, from Special Residential 1 to General Commercial.

The relevant documents are available for inspection during normal office hours at the Municipal Offices, 84 Hope Street, Kokstad. Interested persons may lodge written objections or representations with the undersigned by not later than the close of business on Friday 21 November 2008.

**Municipal Manager  
Greater Kokstad Municipality**

Kokstad Municipality,  
P.O Box 8,  
Kokstad, 4700

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**GREATER KOKSTAD MUNICIPALITY  
UKUCHIBIYELWA KOMQULU  
KOKSTAD TOWN PLANNING SCHEME  
IN COURSE OF PREPARATION**

Isaziso sesicelo sokuchitshiyela kokqulu weKokstad Town Planning Scheme in course of preparation, ngokuka section 47bis B ye Town Planning Ordinance 1949 (Ord No.27 of 1949) (njengoba yachitshiyelwa), kuRezonwaisiza esingumombolo portion Erf 8878, Kokstad sisuka ku Special Residential 1 kuyiswa ku General Commercial.

Usungafika ukuzobona amakhopi amapulani esichibiyelo esiphakanyisiwe mahhovisini akwamasipala Kokstad kusukela ngehora lesishiyagalombili ekuseni kuya ligamenxe eleshumi nambili emini. Onombono noma izikhalazo angathumela ngokubhalwe phansi ku 84 Hope Street, Kokstad noma kumfakisicelo ngaphambi komhlaka 21 November 2008 ngaphambi kwehora leshumi nambili emini.

**Municipal Manager  
Greater Kokstad Municipality**

Kokstad Municipality,  
P.O Box 8,  
Kokstad, 4700

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