
MUNICIPAL NOTICE—ISAZISO SIKAMASIPALA

No. 22**18 March 2010****UMDONI MUNICIPALITY****Municipal Notice : MN. 29/2010**

NOTICE is hereby given that the Council of the Umdoni Municipality has passed the following bylaws which are published for general information in accordance with Section 13 of the Local Government : Municipal Systems Act.

These Bylaws will come into effect on promulgation thereof.

D D NAIDOO
MUNICIPAL MANAGER

**BYLAWS RELATING TO THE USE OF SHIPPING
CONTAINERS****1. Definitions**

- 1.1 "Area" shall mean the area under jurisdiction of the Umdoni Local Municipal Council as determined by the Demarcation Board established by Act of Parliament;
- 1.2 "Building Site" shall mean a property or properties combined for the purpose of the erection of buildings and/or structures with building plans submitted to and approved by the Umdoni Local Municipality.
- 1.3 "Council" shall mean the Umdoni Local Municipality Council;
- 1.4 "Industrial Site" shall mean an Industrial Site as demarcated by an approved and current Spatial Development Framework;
- 1.5 "Rural Area" shall mean that portion of the Municipal area that prior to 1994 did not fall within the area of control of a local authority.
- 1.6 "Shipping Container" shall mean a container constructed of metal and originally utilised for safe and secure storage during transport of item, whether by road or sea, irrespective of size.
- 1.7 "Urban Area" shall mean that portion of the Municipal area that prior to 1994 fell within the area of control of a local authority.

2. Application of Bylaws

- 2.1 The provisions of this section of the bylaws shall apply to all urban areas

within the area of jurisdiction of the Council:-

- 2.1.1 Number of containers shall not exceed five (5) at any given time in a Demarcated Industrial Site and no more than one (1) to be used on a Building Site.
- 2.1.2 Shipping Containers may be used only if prior approval by the Umdoni Council has been granted. Application to council shall be made through a full special consent application in terms of the current Town Planning Scheme.
- 2.1.3 The use of the shipping containers is limited to storage of building materials and equipment utilised in the building process of approved structures on the building site in question.
- 2.1.4 Shipping Containers, converted to offices may also be permitted. This approval being further subject to the available space on the said building site.
- 2.2 The provision of this section of the bylaws shall apply to Semi Rural and Rural Areas within the area of jurisdiction of the Council.
 - 2.2.1 Number of containers shall not exceed one (1) at any given time.
 - 2.2.2 Shipping Containers may be used only if prior approval by the Umdoni Council has been granted. Application to Council shall be made through a full special consent application in terms of a current Town Planning Scheme.
 - 2.2.3 The use of the shipping containers is limited to storage of building materials and equipment utilised in the building process of approved structures on the building site in question.
 - 2.2.4 Shipping Containers, converted to offices may also be permitted. This approval being further subject to the available space on the said building site.
 - 2.2.5 Shipping Containers may also be used on a residential site for the purposes of a Telephone Services Provider, a Tuck Shop or related activity as approved by the Umdoni Municipality. However, such containers shall under no circumstances be used for temporary or permanent human habitation.
- 2.3 In both the urban and rural areas, should the owner/applicant exceed or request to exceed the permitted number of Containers he/she shall be required to construct a warehouse in accordance with approval plans, and

remove all Shipping Containers from the property in question.

3. **Notices**

- 3.1 Where it comes to the notice of the Council that a person is in contravention of provisions of these bylaws, the Council may cause a notice to be served on the person concerned to take such action as may be necessary to comply within a period of time specified therein.
- 3.2 Should the Council's demands, as set out in the notice, not be carried out within the time period specified in the notice, the Council may, without further notice, carry out such actions that may be specified in such notice and recover any costs incurred from the person on whom the notice was served.
- 3.3 Where any notice or other document is required by these bylaws to be served on any person, such notice or document shall be deemed to have been properly served if served personally on the person concerned, or any member of the person's household apparently over the age of 16 years, or at the person's place of residence, or on any person employed by or with him or her at the person's place of business, or if it is posted by registered mail to such person's residential or business address as it appears in the records of the municipality, or if such person is a company, closed corporation or trust, if served on any person apparently employed by such company, closed corporation or trust at the registered office thereof, or sent by registered mail to such office.

4. **Offences**

- 4.1 Any person who –
- 4.1.1. contravenes or fails to comply with any provisions of these bylaws;
 - 4.1.2. contravenes or fails to comply with any requirements set out in a notice served on him or her in terms of these bylaws;
 - 4.1.3. contravenes or fails to comply with any conditions imposed in terms of these bylaws;
 - 4.1.4. knowingly makes a false statement in respect of any application in terms of these bylaws,
- shall be guilty of an offence and on conviction liable to a fine or imprisonment as set out below.
- 4.2 The fines and penalties applicable to offences in terms of these bylaws are –
- 4.2.1 upon conviction of a first offence, the guilty party shall be liable to a fine not exceeding R5 000,00, as adjusted from time to time in

terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991), or in default of payment, to imprisonment for a period not exceeding one month;

- 4.2.2 in the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R500,00 as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991);
- 4.2.3 upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R10 000,00 as adjusted from time to time in terms of the Adjustment of Fines Act 1991, (Act No. 101 of 1991) or in default of payment to imprisonment for a period not exceeding 3 months.
- 4.3 A Court convicting a person of an offence in terms of these bylaws may impose an alternative sentence in lieu of a fine or imprisonment.

No. 22

18 kuNdasa 2010

UMASIPALA WASEMDONI**ISAZISO SIKAMASIPALA: MN. 29/2010**

Kukhishwa isaziso sokuthi uMkhandlu Kamasipala WaseMdoni ushaye le mithetho kamasipala elandelayo eshicilelwe ukwazisa ngokuhambisana neSigaba 13 Sezohulumeni Basekhaya : uMthetho Wezinhlelo Zomasipala.

Le Mithetho Kamasipala izoqala ukusebenza uma isimenyenzelwe .

D D NAIDOO
IMENENJA KAMASIPALA

IMITHETHO KAMASIPALA MAQONDANA
NOKUSETSHENZISWA KWAMATHILOGO

1. **Izincazelo**

- 1.1 **"Indawo"** kusho indawo engaphansi koMkhandlu Kamasipala Wendawo WaseMdoni njengokubalula kweBhodi Lokuklanywa Kwemingcele elasungulwa ngokoMthetho Wephalamende;
- 1.2 **"ISiza Sokwakha"** kusho umhlaba noma imihlaba ehlanganiselwe injongo yokwakha amabhilidi kanye/ noma izakhiwo ezinamapulani enikezelwe futhi yavunywa nguMasipala Wendawo WaseMdoni.
- 1.3 **"UMkhandlu"** kusho uMkhandlu Kamasipala Wendawo WaseMdoni.
- 1.4 **"ISiza Sezimboni "** kusho iSiza Sezimboni njengokokuklama koHlaka Lokuthuthukiswa Kwezindawo lwangaleso sikhathi futhi olusemthethweni.
- 1.5 **"Indawo Yasemakhaya "** kusho leyo ngxenye yendawo kaMasipala eyayingekho ngaphansi kukamaziphathe wendawo ngaphambi konyaka we-1994.
- 1.6 **"ITHilogo"** kusho inqola eyakhiwe ngensimbi esetshenziselwa ukugcina izimpahla ziphephile futhi zivikelekile ngesikhathi zithuthwa, kungaba semgwaqeni noma olwandle, kungakhathalekile nobungako bazo.
- 1.7 **"Indawo Yasemadolobheni"** kusho leyo ngxenye yendawo kaMasipala eyayivele ingaphansi kwendawo elawulwa ngumaziphathe wendawo ngaphambi kowe-1994

2. Ukusetshenziswa Kwemithetho Kamasipala

- 2.1 Izihlinzekelo zalesi sigaba semithetho kamasipala zizosebenza kuzo zonke izindawo zasemadolobheni ezingaphansi koMkhandlu:-
- 2.1.1 Inani lamathilogo akumele leqe kwayisihlanu(5) nanoma kunini eSizeni Esiklanyelwe Izimboni kanti akumele kusetshenziswe evile kwelilodwa(1) eSizeni Sokwakha.
 - 2.1.2 Amathilogo angasetshenziswa kuphela uma kuqale ngokuthi kutholakale imvume yoMkhandlu WaseMdoni. Isicelo esiqondiswe emkhandlwini kumele senziwe ngokuthi kufakwe isicelo semvume esiyisipesheli ngokoHlelo Lokuhlelwa Kwedolobha
 - 2.1.3 Amathilogo ayosetshenziselwa kuphela ukugcina impahla yokwakha kanye nemishini esetshenziswa ngesikhathi kwakhiwa izakhiwo eziphasiselwe lesi siza sokwakha okukhulunywa ngaso.
 - 2.1.4 Amathilogo aguquliwe enziwa amahhovisi angavunyelwa. Ukuvunyelwa kwawo kuncike ebukhoneni bendawo kuleso siza sokwakha okukhulunywa ngaso.
- 2.2 Izihlinzekelo zalesi sigaba semithetho kamasipala zizosebenza eziNdaweni ezithi Azibe ngezaseMakhaya kanye nezaseMakhaya ezingaphansi koMkhandlu.
- 2.2.1 Inani lamathilogo akumele leqe kwelilodwa(1) nanoma nini.
 - 2.2.2 Amathilogo angasetshenziswa kuphela uma kuqale ngokuthi kutholakale imvume yoMkhandlu WaseMdoni. Isicelo esiqondiswe emkhandlwini kumele senziwe ngokuthi kufakwe isicelo semvume esiyisipesheli ngokoHlelo Lokuhlelwa Kwedolobha
 - 2.2.3 Amathilogo ayosetshenziselwa kuphela ukugcina impahla yokwakha kanye nemishini esetshenziswa ngesikhathi kwakhiwa izakhiwo eziphasiselwe lesi siza sokwakha okukhulunywa ngaso.
 - 2.2.4 Amathilogo aguquliwe enziwa amahhovisi angavunyelwa. Ukuvunyelwa kwawo kuncike ebukhoneni bendawo kuleso siza sokwakha okukhulunywa ngaso.
 - 2.2.5 Amathilogo angasetshenziswa futhi esizeni esihlala abantu ngenhloso yokuHlinzeka Imisebenzi Yezingcingo, jSitodlwana noma omunye umsebenzi ofuze lena njengokuvuma kukaMasipala WaseMdoni. Nokho lawo mathilogo akumele nangengozi asetshenziselwe ukuhlalisa abantu okwesikhashana noma ngokuphelele.
- 2.3 Ezindaweni zasemadolobheni kanye nezasemakhaya, uma umnikazi

wendawo / ofake isicelo eqa noma efaka isicelo sokweqa enanini elivumelekile lamathilogo, kuyodingeka ukuthi akhe igumbi lokugcina impahla ngokuhambisana namapulani asemthethweni bese esusa wonke Amathilogo kuleyo ndawo okukhulunywa ngayo.

3. Izaziso

- 3.1 Uma uMkhandlu uthola ukuthi umuntu wephule izihlinzekelo zale mithetho kamasipala, uMkhandlu ungayalela ukuba lowo muntu anikwe izaziso sokuba athathe izinyathelo ezifanele ezihambisana nesaziso ngaleso sikhathi esibaluliwe.
- 3.2 Uma lokho okufunwa uMkhandlu ngokwesaziso kungenzekanga ngesikhathi esibalulwe esazisweni, uMkhandlu ungazithathela lezo zinyathelo ezibalilwe esazisweni ngale kokukhipha esinye izaziso, futhi zonke izindleko ongene kuzo ngenxa yalokho uyoqibiza kulowo muntu onikwe izaziso.
- 3.3 Uma kudingeka nanoma yisiphi izaziso kumbe yimuphi umbhalo ngokwale mithetho kamasipala ukuba kunikezwe nanoma ngubani, leso saziso kumbe umbhalo kuyothathwa ngokuthi kunikezelwe ngendlela uma kunikezwe lowo muntu othintekayo mathupha, kumbe nanoma yiliphi ilungu lomndeni wakhe elingaba neminyaka engaphezu kweyi-16 noma sihanjiswe lapho ehlala khona noma sinikezwa nanoma ngubani amqashileyo noma aqashwe naye ekhelini lalowo muntu lokuhlala noma lokusebenzela njengoba kuvela kumarekhodi kaMasipala, noma uma lowo muntu kuyinkampani, uMfelandawonye noma yiSikhwama, uma sinikezwe nanoma ngubani ongabe uqashwe yileyo nkampani, uMfelandawonye noma iSikhwama emahhovisi abhaliswe ngokusemthethweni, noma sithunyelwe ngeposi elirejistiwe kulawo mahhovisi.

4. Amacala

4.1 Noma ngubani—

- 4.1.1. owephula noma owehluleka ukuhambisana nezihlinzekelo zale mithetho kamasipala;
- 4.1.2. owephula noma owehluleka ukuhambisana nezidingo ezibekwe esazisweni asinikeziwe ngokwale mithetho kamasipala;
- 4.1.3. owephula noma owehluleka ukuhambisana nanoma yimiphi imibandela ebekwe ngokwale mithetho kamasipala;
- 4.1.4. owenza ngokwazi isitatimende esingamanga maqondana nanoma yisiphi isicelo ngokwale mithetho kamasipala;

uyotholakala enecala futhi uma limlahla abhekane nenhlawulo noma agqunywe ejele njengoba kuchazwe lapha ngezansi .

4.2 Izinhlawulo nezijeziso ezihambisana namacala ngokwale mithetho kamasipala yilezi-

4.2.1 ukulahlwa yicala okokuqala, otholwe enecala uyokhokha inhlawulo engeqile ezi-R5000,00, njengoba ibuyekwezwa izikhathi ngezikhathi ngokoMthetho Wokubuyekwezwa Kwezinhlawulo we-1991, (uMthetho No. 101 we-1991), kumbe uma ehluleka ukukhokha uyogwetshwa isikhathi esingeqile enyangeni eyodwa ebhadla ejele;

4.2.2 uma liqhubeka icala, lowo otholwe enecala uyokhokha enye inhlawulo engeqile ezi-R500,00, njengoba ibuyekwezwa izikhathi ngezikhathi ngokoMthetho Wokubuyekwezwa Kwezinhlawulo we-1991, (uMthetho No. 101 we-1991),

4.2.3 ukulahlwa yicala okwesibili noma ngelinye icala elilandelayo, otholwe enecala uyokhokha inhlawulo engeqile ezi-R10 000,00, njengoba ibuyekwezwa izikhathi ngezikhathi ngokoMthetho Wokubuyekwezwa Kwezinhlawulo we-1991, (uMthetho No. 101 we-1991), kumbe uma ehluleka ukukhokha agwetshwe isikhathi esingeqile ezinyangeni ezi-3 ebhadla ejele.

4.3 Inkantolo egweba umuntu ngecala ngokwale mithetho kamasipala ingakhipha esinye isigwebo esikhundleni senhlawulo noma ukubhadla ejele.