

UMTHETHO KAMASIPALA WAMANZI NOKUTHUTHWA KWENDLE



UMASIPALA WESIFUNDA SASE-HARRY GWALA

ULUNGISELELWE UMNYANGO WEZAMANZI KUMASIPALA WESIFUNDA SASE
HARRY GWALA

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ISAPHLUKO 1: IZINCAZELO

1. IZINCAZELO

Lesahluko sikhuluma ngezincenzo ezitholakala kule mithetho kamasipala, noma kwi ncazelo eku-Water Services Act, Act No 108 of 1996), i- Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) , i National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977) futhi eyoba nencenzo efanayo kule mithetho kamasipala ngaphandle uma ingqikithi isho okuhlukile.

ISAPHLUKO 2:

UHLINZEKO LWAMANZI KUMAKHASIMENDE NGAPHANDLE KWALAWO AMPOFU

2. Isicelo Sohlinzeko Lwamanzi

Ikhasimende ligafaka isicelo ngoladela lokhu okulandelayo:

- (1) kumele lifake isicelo.
- (2) Akekho umuntu oyothola uhlinzeko lwamanzi ngaphandle kwevume kamasipala esifakwe ngefomi.
- (3) Uma uhlinzeko lwamanzi lutholakala kodwa kungekho sivumelwano esibhaliwe kuyothathwa ngokuthi:-
 - (a) Sikhona isivumelwano njengoba kuboniswe yisigatshana sesikhombisa (7) salessigaba futhi;
 - (b) Izinga lohlinzeko olinikezwe lelo khasimende lisezingeni lohlinzeko elizikhethela lona;

(4) Umasipala oyokwazisa umuntu ofake isicelo:-

- ngamazinga ohlinzeko olutholakalayo,
- izindleko ezikhokhwayo,
- izindleko ezikhona ngalesosikhathi, futhi,
- uyokwazisa ngezizindleko zesikhathi esizayo noma izindleko ezihambisana nezinga ngalinye losizo.

(5) Umasipala ubophezeleke kuphela ukuhlinzeka ngezininga lohlinzeko uma lukhona futhi uma umasipala enezinsizakusebenza namandla okuhlinzeka.

(6) ikhasimende ingafaka isicelo sokuguqulwa kwezinga losizo. Umasipala engavuma isicelo uma enamandla kanye nezinsizakusebenza zokuhlinzeka, nokuthi ikhasimende liyazibophezela ngezindleko zokwenza ikhasimende likhokhe ngaphambi kokuba kuqale ushintsho.

(7) Isicelo sohlinzeko esifakwe ikhasimende futhi savunywa ngumasipala siyoba isivumelwano esibhaliwe phakathi kukamasipala nomthengi, siyoqala ukusebenza ngosuku okuvunyelenwe ngalo.

(8) Umasipala uyosiza umuntu ongafundile ofisa ukugcwalisa ifomu nokuthi uyayiqonda imibhalo kanye nemiphumela yokungena esivumelwaneni, futhi alilekwe ngethuba lokubhalisa njengekhasimende elimpofu.

(9) Umasipala, kumele azise umuntu ongafundile ekugcwaliseni ifomu lesicelo.

(10) Uhlinzeko lolunikezwa ikhasimende luyoba

- ngaphansi kwemibandela yale mithetho kamasipala,
- neminye imithetho kamasipala esebenzayo; kanye
- nemibandela equkethwe esivumelwaneni.

(11) Umasipala, angenza uphenyo mayelana nokufaneleka kokuthenga ngesikweletu futhi angafaka imibandela eyengeziwe, engekho kumithetho kamasipala noma emithethweni ebekiwe efomini.

(12) Uma umasipala

- enqaba isicelo
- Engakwazi ukuhlinzeka ngamanzi noma uhlinzeko oluqondile, izinga lohlinzeko;
- Engakwazi engakwazi ukuhlinzeka ngezinga eliqondile

Kufanele, azise ikhasimende zingakapheli izinsuku eziyisikhombisa (7), ukuthi

- isicelo sichithiwe
- uma angeke akwazi ukuhlinzeka, azise ikhasimende
 - (i) ngokwenqaba noma ukwehluleka,
 - (ii) anikeze izizathu zokwenqaba
 - (iii) azise ikhasimende ukuthi uhlinzeko lwamanzi, noma oluthile luyotholakala nini.

3. Izivumelwano Ezikhethekile Zokuhlinzekwa Kwamanzi

Umasipala angangena esivumelwaneni esikhethekile sokuhlinzekwa kwamanzi nomfakisicelo ngokubhekelela lokho okubalwe kusigaba (a) kuya ku (c) ngaphansi kwalesigatshana.

4. Ukushintsha Inhloso Yalokho Amanzi Asetshenziselwa Kona

Lapho injongo, noma uhlinzeko lwamanzi luguqulwa, ikhasimende kufanele

- lazise ngokushesha umasipala ngoshintsho;
- bese lenza isivumelwano esisha nomasipala.

5. Ukuqedwa kwesivumelwano sokuhlinzekwa ngamanzi

Isivumelwano singaqedwa ngaphansi kwalezizimo: -

- (1) Ikhlasimende linikeza umasipala okungenani isaziso esibhaliwe phansi sezinsuku ezingama shumi amabili nanye (21).
- (2) Umasipala anikeze ikhasimende isaziso esibhalwe phansi okungenani sezinsuku ezingamashumi amabili nanye (21), lapho: -
 - (a) Uhlinzeko lwamanzi lungasetshenziswa izikhathi ezilandelanayo sezinyanga ezimbili (2) futhi ngaphandle kwesivumelwano, esenelisa umasipala; noma
 - (b) Izakhiwo zishiywe futhi kungekho lungiselelo lokuqhubeka kwesivumelwano esenziwe nomasipala.
- (3) Ikhlasimende liyohlala libophekile kuzo zonke izikweletu ezisilele emuva kanye nezindleko eziyobe zikhokhwa mayelana nohlinzeko lwamanzi elinikezwe lona.

6. Ukuthuthukiswa Kwezakhiwo

- (1) Umakhi wezakhiwo kufanele
 - ngokushesha nje lapho ingqalasizinda isikwazi ukuhlinzeka amanzi noma uhlinzeko endaweni eyobe ithuthukiswa, ngokwanele nangokushesha azise umasipala, ngesikhathi ngohlobo, ubungakho bohlinzeko kanye nesilinganiso esizosetshenziswa.
- (2) Umakhi wezakhiwo ohluleka ukuhambisana nezimiso
 - uzobophezeleka ekukhokheni zonke izindleko ezifanele okuzobe ngabe zikhokhwa ngamakhasimende.

7. Izindleko Ezikhokhwayo Ngohlinzeko Lwamanzi

- (1) Zonke izindleko ezikhokhwayo maqondana nohlinzeko lwamanzi, (kuhlanganise nezokuxhuma amanzi, izindleko ezingaguquki noma ezinye izindleko ezengeziwe) kufanele umasipala azimise ngokuhambisana nemithetho ebekwe kusigatshana sika (a) kuya ku (c) .

(2) Izindleko ezisebenzayo zingahluka

- ngezigaba ezahlukahlukene zamakhasimende,
- abasebenzisi bohlinzeko
- izinhlobo namazinga ohlinzeko
- ubuningi bohlinzeko
- izidingo zengqalasizinda; kanye
- nezindawo ngezindawo.

8. Izinkokhelo Ezitholakala Ngokuhlinzeka Ngamanzi

Umasipala, angakhokhisa:

- Imali ekhokhwayo yanyanga zonke engaguquki,
- Imali ekhokhwa minyaka yonke engaguquki; noma
- inkokhelo engaguquki eyodwa neyokugcina lapho kutholakala khona uhlinzeko lwamanzi.

9. Uhlinzeko Oluxhasiwe

(1) Umasipala angaqalisa ukusebenzisa uxhaso.

(2) Ekuxhaseni umasipala angaqalisa

- ngokuhlukanisa phakathi kwezinhlobo zamakhasimende asekhaya,
- izinhlobo namazinga ohlinzeko,
- ubungakho bohlinzeko,
- ukuma kwezindawo; kanye
- nesimo sezenhlalo nomnotho womphakathi ezindaweni.

(3) Isaziso somphakathi mayelana nokuqalisa uxhaso kufanele sibe nalemininingwane etholaka ngaphansi kwesigaba sika (a) kuya ku (f) ngaphansi kwalesigatshana.

- (4) Uma amanzi asetshenziswa ikhasimende lasekhaya;
- (a) engaphansi kwengxenye yohlinzeko okade luxhasiwe ngeke:
- ingezelwe ikhasimende futhi
 - linikezwe ikhasimende ilungelo lokukhokhelwa noma lesephulelo maqondana nengxenye engasetshenziswanga; futhi
- (b) Ngaphezulu kwengxenye yoxhaso, ikhasimende lizophoqeleka ukuthi likhokhele ukusetshenziswa ngokweqile ngezinga elifanele.
- (5) Uxhaso lungahoxiswa noma luguqulwe noma yinini ngokwamandla kamasipala, ngemuva kwesaziso somphakathi esifanele.
- (6) Abezohwebo ngeke balufanele uhlinzeko oluxhasiwe.
- (7) Uxhaso ngemali luzoxhaswa ngengxenye yemali etholwa kuzwelonke futhi yabelwe umasipala kodwa uma leyo mali inganeli:
- izinhlinzeko zingaxhaswa ngemali etholwe ngentela,
 - izimali nezindleko zohlinzeko lwamanzi.

10. Ukubizwa Kwezindleko Ezengeziwe

Umasipala ngaphezu kokukhokhisa ezihlanganisa lokhu okulandelayo kodwa kungagcini kuphela :

- (a) Zonke izindleko
- zomthetho,
 - izindleko zommeli; kanye
- (b) Nezindleko ezidalekile lapho kufunwa inkokhelo ekhasimendeni kanye nokukhumbuza ikhasimende, ngocingo, ngefeksi, nge-imeyili nangencwadi noma ngenye indlela ukuthi kufanele likhokhe.

11. Inkokhelo yediphozithi

(1) Umasipala angafuna ukuthi ikhasimende

- likhokhe idiphozi enqunywe ngumasipala; futhi
- anganquma amadiphozithi ahlukene akhokhwe ngezigaba ezahluhlukeni zamakhasimende, abasebenzisi bohlinzeko nabakweletayo kanye nohlinzeko oluhluhlukeni kuhlunganisa kanye namazinga ahlukeni ohlinzeko.

(2) Idiphozi akufanele yedlule imali ephindwe kathathu (3) ngaphezu kwenani lemali.

(3) Uhlinzeko olunikiwe lusho

- uhlinzeko olunikezwe endaweni yekhasimende; futhi
- inani lanyanga zonke lemali yohlinzeko ebaliwe ngokukhipha i-inani eliphelele lemali yezinyanga zokugcina ezintathu (3) bese ihlukanisa kathathu (3).

(4) Umasipala uyocacisa ngendlela evumelekile yokukhokha idiphozi engatholakala ku (a) kuya ku (c) ngaphansi kwalesigaba somuthetho kamasipala.

(5) ikhasimende liyokhokha idiphozi uma lifaka isicelo sohlinzeko lwamanzi futhi akukho hlinzenko eliyonikezwa kuze kube iyakhokhwa idiphozithi.

(6) Umasipala uyobuyekeza idiphozi ekhokhwa.

(7) umasipala angafuna ikhasimende elisilele emuva likhokhe idiphozi uma bekungakaze kudingeke liyikhokhe; futhi likhokhe eyengeziwe lapho idiphozi ekade ikhokhiwe.

(8) Idiphozi, noma enye ingxenye yediphozithi, akuyona inkokhelo, noma ingxenye yokukhokhela i-akhawunti.

(9) Ayikho inzalo eyokhokhwa ngumasipala kwidiphozithi noma ingxenye yayo ebanjwe ngumasipala.

(10) Ekuqedeni kwesivumelwano, idiphozi iyobuyiselwa kwikhasimendeni kodwa emva kokukhipha zonke izindleko.

(11) Idiphozi iyodliwa ngumasipala uma ikhasimende lingazange liyicele zingakapheli izinyanga eziyishumi nambili (12) emuva kokuqedwa kwesivumelwano.

12. Izindlela zokunquma izimali okufanele zikhokhwe ngosuku olunqunyiwe

(1) Umasipala anganquma inani elifunekayo nelikhokhelwayo ngosuku olunqunyiwe ngokubala ngendlela ekhulinywe ku (a) kuya ku (c) ngaphansi kwalesigatshana.

(2) Uma idivayisi ingafundeki: -

- Ngenxa yezinkinga zezimali kanye nabasebenzi, noma
- ngenxa yezimo ezingaphezu kwamandla kamasipala, ikhasimende likhokhiswa ukusetshenziswa okumaphakathi,

i-akhawunti elandelayo yekhasimende uma ifundwa kufanele ikhombe umehluko phakathi kokusetshenziswe kanye nesilinganiso, futhi kumele i-akhawunti iwukhombise umphumela wesikweletu osenziwe ukuthi uyimali ebuyiselwa ekhasimendeni noma ekhokwa yikhasimende.

(3) Lapho ngombono kamasipala kungenzeki noma kubiza kakhulu ukufaka idivayisi yokukala kuwowonke amamitha amakhasimende, noma ukufunda wonke amamitha amakhasimende, ezindaweni ezinqunyiwe, umasipala anganquma inani elifunekayo ekhokhwa ikhasimende ngezinhlizeko zamanzi ngendlela eshiwo esigatshaneni sokuqala (1).

- (4) Lapho inzinhlizeko zamanzi zibalwa ngokuhlanganyelwa kwamanzi ngoko-mphakathi, inani okufanele amakhasimende alikhokhele ukuhlinzekwa, nokusebenzisa amanzi ngokuhlanganyela njengo-mphakathi, iyosuselwa ekusetshenzisweni okuhlanganisiwe noma okulinganiselwayo kwamanzi ahlinzekelwe umphakathi wonke.
- (5) Umasipala kumele azise amakhasimende ngendlela ayisebenzisile yokunquma lokho okufanele kukhokhwe ngosuku olunqunyiwe mayelana nohlinzeko lwamanzi ezindaweni ezihlinzekiwe.

13. Ukukhokhelwa kwamanzi ahlinzekiwe

- (1) ikhasimende kufanele libhekane nokukhokhelwa kwayo yonke imisebenzi yohlinzeko lwamanzi.
- (2) Uma ikhasimende lisebenzisa amanzi ngendlela ekungavunyelwanga, futhi lakhokha imali okungathi engaphansi kwaleyo esetshenziwe, ikhasimende liyokhokha umehluko phakathi kwenkokhiso eshintshiwe nesamba esesikhokhiwe.
- (3) Lapho uma izichibiyelo enkokhisweni efanele ziqala ukusebenza ngosuku oluphakathi kwesikhathi lapho kwenziwa khona isilinganiso sokunikeza i-akhawunti yezinkokhelo ezisebenzayo kuyobhekekelwa lokhu okubhalwe ku(a) kuya ku(b) ngaphansi kwalesigatshana

14. Inkokhelo Ephelele Neyokugcina Ye-Akhawunti

- (1) Lapho i-akhawunti ingakhokhiwe ngokuphelele, noma iyiphi imali enganele ekhokhiwe, futhi yamukelwa, umasipala, ngeke kube ukukhokhelwa okuphelele nokokugcina kwaleyo akhawunti noma ngabe leyo mali ikhokhelwe, inkokhelo ephelele neyokugcina, ngaphandle uma imenenja kamasipala noma i-ejenti

yemenenja kamasipala egunyaziwe yamukela ngokusobala ngokubhaliwe njengokukhokhwe ngokuphelele kwe-akhawunti okukhulunywa ngayo.

15. Isibopho Sezimali Ezifunekayo Nezikhokhwayo

(1) umnikazi wendawo uyoba nesibopho sokukhokha zonke izindleko, nalezo ezobe ziqoqiwe ngenxa yokungakhokhi.

(2) Uma uhlinzeko lutholake ngaphandle, umnikazi wendawo uyothathwa ngokuthi ubevumelene nezinhlinzeko esisetshenzisiwe endaweni yakhe.

16. Izinkokhelo ezinqwantshwe yibhange

Lapho inkokhelo eyenziwe ngebhange kutholakala ukuthi akuzange kwamukelwe ibhange, umasipala: -

(a) Anganezela kwi-akhawunti yekhasimende ngezindleko zasebhange; futhi

(b) Uzobheka isenzo esinjalo njengesokwehluleka ukukhokhelwa.

17. Izinhlelo Zokukhuthaza

Umasipala angaqala amasu ezinhlelo zokukhuthaza ukukhokha ngokushesha kanye nokuklommelisa amakhasimende akhokha ama-akhawunti awo njalo nangesikhathi.

18. Amapay-Points Kanye Nama-Ejenti Avunyelwe

(1) ikhasimende kufanele likhokhe i-akhawunti yalo ezindaweni zokukhokha ezichazwe ngumasipala noma kwi-ejenti evunyelwe ngumasipala.

(2) Umasipala kufanele azise ikhasimende ngendawo eqondile yama pay point nokuthi ubani i-ejenti egunyaziwe eyamukela ukukhokhelwa kwama - akhawunti.

19. Ama-akhawunti

- (1) Ama-akhawunti kufanele athunyelwe njalo ngenyanga kumakhasimende kwikhelini lekhasimende elibhalisiwe.
- (2) Uma kubiza kakhulu ukuthumela ama-akhawunti kumakhasimende athola uxhaso umasipala anganquma ukungawathumeli amakhawunti kulawo makhasimende.
- (3) Ukwehluleka ukuthola noma ukwamukela i-akhawunti akulikhululi kusibopho sokukhokha.
- (4) Umasipala kumele, uma kunokwezeka, athumele i-akhawunti kabili kwikhasimende uma eceliwe.
- (5) Ama-akhawunti kufanele akhokhwe kungakadluli usuku lokugcina lokukhokha olubhaliwe kuyona.
- (6) Ama-akhawunti ezinhlinzeko zamanzi kufanele akhombise lokhu okubhalwe ku sigatshana sika (i) kuya ku (xii).

20. Isitifiketi Se-Clearance

Uma umnikazi wendawo edayisa indawo yakhe kofanele akhokhe izindleko zohlinzeko. Umnikazi wendawo kuyofanela athole isitifiketi seclearance isiyohambisana naso kumbhalisi wamatayitela esiqinisekisa ukuthi yonke imali ekweletwa umasipala ikhokhwe ngokuphelele.

21. Imibuzo Noma Izikhalazo Eziqondene Ne-Akhawunti

- (1) I khasimende lingafaka umbuzo, isikhalazo noma ukuphikisa okuphathelele nokuqonda kwanoma iyiphi imali okuthiwa ayikhokhwe mayelana nohlinzeko.

- (2) Kufanele lufakwe ngokubhala ngaphambi kosuku lokukhokha i-akhawunti.
- (3) Umasipala uyokwazisa ikhasimende elingafundile noma oncishwe amathuba afanayo, ukufaka isicelo, isikhalazo noma ukuphikisa.
- (4) kumele kuhambisane nenkokhelo ebalwe ngokuthatha isilinganiso esisetshenziswe ikhasimende ngohlinzeko futhi kususwe imali okubuzwa, okukhalazwa, noma okuphikiswayo ngayo.
- (5) Umasipala kufanele abhale phansi umbuzo, isikhalazo noma ukuphikisa bese enikeza ikhasimende inombolo ekhombisa ukuba ikuphi lapho iqoshwe khona.
- (6) Umasipala: -
- (a) uzophenya uyophenya kungakapheli izinsuku ezingamashumi amathathu (30) ngemuva kokuba leyo mbuzo noma isikhalazo sibhalisiwe.
- (b) azise ikhasimende, ngencwadi, ngakutholile ophenyweni kungakapheli izinsuku eziyishumi nane (14).

22. Ukudlulisa Izikhalazo Eziphikisana Nokutholakele Ngumasipala Maqondana Nemibuzo Noma Izikhalazo

- (1) Ikhasimende lingafaka ukudlulisa isikhalazo ngokulandela lokhu okubhalwe kwisigaba sika(21), salamuthetho kamasipala.
- (2) Isikhalazo kufanele sibhalwe phansi, sihanjiwe kumenenja kamasipala zingakapheli izinsuku ezingamashumi amabili nanye (21) futhi kufanele: -
- (a) abeke izizathu zokudlulisa isikhalazo, futhi
- (b) iphelezelwe yidiphozi, njengoba kunqunywa ngumasipala, uma umasipala efuna ukuthi kwenziwe idiphozi.

- (3) Umasipala angayalela ukuba likhokhe yonke imali eliyikhalazelayo.
- (4) I khasimende liyokhokha zonke ezinye izimali, okufanele lizikhokhele ngosuku olubekiwe ngesikhathi sokwahlulela kwesikhalazo.
- (5) umasipala uyokhipha isinqumo zingakapheli izinsuku ezingama-shumi amabili nanye (21).
- (6) Uma umasipala ethatha isinqumo sokwenqaba isicelo, ikhasimende kufanele likhokhe noma yiyiphi imali okutholakele ukuba kufanele ikhokhwe ngokwesinqumo zingakapheli izinsuku eziyishumi nane (14) azisiwe ngomphumela wokudluliswa kwesikhalazo.
- (7) Umasipala angavumela ukufakwa kwezikhalazo sekwedlule isikhathi noma ezinye izinto ezingahambisani nenqubo.

23. Ukulinganiswa Okungabangelwa Izilinganiso Ezinamaphutha

- (8) Uma kutholakala ukuthi ithuluzi lokulinganisa alinembile
- kuyofanele lihlolwe ngumasipala, ukuze kutholakale ukunemba kwalo; futhi
 - ikhasimende liyokwaziswa ngezindleko zokwenza lolo vivinyo.
- (9) Uma ithuluzi lokulinganisa:
- (a) linembile, ikhasimende liyokhokha
- izindleko zokuhlolwa;
 - imali esilele emuva eyofakwa kwi-akhawunti yekhasimende.
- (b) Uma linganembile, umasipala
- Uyokhokha izindleko zalolo vivinyo futhi i
 - ikhasimende kufanele laziswe ngemali eyobuyiselwa kulona.

(10) Idiphozi kofanele-

(a) igcinwe ngumasipala uma ngabe into yokulinganisa itholakala ukuthi ayinaphutha; noma

(b) ibuyiselwe kumfakisicelo uma ngabe ithuluzi lokulinganisa litholakala linephutha.

(11) Umasipala kumele uma ethola ukuthi ithuluzi lokulinganisa : -

(a) alungise umshini wokulinganisa noma afake elinye ithuluzi elisebenza kahle, ngaphandle kwenkokhiso futhi

(b) anqume ubungako bokuhlinzeka kwamanzi ikhasimende elizokhokhiselwa, umthamo wamanzi osetshenziswe ezinyangeni ezintathu ezandulela inyanga; umthamo olinganisiwe wekhasimende ngesikhathi esilandelanayo samamitha wezikhathi ezintathu ezilandelanayo, noma ukusetshenziswa kwezinhlinzeko zamanzi kuzakhiwo eziqoshiwe esikhathini esihambisanayo ngonyaka owedlule.

24. Izikweletu Ezisilele Emuva

(1) Uma ikhasimende lehluleka ukukhokha i-akhawunti ngosuku olubekiwe isaziso sokugcina sodingeka silethwe ngesandla noma sithunyelwe ngeposi elirejistiwe kukheli lekhasimende;

(2) Ukwehluleka ukuletha noma ukuthumela isaziso sokugcina ngaphakathi kwezinsuku ezimbili (2) akusho ukuthi ikhasimende kufanele lingakhokhi imali eyisikweletu esilele.

25. Izikweletu ezihlanganisiwe

Uma inani elifunekayo nelikhokhwa ikhasimende lihlanganisa isikweletu esihlanganisiwe, futhi noma iyiphi inkokhelo eyenziwe ikhasimende yemali

engaphansi kwemali efunekayo, izokwabiwa ekunciphiseni isikweletu esihlanganisiwe ngokulandela u (a) kuya ku (d)

26. Inzalo

(1) Inzalo ingakhokhiswa kwizikweletu ezisilele emuva.

(2) Umasipala angahlukanisa phakathi kwezinhlobo

- zamakhasimende asekhaya,
- izinhlobo kanye namazinga ohlinzeko,
- ubungako bohlinzeko,
- izindawo ngezindawo kanye
- nezindawo zenhlalo-mnotho

ekufuneni inzalo emalini esilele emuva.

27. Isaziso sokugcina

(1) Isaziso sokugcina sokubelesela kumele sibe nezitatimende ezibhalwe ku (a) kuya ku (f) ngaphansi kwaesigatshana

28. Ukulinganiselwa Noma Ukunqanyulwa Kohlinzeko Lwamanzi

(1) Unjiniyela anganciphisa noma avale amanzi ngokwemigomo yale mithetho kamasipala ngokulandela u (a) kuya kuya (g) ngaphansi kwalesigatshana

(2) Unjiniyela anganqamula ukuhlinzeka kokuthuthwa kwendle:-

- (a) Ngesicelo esibhaliwe sekhasimende;
- (b) Uma isivumelwano sinqanyuliwe ngokuya ngemithetho kamasipala ephathelene nokulawulwa kwezikweletu nokuqoqwa kwazo;
- (c) Uma ibhilidi elisegcekeni elihlinzekiwe selidiliziwe.

(3) Umasipala ngeke abhekane

- nanoma yimuphi umonakalo;
- noma izimangalo ezingavela ekunciphiseni
- noma ekunqanyulweni kohlinzeko lwamanzi

kuhlanganisa

- umonakalo
- noma izimangalo ezingase zivele ngenxa yokulincishiselwa
- noma ukunqanyulwa kohlinzeko lwamanzi.

29. Ama-Akhawunti asilele ngemuva ngaphezu kwezinsuku Ezingamashumi ayisithupha (60)

(1) umasipala—

- (a) angathathela ikhasimende izinyathelo zomthetho ukuze kutholakale imali esilele emuva;
- (b) adlulise i-akhawunti yekhasimende kumqoqi wezikweletu ukuze ayiqoqe.

(2) Ikhasimende liyothwala icala

- lazo zonke izimali eziyoqoqwa eziphathelele nokusingatha,
- izindleko ezitholakele ekuthatheni izinyathelo zokuthola isikweletu esisele emuva; kanye
- nanoma yiziphi izinhlawulo, kuhlanganisa ukukhokha idiphozi ephezulu, engase inqunywe ngumasipala ngezikhathi ezithile.

(3) Izindleko ezihambisana nokwehliswa noma ukunqanyulwa kohlinzeko lwamanzi kuyoba ezakhasimende futhi zizofakwa emalini esilele emuva okufanele ikhokhwe yikhasimende.

30. Okuvamile

- (1) Akukho sinyathelo esithathiwe ngokuya ngale mithetho kamasipala ngenxa yokungakhokhi esizomiswa noma sihoxiswe, ngaphandle uma izikweletu
- ezisilele emuva,

- inzalo,
- imali yokuphatha engabuyiseka,
- izindleko ezengeziwe,
- izindleko ezitholakele ngokuthatha izinyathelo ezifanele
- nezinye izinhlawulo, kuhlanganise ukukhokhwa kwemali yediphizi enkulu

(2) Umasipala ngeke abe necala lokulahlekelwa noma ukulimala ngemuva kokuncishiselwa noma ngokunqanyulelwa.

31. Isivumelwano Sokukhokhwa Kwesikweletu Ngamancozuncozu

(1) Izivumelwano ezilandelayo zokukhokhwa kwemali esilele emuva ngamancozuncozu zingenziwa: -

- (a) ukuvuma isikweletu;
- (b) ukuvuma ukwahlulelwa, noma
- (c) ukwehlulelwa ngokudonsa imali eholweni lakho (emolument attachment order)

(2) ikhasimende kuphela elinobufakazi obuqinisekile bokuthi lingubani.

(3) Alikho ikhasimende eliyovunyelwa ukungena esivumelwaneni sokukhokha izikweletu ezisilele ngamancozuncozu uma lelo khasimende lehlulekile ukuhlonipha isivumelwano sangaphambilini.

(4) Ikhophi yesivumelwano kufanele inikezwe ikhasimende.

(5) Isivumelwano kofanele kungenwe uma ikhasimende selikhokhe i-akhawunti yalo yamanje.

32. Izindleko Ezingeziwe, ukukhokhela ingxenye Kanye Nezitolimende

- (1) Zonke Izindleko ezihambisana nokungena ezivumelwaneni zokukhokha izikweletu ezisilele emuva nokuncishiswa noma ukunqanyulwa kohlinzeko zizofakwa emalini esilele emuva.

- (2) Umasipala kumele, abhekele lezi zinto ezilandelayo:-
 - (a) irekhodi lezikweletu lekhasimende;
 - (b) inani elisilele emuva;
 - (c) izinga lokusetshenziswa kohlinzeko lwamanzi;
 - (d) izinga lenhlinzeko enikezwa ikhasimende;
 - (e) ukwepulwa kwangaphambilini kwezivumelwano (uma kukhona) zokukhokha izikweletu ezisilele emuva; futhi
 - (f) noma yiziphi ezinye izinto ezifanele.

- (3) Uma ikhasimende, lapho lingena esivumelwaneni sokukhokha izikweletu ezisilele emuva ngamancozuncozu, kuba sobala ukuthi alikwazi ukukhokha umasipala, ngemuva kokubheka izinto okukhulunywe ngazo esigatshaneni sesibili (2):-
 - (a) angayelula inkokhelo yayo kuze kube ukuphela kwenyanga, lapho ikhasimende lingena ngayo esivumelwaneni; noma
 - (b) angafaka inani elinjalo lemali eliyokhokhwa ngokwesivumelwano.

- (4) Umasipala angafuna ukuthi ikhasimende likhokhe imali eyengeziwe, uma lingena esivumelwaneni sokukhokha izikweletu ezisilele emuva.

- (5) Umasipala, uma ikhasimende lingena esivumelwaneni noma nganoma yisiphi isikhathi ngemuva kwalokho: -
 - (a) angafaka imitha ekhokhelwa ngaphambili; noma
 - (b) anciphise uhlinzeko lwamanzi kusisekelo sohlinzeko lwamanzi.

33. Ubude Bezivumelwano

- (1) Isivumelwano kufanele singabi ngaphezulu kwezinyanga ezingama shumi amabili nane (24).
- (2) Umasipala angabheka lokhu uma engasivumelwaneni eside: -
 - (a) Irekhodi lezikweletu lekhasimende;
 - (b) Inani lemali ezisilele emuva;
 - (c) inani elingaphambi nangemuva kokudonsiwe eholweni lekhasimende;
 - (d) izinga lokusetshenziswa kohlinzeko lwamanzi;
 - (e) izinga lohlinzenko elinikezwa ikhasimende;
 - (f) ukwepulwa kwangaphambilini kwezivumelwano zokukhokha izikweletu ezisilele emuva ngamancozuncozu; futhi
 - (g) noma iyiphi enye into efanele.

34. Ukwehluleka Ukuhlonipha Izivumelwano

- (1) Uma ikhasimende lehluleka ukuhambisana nesivumelwano, umasipala angenza lokhu okulandelayo:-
 - (a) anciphise noma anqamule izinhlizeko zamanzi;
 - (b) athathe izinyathelo zomthetho ukuze kutholakale imali esilele emuva; futhi
 - (c) anikele i-akhawunti yekhasimende kumqoqi wezikweletu noma kummeli ukuze ayiqoqe;

35. Ukuxhuma Kabusha Kwezinhlinzeko

- (1) Umasipala ngeke abuyisele uhlinzeko kuze kube:-
 - (a) i-akhawunti yamanje, isitolimende sokuqala esikhokhwa ngokwesivumelwano sokukhokhwa kwezikweletu ezisilele emuva ngamancozuncozu kanye nazo zonke izimali zokusingatha ezingabuyiseka, izindleko ezitholakele ekuthatheni izinyathelo ezifanele nanoma yiziphi

izinhlawulo, kuhlanganisa ukukhokhwa kwediphozithi ephezulu, sezikhokhwe ngokugcwele; noma

(b) isikhalazo sokudlulisa esibhaliwe esenziwe ikhasimende, ngesizathu sokuthi likhokhe imali yesitolimende ngesikhathi futhi egcwele kanye namanani akhokhwayo okufanele ekhokhiwe okungenani isikhathi esingangezinyanga eziyisithupha (6) kuvunyelwe ngumasipala.

(2) ikhasimende kufanele likhokhe imali yokuxhuma kabusha, njengoba kunqunywa ngumasipala.

(3) Uhlinzeko lwamanzi luyobuyiselwa zingakapheli izinsuku eziyisikhombisa (7) zokusebenza ngemuva kokuba ikhasimende lithobele izinhlinzeko zezigatshana sokuqala (1) ne sesibili (2).

ISAHLUKO 7: IMIBANDELA YOHLINZEKO ZOKUTHUTHWA KWENDLE

36. Isibopho sokuxhuma Kuhlelo Lokuthuthwa Kwendle

(1) Zonke izakhiwo lapho kukhiqizwa khona indle, kumele zixhunye ohlelweni lokuthuthwa kwendle lukamasipala uma kungenzeki noma kungabizi kakhulu umasipala angafaka ipayipi lokuxhuma, ngaphandle uma kutholakele imvume ngokulandela imigomo ebekwe kusigaba sika-132 yalemithetho kamasipala.

(2) Umasipala, ngesaziso, angafuna ukuthi umnikazi wendawo ongaxhumene nohlelo lukamasipala lokuthuthwa kwendle.

(3) Umnikazi wezakhiwo kumele

- azise umasipala ngokubhaliwe phansi nganoma yiziphi izinhlinzeko zokuthuthwa kwendle, ezihlinzekwa ngumasipala kuleyo ndawo, ezingeke sizadingeka ngenxa yokuxhunywa kohlelo lokuthuthwa kwendle.

(4) Umnikazi

- uzobophezeleka ukukhokha izindleko zemali ezimaqondana nezinhlinzeko zokuthuthwa kwendle kulowomhlaba.

(5) Uma umnikazi ehluleka umasipala engathatha izintyathelo ngokwalemithetho kamasipala, aphoqe inhlawulo eyobe inqunyiwe.

37. Ukunikezwa Kokokuxhuma Kwendle

(1) Uma isivumelwano esimayelana nokuthuthwa kwendle siphothuliwe futhi lingekho ipayipi lokokuxhuma lendle elitholakala kuleyondawo, umnikazi uyokwenza isicelo ngefomu ebekiwe, futhi akhokhe izintela kanye nezindleko ezinqunywe ngumasipala.

(2) Uma kunesidingo sokuthi indawo inwetshwe, kuguqulwe, noma kwenze ngcono uhlelo lokuthuthwa kwendle, umasipala angavuma ukunweba kuphela uma umnikazi ekhokha noma ethembise ukukhokhela izindleko.

(3) Unjuniyela onemvume yokuxhuma ipayipi lendle. umnikazi noma ikhasimende lingaxhuma kwipayipi eselikhona.

(4) Akekho umuntu ongaqalisa ukwakha ngaphandle uma unjuniyela esefake ukuxhunywa kwendle.

38. Indawo Yokuxhuma Indle

(1) Ipayipi lokuxhuma indle elinikezwefuthi lafakwa ngunjuniyela kufanele: -

- (a) litholakale endaweni enqunywe ngunjiniyela futhi libe ngusayizi ofanele obekwe unjiniyela; futhi
 - (b) liphelele:-
 - (i) emingceleni yendawo; noma
 - (ii) Endaweni yokuxhuma uma lisemagcekeni.
- (2) Unjiniyela ongavuma kokulandela imibandelo yokuxhuma kwenye indawo ngphandle kwaleyo ehlinzekelwe ukuthutha indle. umnikazi uyoba nesibopho, ngezindleko zakhe, ilungelo lokusetshenziswa indawo yezinye izakhiwo ezingathinteka.
- (3) Lapho umnikazi kudingeka ukuthi ahlinzeke ukuhanjiswa kwendle noma izakhiwo ezisendaweni lapho ukufakwa kwepayipi kungenakudonsela esitamkokweni kufanele kube ngaphansi kwemvume kamasipala.
- (4) Umnikazi kufanele akhokhe izindleko zokuxhuma kanye nentela enqunywe ngumasipala.

39. Ukuhlinzekwa Kwepayipi Elilodwa Lokuxhuma Lamakhasimende Amaningi Endaweni Eyodwa

- (1) ukuxhuma okukodwa okungahlinzekelwa ukulahlwa kwendle evela kunoma iyiphi indawo, kungakhathalekile isibalo sezindawo zokuhlala zamakhasimende ezikuleyo ndawo.
- (2) umasipala angagunyaza ukuthi kuhlinzekwe amapayipi angaphezu kwelilodwa ohlelweni lokuthuthwa kwendle ukuze kulahlwe indle evela kunoma yiziphi ezinye izakhiwo ezibandakanya indawo enemizi eminingi.
- (3) Lapho ukuhlinzekwa kwesixhumo sepayipi lendle elingaphezu kwelilodwa kugunyazwa, intela kanye nezindleko ziyokhokwa.

40. Ukuxhuma Phakathi Kwezakhiwo

Umnikazi wendawo kufanele aqinisekise, ukuthi akukho ukuxhumana okukhona phakathi kwamapayipi okuchitha amanzi egcekeni lakhe kanye nenye indawo.

41. Ukunqanyulwa Kokuxhuma Indle

Unjiniyela anganqamula ukufakwa kwepayipi lokuchitha amanzi epayipini lokuxhuma futhi asuse ipayipi lokuxhuma lapho kunqanyulwa khona isivumelwano.

42. Amazinga Ohlinzeko Lwezenhlanzeko

uhlinzeko lwezokuthuthwa kwendle okuhlinzekwa ngumasipala kumele kuhambisane namazinga abekelwe uhlinzeko lwezokuthuthwa kwendle ngokwesigaba sesi-9 soMthetho.

43. Ukukalwa Kobuningi Bamanzi Angcolisiwe Asekhaya Akhishwayo

(1) ubuningi bamanzi angcolisiwe azonqunywa njengephesenti lamanzi ahlinzekwa ngumasipala; kepha uma lapho umasipala enombono wokuthi lelo phesenti maqondana nezakhiwo ezithile liyeqa esilinganisweni, umasipala anganciphisa iphesenti elisebenza kulezo zakhiwo libe yisibalo, ngokombono wakhe futhi ngokolwazi olutholakalayo.

(2) Lapho izakhiwo zihlinzekwa ngamanzi avela komunye umthombo ngaphandle, noma ngaphezu kwalokho, ohlelweni lokuphakelwa kwamanzi lukamasipala, kufaka phakathi kokukhishwa kwamanzi emfuleni noma epitsini, ubuningi bamanzi kufanele buhlanganise kube ngamaphesenti esewonke asetshenzisiwe kulezo zakhiwo alinganiselwa umasipala.

44. Ukukalwa Kobuningi Nokunqunywa Kwekhwalithi Yokukhishwa Kokungcola Kwezimboni

(1) Ubuningi bamanzi angcolile avela ezimbonini akhishelwe ohlelweni lokuthuthwa kwendle kufanele kutholakale-

(a) Lapho kufakwe khona sikalo, ngobuningi bamanzi angcolile avela ezimbonini akhishwa ezakhiweni njengoba kukalwa ngaleo sikalo;

(b) kuze kube yisikhathi lapho kufakwa khona isikalo, ngamaphesenti wamanzi ahlinzekwa ngumasipala kulezo zakhiwo;

(2) Umasipala angadinga ukuthi umnikazi

- afake kunoma yikuphi ukuchithwa kwamanzi okufakiwe okuhambisa amanzi angcolile ezimboni kumgudu wokuhambisa indle,
- noma iyiphi imitha yokulawula
- noma isikalo
- noma okunye kohlobo oluvunyiwe futhi kusolawulweni lukamasipala ngenhloso yokuqinisekisa ngokwaneliseka kukamasipala, isigqi, umthamo nokwakheka kokungcola.

(3) Umasipala angafaka futhi anakekele imitha noma isikalo ngezindleko zomnikazi.

(4) Lapho izakhiwo zinikezwa ngamanzi avela komunye umthombo inani lizoba iphesenti lamanzi asetshenzisiwe kulezo zakhiwo ezilinganiswe ngumasipala.

(5) Lapho ingxenye yamanzi ehlinzekelwe indawo iba ngumkhiqizo wokucina kwanoma iyiphi inqubo yokukhiqiza noma ilahleka ngokungahambanga kahle noma ukuhwamuka ngesikhathi senqubo yokukhiqiza noma nganoma yisiphi esinye isizathu, umasipala, ngokufaka isicelo komnikazi, anciphise inani eselihloliwe lokungcola kwamanzi.

(6) umasipala

- angangena esivumelwaneni nanoma yimuphi umuntu okhipha ukungcola kwamanzi ezimboni ohlelweni lokuthuthwa kwendle,

- asungule enye indlela yokuhlola ubungako bobukhulu kanye nesigqi saloko kungcola kwamanzi akhishwe kanjalo.

(7) Izindleko zezingaqophelo lokungcola lamanzi ezimboni zizosuselwa kwifomula yokukhishwa kokungcola kwamanzi okuvela ezimbonini njengoba kunqunywe kuSheduli C.

(8) Umasipala uyolandela imibandela ebekwe kusigaba sika (a) kuya ku (l) ngaphansi kwalesigaba.

45. Ukuncishiswa Kwenani Elikaliwe Lamanzi Angcolie Akhishiwe

(1) Umuntu uyoba nelungelo lesinciphiso senani lamanzi angcolile akhishiwe, ngephesenti elibaliwe lapho amanzi emosheka khona noma ukuvuza kwakungaziwa, uma ikhasimende likhombisa ngokugculiseka kukamasipala ukuthi amanzi awazange athunyelwe ohlelweni lokuthuthwa kwendle.

(2) Ukwehliswa kuzoncika

- ebuningini bamanzi alahlekile n
- gokuvuza noma
- ngokumoswa ngesikhathi sokuvuza.

(3) Isikhathi sokuvuza singaba isikhathi sokukala maduze ngaphambi kosuku lokulungiswa kokuvuza, noma isikhathi sokukala lapho ukuvuza kwalungiswa khona, noma yimuphi umphumela oholela ekwehlisweni okukhulu kwenani.

(4) Ubungako bamanzi alahlekile buzobalwa njengokusetshenzisiwe esikhathini sokuvuza kukhishwe ukusetshenziswa okunesilinganiso esimaphakathi, ngokususela ezinyangeni ezintathu (3) ezedlule, ngobude besikhathi esifanayo. Uma kwenzeka kungekho umlando otholakalayo wangaphambilini wokusetshenziswa kwamanzi, umasipala uzonquma ukusetshenziswa

kwamanzi ngokwesilinganiso esimaphakathi, ngemuva kokubheka yonke imininingwane ayithatha njengefanelekile.

(5) Ngeke kube khona isinciphiso enanini uma ukulahleka kwamanzi kubangelwe ukwehluleka komthengi ukuthobela lemithetho kamasipala noma eminye, ngokuqonda noma ngokungaqondile.

46. Imali Ekhokhwayo Maqondana Nezinsizakalo Zokuthuthwa Kwendle “Ezisendaweni”

Izinkokhelo maqondana nokususwa noma ukuqoqwa kokuqukethwe ethangini lokonga, indle eqoqwe ebusuku noma ukukhishwa kwamanzi emigodini kuzohlenganisa zonke izindleko

- zokusebenza nezokunakekela ezivela ekususweni kokuqukethwe umgodi,
- ukuthuthwa kwako kuya endaweni yokulahla,
- ukwelashwa kokuqukethwe
- ukuthola isimo senhlanzeko
- nokulahlwa kokucina kwanoma yiziphi izinsalela.

47. Ukufaka Amapayipi Okuchitha Amanzi

- Umnikazi kumele ahlinzekele futhi alondoloze indawo yakhe yokuchitha amanzi ngezindleko zakhe.

uma

- ukufakwa kuyisisekelo sokukhucululwa kwendle njengoba kunqunywe ngumasipala, futhi
- ngaphandle lapho kuvunywa ngumasipala ngenye indlela

kumele aqinisekise ukuthi ukufakwa kutholakala ngaphakathi komngcele wezakhiwo zakhe.

(1) Umasipala uyonquma

- iphoyinti lesitamkokweni,

- ukujula lapho ukufakwa kwanoma yimaphi amapayipi okuchitha amanzi kuzoxhunywa khona
- nomzila ozolandelwa ngumsele oya endaweni yokuxhuma; futhi
- angadinga ukuthi umnikazi angaqali ukwakha noma ukuxhunywa kokufakwa kwepayipi kuze kubekwe ipayipi lokuxhuma likamasipala.

(2) ukufakwa kwamapayipi kufanele kuthobele imigomo ye-Building Regulations kanye nanoma yiliphi izimiso ezibekiwe ngokoMthetho.

(3) Akekho umuntu oyovumela ukungena kwanoma uluphi uketshezi , ngaphandle kwamanzi ahlanzekile ngezinhloso zokuhlola, ukuthi ingene endaweni yepayipini lokuchitha amanzi ngaphambi kokuxhunywa komgudu wokuqoqa ukungcola.

(4) izakhiwo zitholakala

- ethafeni lesikhukhula esimaphakathi konyaka owodwa (1) kya eminyakeni engamashumi amahlanu (50), amakamelo okuhlola kanye namachibi kufanele libe ngaphezu konyaka owodwa (1) kuya eminyakeni engamashumi amahlanu (50) yendawo yezikhukhula.

(5) Ngemuva kokuphothulwa kwanoma yikuphi ukufakwa kwamapayipi uplamba kufanele athumele isitifiketi esiqinisekisa ukuthi umsebenzi usuphothuliwe ezingeni elibekwe kumithethonqubo yokwakha, ngokwemithetho kamasipala kanye nanoma imuphi omunye umthetho ofanele noma imithetho kamasipala.

(6) Awekho amanzi emvula noma amanzi esiphapho, futhi awekho amanzi angcolile ngaphandle kwamanzi angcolile avunywe ngumasipala, angakhishelwa endaweni yokuhambisa amanzi.

48. Unqanyulwa Kokufakwa Kwamapayipi Okuchitha Amanzi

Ukunqanyulwa kokufaka kwamapayipi kuyokwenziwa ngokulandela

(1) Ngaphandle kwenhloso yokwenza umsebenzi wokunisigaba (1) kuya ku kusigaba (5) ngaphansi kwalesigaba.

49. Ukunakekelwa Kokufaka Kwamapayipi Achitha Amanzi

(1) Umnikazi kumele ahlinzeke futhi anakekele amapayipi ngemali yakhe.

(2) Uma amapayipi lisetshenziswa ngabanikazi ababili noma ngaphezulu noma abahlali, bonke bayoba nesibopho sokunakekela ungokuhlanganyela nangokuhlukana.

(3) Umnikazi wanoma iyiphi indawo kufanele aqinisekise ukuthi yonke imigodi nezindawo zokuhlaza ezakhiweni ziyabonakala futhi kuyafinyeleleka kalula kuzona.

50. Izidingo Zobuchwepheshe Zokufakwa Kwamapayipi

Konke ukufakwa kwamapayipi okuhambisa amanzi kuzohambisana nekhodi ye-SANS 0252 kanye neMithethonqubo Yokwakha.

51. Izindawo Zokuchitha Amanzi

Amapayipi kumele abe njengokuchaziwe kusigaba (1) kuya kusigaba (4).

52. Ukuvaleka kwestamkoko

Umnkazi wendawo lapho kuvaleka isitamukoko kufanele alandele imigomo echazwe kusigaba (1) kuya (7)

53. Izicupho Zikagrisi

Isicupho segrisi sohlobo, usayizi kanye nobukhulu obuvunyiwe kufanele kuhinzekwe kuzozonke izakhiwo ezichithela kwisiza sohlelo lokuthutha indle olusegcekeni, noma lapho, ngokombono kamasipala, ukuchitha kwegrisi, uwoyela namafutha kungadala

ukuvaleka kokugeleza kwestamkoko noma amapayipi okuchitha amanzi, noma ekuphazamiseni ukusebenza okufanele kwanoma yisiphi isizinda sokwelapha ukungcola kwamanzi.

54. Izicupho Zegrisi Zezimboni

Umnikazi noma umkhiqizi: -

(1) kumele aqinisekise ukuthi ukungcola kwemboni, okungenzeka ukuthi kuqukethe: -

- amafutha,
- uwoyela,
- amafutha
- izinto eziqinile ze-organic,

ngaphambi kokuba kudlule kuyovunywa ngunjiniyela.

(2) kumele aqinisekise ukuthi uwoyela, noma ukuketshezi futhi olikhipha umusi ovuthayo noma onobungozi ezingeni lokushisa, elingu-20 kumele ligcinwe kwithangi noma ikhosomba ukuze lingalingeni kumapayipi endle.

(3) Ithangi noma ikhosomba kufanele: -

- (a) Izokwakhiwa ngokwanele, yakhiwe ngezinto eziqinile eziqinile namanzi acinene lapho eqediwe;
- (b) I-sivala manzi sepayipi layo lokukhipha akufanele ibe ngaphansi kwama-300 mm ngokujula; futhi
- (c) Kuzonikezwa isamba esanele lezembozo zomgodi wokususa ngokwanele nangempumelelo kwamafutha, amafutha kawoyela nodaba oluqinile.

(4) Noma yimuphi umuntu ochitha ukungcola ethangini noma kwikhosomba kufanele asuse igrisi, uwoyela, amafutha noma into eqinile futhi kufanele agcine iregister ebhaliwe: -

- (a) Izinsuku lapho ithangi noma ikhosomba lihlanziwe khona; futhi

- (b) Igama lanoma yibaphi abantu abaqashwe nguye ukuhlanza ithangi noma ikhosomba noma, uma lihlanzwa nguyena asho njalo.
- (c) Isitifiketi esivela kumuntu oqashelwe ukuhlanza kufanele aqinisekise ukuthi ithangi noma ikhosomba lihlanziwe futhi sisho indlela okulahlwe ngayo okuqukethwe yithangi noma ikhosomba, noma, uma ehlanze yena iisitifiketi sakhe kumele sisho njalo.

55. iMishini Yokupompa Indle

(1) Umnikazi kumele athole imvume kanjiniyela kuqala, ngokulandela imigomo yokwakha, umasipala ngeke abhekane necala nanoma ikuphi ukulimala, ukulahleka noma ukulinyazwa kwempilo noma impahla okubangelwe ukusetshenziswa, ukungasebenzi kahle noma yimuphi omunye umbandela ovela ekufakweni noma ekusebenzeni kwensimbi esebenza ngomshini ukuphakanyiswa noma ukudluliswa kwendle ngaphandle kwalapho ukulimala kubangelwe isenzo esingalungile sangamabomu noma sobudedengu noma ubudedengu besisebenzi sikamasipala.

(2) **Uma kufakwe isicelo sokuthola imvume yokusebenzisa lomshini, kufanele ihambisane nomudwebo ozobe ukhomba: -**

- indawo lapho izinto zigagesi;
- ithangi lokugcina indle;
- ikhosomba lokumisa nangendlela eme ngayo;
- Ukuma kwamapayipi yemisele yamanzi,
- Ukuma kwamapayipi amavalintetha,
- ukuphakama kwepayipi elikhulu; Kanye
- nokuxhunywa kwendle.

(3) Yonke into esebenza ngomshini efakwa ukukhulisa noma ukudlulisa indle izokwakhiwa ngokukhethekile ngenhloso futhi izofakelwa ipayipi lokukhipha, ama-valve esluice kanye nama-valve angabuyisi atholakala ezindaweni ezivunyelwe.

Imishini

- (4) Kofanele yakhiwe ngenhloso futhi ifakwe kwi kulezizinto: -
- Payipi lokuchitha;
 - Ivalve yesluice;
 - Nama valve angabuyi
- (5) Izofakwe ngokuphinda ukuze uma kwenzeka enye iyehluleka ukusebenza lena enye iqhubeke isebenze.
- (6) Eye ingxenye efaka phakathi ukuxhunywwa kwimisele yamanzi kofanele ihlezi ingena umoya.
- (7) umnikazi kofanele afake izici ezithize ezizolawu umshini ngombono wakhe, akuqiniseke ukuthi isilinganiso esinqunyiwe sokukhishwa akumele aseqe.
- (8) ithangi lokugcina indle kufanele libekhona lihambisaea naleyo mshini.
- (9) amathangi ekukhululwe ngawo kwisigaba (a) kumele:-
- (a) akhiwe ngezinto eziqinile, iphahla yakhona kufanele ikwazi ukuhlala isikhathi eside ingalimali futhi kufanele engangeni manzi futhi indawo yangaphakathi yezindonga naphansi kufanele ibe bushelelezi futhi ingangenwa amanzi.
- (b) ibe nomthamo wokugcina ongaphansi kwezinga lomgodi olingana nenani lendle elikhishelwe lapho amahora angama-24 noma awu-900 wamalitha, noma yikuphi ubuningi obukhulu; futhi
- (c) Idizayinelwe ngendlela yokuthi isamba esikhulu sokuqukethwe kwendle yayo siyothululwa emjikelezweni ngamunye wokukhishwa kwensimbi esebenza ngomshini kamakhenikha.
- (10) Onke amathangi okugcina kanye negumbi lokuthula kufanele libe nama namapayipi angina umoya ngokwenzazelo nanjiniyela.

56. Ukufakwa kwendawo yokuthuthwa indle

Uma isivumelwano sokuhlazeka ngokuthutha indle kwiziza, nalapho kwendle kungenzeki noma kungabizi kakhulu ukuba umasipala afake ipayipi lokuxhuma indle, umnikazi uyoziyakela yena ukuthuthwa kwendle, ngaphandle uma lolohlazeko lunekwe ezuxhaso.

57. Izindlu zangasese ezishaya umoya

(1) Umasipala, ngaphansi kwemibandela enqunyiwe, ngokubheka ubunjalo nokuvuleka kwenhlabathi, ukujula kwendawo yamanzi ephansi ephakathi kwenhlabathi nephezulu, ubukhulu, kanye nokufinyela, isiza kanye nokutholakala kokuhanjiswa kwamanzi ngamapayipi, angavuma ukulahlwa kwendle yabantu ngokusebenzisa izindlu zangase zemigodi ezishaya umoya (VIP).

(2) Izindlu zangasese zemigodi ezishaya umoya, kufanele zibe nalokhu okubekwe ku (a) kuya ku (d) -

(3) Izindlu yangasese ezithuthukisiwe ezishaya umoya kufanele zihambisane nalako okubekwe ku (a) kuya (h)

58. Amathangi Abolisa Indle Nezikhumulo Zokwelapha

(1) Umasipala angavumela ukuchithwa kwendle noma okunye ukungcola ngokuvumela ezinye izindawo ezingamaPlant zokuhlaza idle.

(2) Ithangi leseptic noma ukulashwa kwendle kwiplant, kufanele ibe buqamama ngo m metres kunoma iziphi izakhiwo.

(3) Ukungcola okuphuma kwi septic thank noma ekulashweni kwendle kwiplant, kufanele kulwahlwe ngendlela ezogculisa umasipala.

(4) Iseptic thagi kufanele

- lingangeni amanzi,
- lingavuzi,
- limbozwe ngokuvikelekeka futhi
- libe ne gas

(5) Iseptic thangi eliphakela amayunithi okuhlala kumele: -

- (a) Libe namandla angaphansi kwezinga lokungeniswa kwepayipi lokuphuma okungekho ngaphansi kwamalitha angama-500 ekamelweni ngalinye, kuye ngobuncane besilinganiso esingaphansi kwalelo zinga lokuguqula lama-2 500 amalitha;
- (b) Libe nobubanzi obungaphakathi kwemitha engekho ngaphansi kwe-yodwa (1) elinganiswe ngama-engeli afanele ukuya lapho kuhamba khona ukugeleza;
- (c) Yibe nokujula kwangaphakathi kwekhava, Naphansi kwethangi okungekho ngaphansi kwamamitha ayi-1,7; futhi
- (d) Ligcine uketshezi ekujuleni okungekho ngaphansi kwamamitha ayi-1,4.

(6) Amathangi e-septic asebenzela endaweni engeyona indawo yokuhlala kufanele akhanywe futhi aqinisekise ngunjiniyela oqeqeshiwe obhaliswe njengelumu loMkhandlu wobunjiniyela waseNingizimu Afrika.

(7) Awekho amanzi emvula, noma ukungcola ngaphandle kwaleyo evunyelwe ngumasipala angadedelwa ethangini lokubuyisa uketshezi.

59. Amapayipi Avikela Umonakalo Ezakhiweni (French Drains)

(1) Umasipala angavuma ukulahlwa kwamanzi angcolile noma okunye ukungcola ngemisele yeFrench esebenzisa imisele yeFrance, imigodi yokufaka amanzi noma eminye imisebenzi evunyelwe.

(2) Umsele wamanzi we-French, umgodi wokuthambisa kanye nomunye umsebenzo ocishe akufanele ubeseduze kwamamitha amahlanu(5) kunoma ngoba ebalekela ukungcola:-

- iyiphi indawo yama unit,
- imingcele, noma
- kunoma iyiphi indawo

(3) Ubukhulu balemisele buyonqunywa ngikubhekelela lokho okungene emhlabathini Kanye nemvelo Kanye nobuningi bokungcolaokumuncwe umhlabathi maqondana nezimfanelo ezimnuzokumunca zenhlabathi kanye nobuningi obuningi bamanzi.

(4) Lemisele kufanele idizanze futhi aqinisekise uProfessional Civil Engineer.

60. Amathangi Okulonda

(1) Umasipala uyena ovuma isicelo sokwakha ithangi lokonga ukuze kugcinwe indle nokungcola.

(2) Amanzi emvula, ama esephepho, ukungcola ngeke achithwe, ngaphandle kokuchitha ethangini lokonga okuvunywe umasipala.

(3) Alikho ithangi lokonga elingasebenzswa ngaphandle kokulandela imigomo ebekwe ku (a) kuya kuya ku (e) ngaphansi kwalesiga.

Umasipala

(1) Umasipala ngokubheka ukubekwa kwethangi, noma lindawo lapho uma izimoto ezichithayo zihlangana khona:

- Uyocela umnikazi ukuka abhale phansi ukuba ngeke amthole enecala noma ingamuphi umonakalo oyokwenzeka ngenkathi kuthululwa amathangi.

(a) Lapho imoto kamasipala kumele inqamule emagcekeni ezimele lapho eyothulula ithangi, umnikazi kofanele:

- ahlinzeke ngomgwaqo wakhe ezoba nobubanzi buka 3.5 uzokwazi lowongwaqo ukumela imonto enamasondo angu 4 metric tons;
- enze isiqiniseko sokuba kulowomgwaqo ukuthi alikho isango elizovimbela ukuthi imoto kamasipala ingakwazi ukudlula;
- aqinisekise ukuthi uma isango likhona kufanele libe nobukhulu buka 3.5

(2) Umnikazi noma umhlali wendawo lapho kugcinwa khona ithangi lokonga kofanele ngaso sonke isikhathi: -

- ithangi lisesimweni esihle futhi
- libe sesimeni sokwanelisa umasipala.

61. Ukusebenza Nokunakekelwa Kohlinzeko Lwezindawo Zokuthuthwa Kwendle

Umnikazi wezakhiwo:

- Uyonakekela uhlinzeko olukwiziza zokuthuthwa kwendle futhi
- zonke izimali eziphathelele naleyo ndawo enhlizekiwe;

Umasipala:

uma leyo ndawo ingaphansi kokhaso umasipala uyohambisana nemithetho kamasipala ephathelene nokulawulwa kwezikweletu kanye ukuqoqwa kwezikweletu.

62. Amathangi Okulonda Nawokubolisa Indle Angasasebenzi

(1) **Uma ithangi elikhona lokonga noma ithangi lokuhambisa indle:-**

- lingasadingeki ukugcina noma ukwelashwa kwendle, noma
- uma imvume yokusetshenziswa kwayo ihoxisiwe,

(2) umnikazi kufanele

- enze isiqiniseko sokuthi liyasuswa ngokuphelele; noma
- ligcwaliswe ngokuphelele ngomhlabathi; noma
- eligwalise ngezinye izinto ezifanelekile.

(3) unjiniyela engadinga ukuthi ithangi liphathwe ngenye indlela, noma avume ukusetshenziswa kwalo kwezinye izinjongo, ngokuya ngemibandela echazwe ngunjiniyela.

63. Ukuvunyelwa Kokukhishwa Kwamanzi Angcolile Ezimboni

(1) Akekho umuntu ozokhipha noma abangele noma avumele amanzi angcolile ezimboni ukuthi athunyelwe ohlelweni lokuthuthwa kwendle ngaphandle kwemvume kamasipala.

(2) Umuntu kumele afake isicelo sokuvunyelwa ukukhipha amanzi angcolile ezimboni ohlelweni lokuthuthwa kwendle lukamasipala efomini ebekiwe enamathiselwe njengoHlelo B kule mithetho kamasipala.

(3) Umasipala, uma ngokubona kwakhe umthamo wohlelo lokukhucululwa kwendle wenele ukuvumela ukuhanjiswa kanye nokwelashwa okusebenzayo kanye nokulahlwa okusemthethweni kwamanzi angcolile ezimboni, kwalesosikhathi nangaphansi kwaleyo mibandela engayiphoqa, angavuma ukukhishelwa kwamanzi angcolile ezimboni kuhlelo lokuthuthwa kwendle.

(4) Noma yimuphi umuntu ofisa ukwakha noma ukwenza ukuba kwakhiwe, isakhiwo esizosetshenziswa njengendawo yokuhweba, kufanele ngesikhathi sokufaka uhlelo lokwakha ngokwesigaba sesine (4) seMithethonqubo Kazwelonke Yokwakha Namazinga Okwakha Nombolo. 103 of 1977, futhi afake izicelo zokuhlinzekwa kwezinsizakalo zokuthuthwa kwendle kanye nokuvunyelwa ukukhipha amanzi angcolile ezimbonini.

64. Ukuhoxiswa Kokuvunyelwa Ukukhipha Amanzi Angcolile Ezimboni

(1) Umasipala angahoxisa noma ikuphi ukuvunyelwa kwikhasimende lezohwebo, uma ikhasimende:-

(a) lehluleka ukuqinisekisa ukuthi ukungcola okulahlwa yimboni kuhambisana nezindinganiso zokungcola zasezimbonini ezibekwe kuSheduli A yale mithetho kamasipala noma ngemvume ebhaliwe;

(b) lehluleka noma lenqaba ukuhambisana nanoma yisiphi isaziso asinikezwe ngokusemthethweni ngokomthetho wale mithetho kamasipala, noma ephula noma yiziphi izinhlinzeko zale mithetho kamasipala noma yimuphi umbandela obekwe ngokwemigomo anikezwe yona; noma

(c) Uyehluleka ukukhokha imali maqondana nanoma yikuphi ukungcola kwezimboni okukhishiwe.

(2) **Umasipala angahoxisa noma ikuphi ukuvunyelwa: -**

(a) Ngokumbhalela isaziso esiyizinsuku eziwu 14, emngunyaza ukuba akavale noma noma ukuvala ngqi kwepayipi elixhuma kwindle; futhi

(b) Ukwenqaba ukwamukela noma imuphi umkhamo wezimboni kuze kube waneliseka ukuthi izinyathelo ezanele zokuqinisekisa ukuthi ukungcola kwezimboni okuzokhishwa kuvumelana nezindinganiso ezifunwa yilo mthetho kamasipala;

65. Amaqophelozinga Wezimiselo Zokulahlwa Kwamanzi Angcolile Ezimboni

(1) ikhasimende lezohwebo, elinikezwe imvume kufanele liqinisekise ukuthi

- akukho ukungcola kwezezimboni oluchithwa ohlelweni lokuthuthwa kwendle
- ngaphandle uma kuhambisana namazinga kanye nemibandela ebekwe kuSheduli A.

(2) Uma umasipala angavuma: -

- ukwehlisa noma

- aguqule amazinga akuSheduli A,

(3) Ekunqumeni ukuthi uyayiphumuza noma uyayishinta immvume umasipala yokulahla ukugcoma kwezimboni, umasipala uyobhekelela ezinye izindlela okukhulunywe ngazo ku (3) (a) kuya ku (e) ngaphansi kwalesisigaba..

66.Imibandela Yokukhishwa Kwamanzi Angcolile Ezimboni

(1) umasipala lapho ezonikeza imvume yokuchitha ukungcola kwezimboni, ikhasimende lezimboni kudingeka ukuba umasipala abheke ukuthi bazokulapha kanjani ukungcola, amathngi adingekayo, imisele yamzi edingakayo, uhlobo lwepayipi okufanele lufakwe, izindleko nezimali ezokhokhwa, imshini ehluahlukene okufanele afakwe, ukuhlolwa okuyokwenziwa kanye nemphumela eyohlaziywa emva sekwenziwo ukuhlola.

(2) Izindleko zanoma yikuphi ukwelashwa, isitshalo, umsebenzi noma ukuhlaziywa, okungadingeka ukuthi umuntu akwenze, okuzokhokhwa ikhasimende.

(3) ukungcola kwezimboni okukhishelwa kuhlinzeko lokuthuthwa kwendle okungahambisani namazinga akuSheduli A noma ikhasimende aliyitholanga imvume, umasipala kufanele aziswe ngezizathu zokuphula umuthetho engakapheli amahora ayishumi nambili akhishiwe.

67. Ukwamukelwa Kwendle Okulethwa Ngenlela Yomgwaqo (Road Haulage)

Unjiniyela: -

- angayamukela indle elahlwayo ehanjiswa ezindaweni zokuhlaza indle endaweni kamasipala ngohlelo lesithuthi somgwaqo;
- unjiniyela engafaka imibandela ngokucasisa lapho umasipala ezokwamukela ukuthuthwa kwendle ngezithuthi zomgwaqo.

68. Ukuvunyelwa ukulethwa kwendle Ngendlela Yomgwaqo

- (1) Akekho umuntu ozohambisa indle ngomgwaqo ukuze ayikhiphele ezikhumulweni zokuhlaza indle zikamasipala ngaphandle kwemvume yonjiniyela futhi kuncike kunoma yimiphi imibandela, noma yiziphi izikhathi, ezingabekwa kuye ngezizathu ezizwakalayo.
- (2) izindleko zanoma yikuphi ukuthuthwa kwendle okulethwa Umasipala ngokuya ngamanani entela anqunyiwe akhokhiswayo uzothola ukungena ukulahla ezindaweni zokuhlaza indle zikamasipala.

69. Ukuhoxiswa Kwemvume Yokulethwa Kwendle Ngendlela Yomgwaqo

Unjiniyela angahoxisa noma yikuphi ukuvunyelwa, okunikezwe ngokwalemithetho kamasipala ngemuva kokunikeza okungenani isaziso esiyizinsuku eziyi-14 (ishumi nane) esibhalwe phansi ngenhloso yakhe yokwenza kanjalo, uma umuntu obevunyelwa ukukhipha indle ngendlela yomgwaqo:

- (a) Uyehluleka ukuqinisekisa ukuthi indle liyahambisana nezimiso ezinqunywe kuSheduli A, noma njengesimo sokuvunywa;
- (b) Uyehluleka noma uyenqaba ukuhambisana nanoma yisiphi isaziso asinikiwe ngokwalemithetho kamasipala noma wephula noma yikuphi ukuhlinzekwa kwalemithetho kamasipala noma yimuphi umbandela abekelwe wona njengombandela wokwamukelwa; futhi
- (c) Uyehluleka ukukhokha zonke izindleko ezisebenzayo lapho kuhanjiswa indle.

70. Imibandela Yokulethwa Kwendle Ngendlela Yomgwaqo

Lapho indle izolethwa ngendlela yomgwaqo: -

- (a) Isikhathi nendawo lapho kuzodilivwa khona kuzohlelwa ngokubonisana nonjiniyela; futhi
- (b) Unjiniyela kufanele aneliseke ngaphambi kokuba kwenzekwe ukulethwa, ukuthi indle ingohlobo olulungele ukuhanjiswa emgwaqweni nokuthi ukulethwa kuzohambisana nemibandela, yalemithetho kamasipala.

71. Izitebele Nezindawo Ezifanayo

Umasipala angavuma ukuxhunywa kokufakwa kwepayipi lokuchitha amanzi

- ezitebeleni,
- ezibayeni zezinkomo,
- izindawo zobisi,
- izindlu zezinja,
- amanye amagceke okuhlala izilwane,
- nezindawo zokuthambisa izikhumba, kuye ngokukhokhwa kwazo zonke izindleko ezikhona kanye nokugcwaliseka kwanoma yimuphi umbandela ongabekwa ngumasipala; kepha ukuvunywa kuzonikezwa kuphela uma:

-

- (a) iphansi laleyondawo lisindwe ngezinto zokwakha ezingangeneli uketshezi ezivunywa ngumasipala futhi zafakwa ogibeni lodaka noma umhosha onomthamo owanele; futhi
- (b) yonke ingxenye yaphansi legceke imbozwe ngophahla, noma enye into evikelayo, ngendlela evimbela ngokwanele ukungena kwemvula noma amanzi esiphepho ekufakweni kwamapayipi okuchitha amanzi.

72. Ukulahlwa Kokudla Ngemishini noma Amanye Amayunithi Okulahla

Umasipala angavuma ukuxhunywa noma ukufakwa kokudla okuchithwa ngemishini, okulahlwayo kanye nanoma iyiphi iyunithi yokulahla noma umshini wokugaya udoti, lapho kufakwe amapayipi okuchitha khona onamandla angaphezu kuka-500W, ngokukhokhwa kwazo zonke izindleko ezikhokhwayo nanoma yimuphi umbandela umasipala angawufaka, kepha ukuvunywa kuzonikezwa kuphela uma:-

- (a) Imitha yamanzi ifakwa ngumasipala;
- (b) Unjiniyela wenelisekile ukuthi uhlelo lukamasipala lokukhucululwa kwendle kanye nokulashwa kwendle ngeke luphazamiseke kakhulu; futhi
- (c) Ukufakwa noma ukuxhuma kwenziwa ngokuhambisana nemithetho kamasipala ephathelene nogesi.

73. Ukugunyazwa Komsebenzi Wokufaka

- (1) Uma umnikazi efisa ukuthi kwenziwe umsebenzi wokufaka, kufanele aqale athole imvume ebhaliwe kamasipala.
- (2) Isicelo sihambisane nokubhalwe ku (a) kuya ku (c).
- (3) Imvume iyophela ngemuva kwezinyanga engama-24 (amashumi amabili nane).
- (4) Kufanele kulethwe isethi ephelele yemidwebo ebidingeka futhi yavunywa ngumasipala.
- (5) Uma umsebenzi wokufaka kwenziwe ngokweqa isigatshana sokuqala (1) noma esesibili (2), umasipala angafuna umnikazi:-
 - (a) alungise ukwepfulwa esikhathini esinqunyiwe;
 - (b) Uma umsebenzi uqhubeka, amise umsebenzi; futhi
 - (c) Asuse wonke umsebenzi ongahambisani nale mithetho kamasipala.

74. Abantu Abavunyelwe Ukwenza Ukufaka Noma Eminye Yemsebenzi

- (1) Akekho umuntu ongeyena uplamba, noma osebenza ngaphansi kolawulo luka plamba, ozovunyelwa:-
 - (a) Ukwenza umsebenzi wokufaka ngaphandle kokuphindisela noma ukulungisa ipayipi elikhona noma indawo yokuhlaza indle;
 - (b) Ukuhlola, ukubulala amagciwane futhi ahlole ukufakwa kwamanzi, ukufakwa kwesicimamlilo noma ithangi lokulonda;
 - (c) Ukukhanda, ukulungisa noma ukubuyisela isivimbeli sokugeleza emuva;
 - (d) Ukufaka, ukunakekela noma ukushintsha imitha elinikezwe ngumnikazi ekufakweni kwamapayipi.
- (2) Akekho umuntu oyodinga noma ahlanganyele nomuntu ongeyena uplamba.
- (3) umasipala angavumela umuntu, ongeyena uplamba, ukuthi enze umsebenzi wokufaka endaweni yakhe uma kuhlala yena noma abendlu yakhe, kepha uma

imvume inikezwa, umsebenzi kufanele uhlolwe futhi uvunywe nguplamba ngaphansi kwesiqondisa noma okhethwe ngunjiniyela.

75. Ukusetshenziswa Kwamapayipi Nokufakwa Kwamanzi Kufanele Kugunyazwe

Ukufakwa amapayipi kufanele kulandela isigaba (1) kuya ku (7) ngaphansi kwalesigaba.

76. Ukuhlolwa Kokufakwa Kwendawo Yokuchitha Amanzi

(1) Ukufakwa ezakhiweni noma enzaweni:

- kwamapayipi amanzi,
- ukuxhunywa kohlinzeko lezokukhucululwa kwendle esendaweni futhi
- uhlelo lokukhucululwa kwendle lukamasipala

kuvunywa futhi kuhlolwe ngunjiniyela ukuthi ukufakwa kwamapayipi kulandela lemigono ebhalwe ku (a) kuya ku (d) ngaphansi kwesigaba (1): -

(2) Uma umasipala enesizathu

- sokungaqinisekile ngokufakwa kahle kwepayi uyodinga ukuthi umnikazi enze izivivinyo ezibekwe esigatshaneni sokuqala (1) futhi, u
- ma lokho kufakwa kwehluleka ukuphumelela kuuivivinyo, noma zonke izivivinyo,

umasipala uyokwazisa umnikazi ukuthi athathe izinyathelo ezifanele ezingadingeka ukuvumela ukufakwa ngokwaneiseka.

77. Ukuphathwa Kwezimfuno zamanzi

(1) zonke izindawo zemichamo ezishayekayo ezinganazo zonke izidingo zokuthi zisetshenziswe ngaphambi kokuqala kwalemithetho kamasipala kufanele ziguqulwe zibe nazozonke izidingo zokusetshenziswa kungakapheli iminyaka emibili kuqale lemithetho kamasipala.

(2) Asikho isigubhu sokulonda amanzi, nepani elenzelwe ukusebenza ngaleso sigubhu,

- Siziba nomthamo wamalitha ayi-9 ; futhi
- izigubhu zokulonda amanzi ezingahloselwe ukusetshenziswa zizofakwa okokushaya okuvumela ukushaya okungaphazanyiswa noma okuningi, inqobo uma umthamo wamalitha ugu-4,5 noma ngaphansi.

ISAPHELA 8: IMISEBENZI YAMANZI ENGAGUNYAZIWE

78. izinhlinzeko Ezingagunyaziwe

(1) Akekho umuntu ongathola ukufinyelela lohlinzeko lwamanzi kwesivumelwano.

(2) Umasipala ngokubhaliwe agayala umuntu osebenzisa uhlinzeko olungagunyaziwe ukwenza lokhu: -

- (a) ukufaka isicelo lohlinzeko olunjalo ngokwesigaba sika2 no-3, futhi
- (b) uyoqinisekisa ukuthi ukufakwa kuthobela imibandela yalemthetho kamasipala noma eminye imithetho efanele.

(3) Umuntu kufinyelela kuhlinzeko lwamanzi ngenye indlela ngaphandle kwesivumelwano esenziwe nomasipala uyoba nesibopho sokukhokhela noma yiziphi izinhlinzeko, noma ingabe yiziphi ezinye izinyathelo ezingathathelwa isenzo esinjalo.

79. Ukuphazanyiswa Kwengqalasizinda Yokuhlinzekwa Zamanzi

(1) Akekho omunye umuntu ngaphandle kukamasipala

- ozophatha,
- asebenze noma
- anakekele ingqalasizinda okuhlinzekwa ngayo uhlinzeko ngamanzi.
- ozokwenza uxhuma nengqalasizinda okuhlinzekwa ngayo ngamanzi.

(2) Umasipala angabuyisa zonke izindleko ezihlobene nokulungisa umonakalo odaleke ngenxa yokwephula izigatshana sokuqala (1) ne sesibili (2), ezihambisana

- nokulungisa umonakalo uphenyo lokuhlola,
- izinhlolovo,
- izinhlelo,
- imibandela,
- amashejuli obuningi,
- ukugadwa,
- izindleko zokusingatha,
- ukusetshenziswa kwamathuluzi, i
- zindleko zabasebenzi ezibandakanyeka ekuphazamiseni; noma
- ekuvuselela kwanoma iyiphi ingxenye yomgwaqo noma umhlaba othintekile ngokulungiswa nezindleko zemvelo.

(3) Uma umuntu ephula isigatshana sokuqala (1), umasipala angenza: -

(a) Angenza isaziso esibhaliwe esimcela lowomunu ayeke noma alungise umonakalo, ushintsho noma ukuphazamiseka ngezindleko zakhe esikhathini esinqunyiwe; noma

(b) uma kunombono wokuthi isimo siwudaba oluphuthumayo, ngaphandle kwesaziso avimbele noma alungise ushintsho, umonakalo noma ukuphazamiseka futhi abuyise kuye izindleko zokwenza lokho.

80. Ukuvinjelwa Kokutholakala Kwengqalasizinda Sokuhlinzekwa Kwamanzi

(1) Akekho umuntu oyovimba noma abeke umkhawulo wokungena ngqo kukamasipala kungqalasizinda lapho kuhlinzekwa khona ngamanzi.

(2) Uma umuntu ephula isigatshana sokuqala (1), umasipala angenza lokhu okulandelayo: -

(a) Ngesaziso esibhaliwe adinge ukuthi lowo muntu abuyisele ukufinyelela ngezindleko zakhe esikhathini esibekiwe; noma

(b) Uma kunombono wokuthi isimo siwudaba oluphuthumayo, ngaphandle kwesaziso sangaphambilini abuyisela ukufinyelela futhi athathe izindleko kulowo muntu.

(3) Umasipala engabuyisa lezindleko

- ezigcwele ezihambisana nokubuyiselwa kokufinyelela futhi izindleko ezibandakanya nanoma yiluphi uphenyo lokuhlola, izinhlobo, izinhlelo, imibandela, amashejuli wobuningi, ukugadwa, izindleko zokusingatha, ukusetshenziswa kwamathuluzi, izindleko zokusetshenziswa kwabasebenzi abasetshenziswayo lapho kuphazamiseke noma ekuvuselelweni noma iyiphi ingxenye yomgwaqo noma inhlabathi ethintekile ngokubuyisela ukufinyelela nezindleko zemvelo.

81. Ukuxhuma kabusha okungekho emthethweni

(1) ikhasimende elinqanyulelwe kodwa laxhuma kabusha uhlinzeko noma eliphazamisa ngenhloso noma ngokunganaki ingqalasizinda lapho kunikezwa khona uhlinzeko zamanzi, uzonqanyulelwa, ngemuva kokuba enikezwe isaziso esibhaliwe esifanelekile.

(2) Lelokhasimende liyozobophezeleka ngokukhokhela noma yimiphi imisebenzi okungenzeka ukuthi wayisebenzisa ngokwephula lemithetho kamasipala.

(3) Ukusetshenziswa kuzolinganiswa ngokuthathela kokusetshenziswa okumaphakathi kwezinkonzo endaweni ethize lapho ukuxhumana kabusha okungekho emthethweni kwenziwe khona.

82. Ukusingathwa Kwamanzi

(1) Alikho ikhasimende elizovumela: -

(a) ukukhishwa kwamanzi okungenanjongo noma okucekela phansi okugcina ukufakwa kwamanzi;

(b) Amapayipi noma ukufakwa kwamanzi kuvuze;

- (c) Ukusetshenziswa kwesilinganisi samanzi esingalungiziwe noma esingalungile; noma
- (d) Ukuchichima kwamanzi kuphikelela.

(2) Umnikazi noma umhlali uzolungisa noma abuyisele ukufakwa kwamanzi nokukhucululwa kwendle, okusesimweni esibi esigandala noma sibange isehlakalo esibalwe esigatshana sokuqala (1).

(3) Uma umnikazi kanye noma umhlali ehluleka ukuthatha izinyathelo njengoba kuhlangezwe esigatshaneni sesibili (2), umasipala, ngesaziso esibhaliwe, uzodinga ukuthi umnikazi ahambisane nezinhlizeko zesigatshana sokuqala (1).

(4) umasipala, ngesaziso esibhaliwe, angavimbela umthengi ukusebenzisa uhlinzeka uma into kumapayipi endle efakiwe ibangela ukungasebenzi kahle.

83. Ukukhishwa okungagunyaziwe futhi okungekho emthethweni

(1) Akekho umuntu ongakhipha noma abangele noma avumele noma yikuphi ukuthuthwa kwendle endaweni edonsa amanzi esiphepho, emfuleni, emfudlaneni noma komunye umzila wamanzi, uma kungaba owemvelo noma owenziwe.

(2) Umnikazi noma umhlali wanoma iyiphi indawo lapho kugcinwa khona umusi noma yiluphi uketshezi ngaphandle kwamanzi aphahekayo, acutshunguliwe noma akhiqizwe uyohlinzeka zonke izakhiwo ezidingekayo ukuvimbela noma yikuphi ukulahla noma ukuvuza kwalolo ketshezi kunoma yimuphi umgwaqo, ipayipi lamanzi esiphepho noma umzila wamanzi, kungaba owemvelo noma owenziwe, ngaphandle kwalapho, esimweni somusi, umasipala uvumele lokho kukhishwa.

- (3) Lapho ukufakwa kwepayipi noma ukugeleza kwamanzi emvula endaweni evulekile kunoma iyiphi indawo, ngokombono kamasipala angafuna umnikazi wendawo ukuba athathe izinyathelo ezifanele zokuvimbela noma ukunciphisa ukungcoliswa.
- (4) Akekho umuntu ongakhipha noma abangele noma avumele ukukhishwa :-
- (a) Noma iyiphi into, kubandakanya amanzi esiphepho, ngaphandle kwendle, ikhishelwe endaweni yokuhambisa amanzi;
 - (b) Kwamanzi avela kunoma yiliphi ichibi lokubhukuda ngqo noma ngokungaqondile kunoma yimuphi umgwaqo noma emseleni, ipayipi lamanzi esiphepho, umsele wamanzi, indawo evulekile noma indawo yomuntu ngaphandle kwendawo yomnikazi waleyo ndawo yokubhukuda;
 - (c) Amanzi avela emithonjeni yokufakelwa, amadamu noma amachibi okubhukuda atholakala emagcekeni angena ekufakeni kwamapayipi, ngaphandle kwemvume kamasipala futhi kukhokhwe izindleko ezikhokhiswayo kanye nemibandela umasipala angayibeka.
 - (d) Uma istamkoko, amanzi angcolile ezimboni noma olunye uketshezi noma okuthile kofanele kuqikelwelwe ukuthu akunakho loku okuchaziwe kusigaba (i) kuya (xi).
- (5) kunqwabelana kwegrasi, uwoyela, amafutha noma okuhlonzile yimi enye ezophazamisa.
- (6) Umasipala ngeizinyathelo angazithathwa ngokwalemithetho kamasipala, angabuyisa kumuntu zonke izindleko ezenze kwakhishwa izinto kumapayipi kufaka phakathi izindleko ezibangelwa:-
- (a) Ukulimala kwabantu, ukonakala kohlelo lokuthuthwa kwendle; noma
 - (b) Ukushushiswa ngokoMthetho Kazwelonke Wamanzi, 1998 (uMthetho Nombolo 36 ka-1998).

84. Ukuxhuma kabusha ngokungemthetho

Ikhasimende elivinjelwe ukufinyelela emanzini ohlinzekiwe, noma anqanyulelwe bese lixhuma izinsiza zamanzi ngenhloso yokusizakala noma ngubani owenza ngenhloso, aphazamise ngobudedengu, ingqalasizinda lapho kuhlinzekwa khona ngemisebenzi zokuhlinzekwa kwamanzi, uyonqanyulelwa ngesaziso esibhaliwe.

85. Amapayipi Asemigwaqweni Noma Ezindaweni Zomphakathi

Akekho umuntu okuzothi ngenhloso yokudlulisa amanzi noma indle ngaphandle phandle kwemvume ebhalwe ngaphambilini ngumasipala etholakala kunoma kuno imuphi umthombo, abeke noma akhe ipayipi noma into ehambisana nayo:

- ngaphakathi noma ngaphansi komgwaqo,
- indawo yomphakathi noma
- omunye umhlaba ophethwe
- noma ongaphansi kwanoma yimuphi umasipala,

86. Ukusetshenziswa Kwamanzi Okuvela Emithonjeni Ngaphandle Konhlelo Lokuphakelwa Kwamanzi

(1) Akekho umuntu oyosebenzisa noma avumele ukusetshenziswa kwamanzi atholwe komunye umthombo ngaphandle kohlelo lokuphakelwa kwamanzi:

- ngaphandle kwamathangi amanzi emvula angaxhunywanga ekufakweni kwamanzi,
- ngaphandle kokuthola imvume yangaphambilini kanjiniyela, nangokuhambisana nemibandela yezohwebo noma yezimboni.

(2) Kodigeka ubufakazi obenelisayo bokuthi amanzi okukhulunywe ngawo esigatshaneni sokuqala (1) ahambisana nezidingo ze-SANS 241: Amanzi okuphuza, noma ukuthi ukusetshenziswa kwamanzi akubanga nobungozi empilweni.

(3) imvume ingahoxiswa ngunjiniyela uma

(a) kuphulwe imibandela ekwisigaba (1) ; noma

(b) Izingaqophelo lamanzi alisahambisani nezidingo okukhulunywe ngazo esigatshaneni sesibili (2).

(4) Unjiniyela angathatha amasampula amanzi atholiwe emthonjeni, awahlolele

(5) imali enqunyiwe yokuthatha nokuhlola amasampula kuzokhokhwa ngumuntu onikezwe imvume ngokwesigatshana sokuqala (1).

(6) Uma amanzi

- atholwe epitsini
- noma komunye umthombo wamanzi
- kunoma iyiphi indawo esetshenziselwe ngenjongo yokukhiphela lawo manzi
- oma ingxenye yawo ohlelweni lokuthuthwa kwendle lukamasipala

umasipala angafaka imitha epayipini eliqhamuka kuleyopitsi ukuze ufike endaweni lapho esetshenziswa khona.

87. Ukusetshenziswa kohlinzeko Zokukhucululwa Kwendle Ezisendaweni Okungaxhunyiwe Uhlelo Lokuthuthwa Kwendle

(1) Umuntu kofanele athole imvume

- kanjiniyela ngaphambilini, nangokuhambisana nemibandela ebekiwe, ngokusebenzisa ukhlinzeko lokukhucululwa kwendle;
- kofanele anike unjiniyela ubufakazi obugculisayo ukuthi indawo yokukhucululwa kwendle ayinamthelela omubi empilwenii noma kwimvelo.

(2) imvume enikezwe ingahoxiswa uma, ngokombono kanjiniyela: -

(a) Umbandela obekwe ngokwesigatshana sokuqala (1) wephuliwe; noma

(b) Indawo yokukhucululwa kwendle inomthelela omubi kwezempilo noma kwimvelo.

- (3) Unjiniyela angenza uphenyo, leyondawo inomthelela omubi kwezempilo noma kwimvelo.
- (4) Umuntu onikezwe imvume uyobhekana nezindleko ezihambisana nophenyo olwenziwe olukhombisa ukuthi indawo yokukhucululwa kwendle inomthelela omubi kwezempilo noma kwimvelo.

ISAHLUKO 9: IZAZISO

88. Amandla Okunikeza Izaziso Nokuhambisana Nazo

- (1) Umasipala ngesaziso esibhaliwe angayalela umnikazi, ikhasimende noma omunye umuntu ohlulekayo:
- ngokwenza noma ngokungenzi,
 - ukuhambisana nezinhlinzeko zalemithetho kamasipala,
 - noma ukufeza noma yimuphi umbandela kamasipala,
 - ukulungisa ukwehluleka kwakhe maphakathi nesikhathi esibikiwe esazisweni esyizinsuu eziwu (18)
- (2) Uma umuntu ehluleka ukuhambisana nesaziso esibhaliwe ngenhla ku sigatshana (1) , umasipala angathatha izinyathelo okuzo kufaka phakathi lokhu okulandelayo: -
- (a) Ukwenza umsebenzi onesidingo ngokwakhe kanye nokubuyisa izindleko zaleso senzo noma umsebenzi kulowo mnikazi, ikhasimende noma omunye umuntu;
- (b) Ukwenza umkhawulo noma ukumisa ukunikezwa kwezinsizakalo; futhi
- (c) Ukufaka izinyathelo zomthetho.
- (3) Isaziso ngokwesigatshana sokuqala (1) kufanele siqukethe lokho okubhalwe ku (a) kuya ku (e).

(4) Uma kuba nesimo esiphuthumayo umasipala, ngaphandle kokunikeza isaziso kunesikhathi umasipala angenza umsebenzi odingwa yisigatshana sika (3) (e) (i) futhi afune izindleko kumuntu,

(5) Izindleko ezitholwa ngumasipala yizindleko ezigcwele ezihambisana nalowo msebenzi futhi zifaka:-

- noma yiluphi uphenyo lokuhlola,
- izinhlobo,
- amapulani,
- izimfuno,
- amashejuli wobuningi,
- ukugadwa,
- izindleko zokusingatha,
- ukusetshenziswa kwamathuluzi,
- izindleko zokusebenzisa abasebenzi,