UYILO OLULUNGISELELWE UKUTHATYATHWA KWENXAXHEBA LULUNTU

UMTHETHO KAMASIPALA OPHATHELELE KWIZAKHIWO/UMHLABA

INTSHAYELELO

NJENGOKUBA uMasipala weSixeko saseKapa egunyazisiwe ngegunya elisemthethweni ngokwemiqathango yoMgaqo-siseko weRiphabliki yoMzantsi Afrika,we-1996;

YAYE NJENGOKUBA uMasipala: uMthetho woLawulo lweMali kaMasipala, wama-2003 (uMthetho wama-56 wama-2003) kunye noMasipala: uMthetho woLawulo lweMali kaMasipala, wama-2003 uMthetho woKhutshelo lweMpahla kaMasipala usebenza kukhutshelo nokuthengiswa kwezakhiwo / umhlaba othile eziselungelweni loomasipala nokunikezelwa ngoomasipala kwamalungelo okusebenzisa, ukulawula izakhiwo / umhlaba othile;

YAYE NJENGOKUBA iSixeko saseKapa sifuna ukuqwalasela imiba ethile eyongezelelweyo ngokubhekiselele kwizakhiwo/umhlaba kumthetho kaMasipala;

Nokokuba ngoko umiselwe siSixeko saseKapa ngolu hlobo:

ISALATHISO

1. IINKCAZELO
2. UKUFUNYANWA KWESAKHIWO / KOMHLABA KUNYE NAMALUNGELO KWIZAKHIWO / KUMHLABA
3. UBUNINI BEENDAWO ZIKAWONKE-WONKE NEZITALATO ZIKAWONKE-WONKE
4. UKUVALWA KWEENDAWO ZIKAWONKE-WONKE NEZITALATO ZIKAWONKE-WONKE
5. AMABANGO AMISELWEYO
6. UMHLA WOKUQALISA
7. UKURHOXISA

1. **IINKCAZELO** – Kulo mthetho kamasipala, ngaphandle kokuba akuhanjelwana nobume -

“ukuvala” ngokubhekiselele kwisitalato sikawonke-wonke okanye indawo kawonke-wonke kuthetha ukuvalela zonke iinjongo okanye kwiinqwelo okanye kubantu abahamba ngeenyawo kuphela;

“umasipala” uthetha umasipala weSixeko saseKapa;

“ingingqi kamasipala” ithetha ingingqi ephantsi kwegunya nolawulo lukamasipala;

“indawo kawonke-wonke” ithetha nawuphi na umhlaba okanye isahlulo ngoko esiboniswe kwisicwangciso esamkelweyo, kumzobo okanye imaphu njengendawo kawonke-wonke apho ubunini obunjalo busezandleni zikamasipala;

“isitalato sikawonke-wonke” sithetha

(a) nasiphi na isitalato esithe nangaliphi na ixesha -

(i) sasetyenziswa ngaphandle kokuphazanyiswa luluntu ngesithuba esimalunga namashumi amathathu eminyaka;

(ii) sabhengezwa okanye sasetyenziswa ngokunjalo ngumasipala okanye nawuphi na ugunyaziwe ofanelekileyo;

(iii) Sakhiwa ngumasipala; okanye
(iv) Sakhiwa ngumntu ongomnye ngaphandle komasipala yaye siphantsi kwamagunya kamasipala;

(b) nawuphi na umhlaba, onazo okanye ongenazo izakhiwo kuso, oboniswe njengesitalato:-

(i) nakusiphi na isicwangciso secandelo okanye umzobo owamkelweyo ngumasipala okanye omnye ugunyaziwe ofanelekileyo ze kusetyenzwe kuso; okanye
(ii) nasiphi na isicwangciso okanye umzobo njengoko uchaziwe kwicandelo le-15 loMthetho woCando loMhlaba, we-1997 (uMthetho wesi-8 we-1997), obhaliswe okanye ofayilishiweyo kwiofisi yoMgcini-ncwadi weNcwadi yesiGqibo okanye iofisi yoNocanda Jikelele.

Ngaphandle kokuba umhlaba onjalo ukwisicwangciso esinjalo okanye kumzobo uchazwe njengesitalato sangasese.

2. **UKUFUNYANWA KWESAKHIWO/UMHLABA KUNYE NAMALUNGELO ESAKHIWO/OMHLABA**

(1) UMasipala unakho ukufumana isakhiwo/umhlaba kunye/okanye namalungelo esakhiwo/umhlaba ngaphakathi okanye ngaphandle kwengingqi kamasipala waso ngendlela yentengiso, ukuhluthwa, ummiselo wokuthand' ukwazi, umnikelo, isipho, ingqeshiso okanye nangayiphi na indlela.

(2) Umasipala unakho ukuhlutha isakhiwo/umhlaba kunye/okanye unakho ukuthatha ilungelo lokusebenzisa isakhiwo/umhlaba okwethutyana ngaphandle kokuba amagunya anjalo aya kusetyenziswa kuphela ngokusetyenziswa *kwamalungelo okwenza iinguqu ezifunekayo* ngokuhambelana nezibonelelo zoMthetho wokuHlutha, we-1975 (uMthetho wama-63 we-1975), okanye nawuphi na omnye umthetho ofanelekileyo, ngaphandle kokuba uhlutho olo lunjalo luya kuba ngeenjongo zoluntu okanye lusemdleni woluntu yaye kuxhonyekekwe kwintlawulo yembuyekezo.

3. UBUNINI BEENDAWO ZIKAWONKE-WONKE NEZITALATO ZIKAWONKE-WONKE

Ubunini bezakhiwo/umhlaba apho uluntu lwengingqi kamasipala lunakho okanye lunganakho ukufumana ilungelo elifanayo ze zonke iindawo zikawonke-wonke kunye nezitalato zikawonke-wonke, kunye nomhlaba obandakanywe kwiindawo ezinjalo kunye nezitalato ube phantsi kwegunya likamasipala.

4. **UKUVALWA KWEENDAWO ZIKAWONKE-WONKE KUNYE NEZITALATO ZIKAWONKE-WONKE**

(1) Umasipala unakho ukuvala iindawo zikawonke-wonke kunye nezitalato zikawonke-wonke okanye nasiphi na isahlulo sezo ndawo ezinjalo okanye izitalato kuphela emva kokuba:-

(a) epapashe iinjongo zakhe zokwenza njalo; yaye

(b) enike ingqwalasela kunye nokuchithwa kwayo nayiphi na inkcaso engenisiweyo, ukuba ikho, ngokuhambelana kunye nopapasho olunjalo ze kubhalwe phantsi izizathu zalo ngoko.

(2) Nangona izibonelelo zomhlathi (a), umasipala unakho ukuyivala okwethutyana indawo kawonke-wonke okanye isitalato sikawonke-wonke.

5. **AMABANGO OMMISELO**

Nangona nawuphi na umthetho ophilisayo, isakhiwo/umhlaba oselungelweni likamasipala awusayi kuba nokufunyanwa nanguwuphi na umntu ngommiselo.

6. **UMHLA WOKUQALISA**

Lo mthetho kamasipala uya kuqala ngomhla wopapasho.

7. UKURHOXISA

Lo mthetho kamasipala, ukususela kumhla wokuqaliswa, urhoxise uMthetho kaMasipala oNxulumene noLawulo lweSixeko saseKapa ophathelene neSakhiwo / umhlaba opapashwe kwiGazethi yePhondo 5988 womhla wama-28 kuFebruwari wama-2003.