



UMASIPALA UMSUNDUZI

**IMITHETHO KAMASIPALA
YOKULAWULWA KANYE
NOKUQOQWA KWEZIKWELETU**

UMASIPALA WENDAWO UMSUNDUZI

IMITHETHO KAMASIPALA YOKULAWULWA KANYE NOKUQOQWA KWEZIKWELETU

UMasipala uMsunduzi usebenza ngokwesigaba sama- 98 soMthetho weziNhlelo zikaMasipala kuHulumeni weNdawo, wezi-2000 (uMthetho uNo. 32 wezi-2000), sifundwa kanye nesigaba se- 13 soMthetho okukhulunywa ngawo, lapha ushicilela iMithetho kaMasipala elandelayo, njengalokhu ihlanganiswe nguMasipala, okuyiMithetho ezoqala ukusebenza ngosuku ezoshicilelwa ngalo.

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1. IZINCAZELO ZAMAGAMA

Kule Mithetho kaMasipala ngaphandle uma ingqikithi ichaza okunye, amagama noma izisho zinezincazelo ezilandelayo:

- 1.1 **“Isikhulu Esinesibopho Sokubika”** kusho iMenenja kaMasipala eqashwe ngokweSigaba 82(1)(a) noma (b) soMthetho Wezinhlaka zikaMasipala, wonyaka we-1998 (uMthetho uNo.117 wezi-1998); kaMasipala uMsunduzi.
- 1.2. **“Umnikazi we-Akhawunti”** kubandakanya ikhasimende/umsebenzisi futhi kushiwo nanoma ngubani ohlala esakhiweni uMkhandlu ovumile ukusihlinzeka kumbe empeleni osihlinzekayo ngezinsiza, kumbe uma ngabe engekho umuntu ohlala kusona isakhiwo, umnikazi wesakhiwo futhi lokhu kubandakanya noma ngubani okweleta umasipala.
- 1.3. **“Isilinganiso Sokusetshenzisiwe Ngempela”** kusho isilinganiso sokusetshenziswe yikhasimende/ ngumsebenzisi wezinsiza zikamasipala ngesikhathi esithile esinqunyiwe.
- 1.4. **“Isaziso Esihanjisiwe”** kusho isaziso lapho ikhasimende lixhumana neSikhulu Esiphezulu Sezezimali ngokusebenzisa i-imeyili, ifeksi noma ucingo lazisa iSikhulu Esiphezulu Sezezimali ukuthi kungani lingakwazi ukuhlinzeka ngokufundiwe kumamitha ezinsukwini ezilishumi (10) zokusebenza kungakashayi usuku lwesikhombisa (7) enyangeni kulandela le nyanga obekuhlinzekwa ngayo izinsiza ekhasimendeni, ngaphandle uma kungukuthi iSikhulu Esiphezulu Sezezimali, ngenchwadi ebhalwe yikhasimende ebeka amazwi aseka ukuthi kungani kumele akhulule ikhasimende ekuhlulekeni kwalo ukuhambisa isaziso lapho ikhasimende lilethe khona ubufakazi bezimo ezingale kokwenza ezivimbele lona ikhasimende ukuba lingalethi lesa saziso kusenesikhathi eSikhulwini Esiphezulu Sezezimali.
- 1.5. **“Isivumelwano”** kusho isivumelwano esisemthethweni esibhalwe phansi esiphakathi koMkhandlu kanye nokweletayo lapho kuvunyelwana ngendlela okuzokhokhelwana ngayo.
- 1.6. **“Imali Esilele Emuva”** kusho nanoma iyiphi imali okumele ikhokhwe, ekweletwayo futhi okumele ikhokhwe yikhasimende maqondana nesikweletu sikamasipala esingakhokhwanga ngesikhathi.
- 1.7. **“Isilinganiso Sokusetshenziswa Kwensiza Okuvamile”** kusho isilinganiso sokusetshenziswa kwensiza okucatshangelwayo ukuthi kusetshenziswe yikhasimende mayelana nensiza kamasipala ngesikhathi esithile esinqunyiwe, lokhu kusetshenziswa kubalwa ngokuba kuhlanganiswe okubhalwe phansi okuvame ukusetshenziswa ngenyanga kanye nalokho okusetshenzisiwe ngempela njengamanje bese isamba sihlukani noma ngo-2.

- 1.8. **“Isiqinisekiso Sebhange”** kusho isibophezelo sesikhungo esirejistile sezezimali lapho siqinisekisa ukuthi liyokhokha isamba semali engubukhulu obubaluliwe uma kwenzeka ukuthilowo okweletayo (ikhasimende) ehluleka ukukhokha.
- 1.9. **“Inani Lemali Ebalwe”** kusho inani lemali ebalwe yiSikhulu Esiphezulu Sezezimali, ngokuxhumana neminyango efanele eyenza umsebenzi, okumele ikhasimende liyikhokhele uMkhandlu maqondana nokunikezelwa kwezinsiza ezifanele zikamasipala nganoma yisiphi isikhathi lapho ubungako bokunikezelwa bungeke bunqunywe ngenxa yezizathu ezungaphezu kolawulo lweSikhulu Esiphezulu Sezezimali. Lokhu kuvama ukuncika ezibalweni ezivamile zalokho okusetshenzisiwe, uma zikhona, ngokwezinsiza ezihlinzekelwe ikhasimende **noma**, uma lungekho lolo lwazi oluqoqiwe olumayelana nezibalo ezivamile zalokho okusetshenzisiwe esakhiweni esisodwa noma ngaphezulu ezifanayo futhi eziwuhlobo olulodwa endaweni lapho ikhasimende lihlala khona kumbe lapho liqhubela khona ibhizinisi.
- 1.10. **“iSikhulu Esiphezulu Sezezimali”** kusho umuntu oqokwe ngokweSigaba sama- 80 (2)(a) soMthetho Wokuphathwa Kwezimali zikaMasipala, wezi - 2003 (uMthetho uNo.56 wezi-2003) kumbe nanoma yimuphi umuntu ogunyazwe ngokufaneleyo ukuba asebenze ngenxa yalowo muntu.
- 1.11. **“Isikweletu esihlanganisiwe”** kusho isikweletu esihlanganisiwe saba sinye sazo zonke izinsiza zikamasipala, irenti yokuqashwa kwendawo yokuhlala kanye nezitolimende, intela kamasipala, kanye nezindlekongqangi ezikhokhwayo, futhi “i-akhawunti esihlanganisiwe” inencazelo efanayo.
- 1.12. **“i-C D U”** kusho uphiko olukhulu olusabalalisa ugesi osuka esikhungweni esikhulu uye kumnikazi we-akhawunti.
- 1.13. **“Isilinganiso Sokusetshenziswa”** kusho ukusetshenziswa kwezinsiza ezijwayelekile zikamasipala, kubandakanya amanzi, ukuthuthwa kwendle, ukuqoqwa kwemfucuzo, kanye nogesi kuyona yonke imikhakha yabasebenzisi.
- 1.14. **“Inqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu”** kuzobe kusho inqubomgomo egunyazwe nguMasipala ngokuhambisana nezinhlinzeko zeSigaba 96 soMthetho wama- 32 wonyaka wezi - 2000 Wezinhlelo zikaHulumeni kuMasipala Wendawo.
- 1.15. **“Amamitha kagesi kanye nawamanzi”** kusho amamitha kagesi kanye/ noma amanzi, (kubandakanya amamitha akhokhelwa ngaphambi kokuba asetshenziswe), asetshenziselwa ukunquma ngogesi kanye namanzi ahlinzekiwe futhi avamise ukufundwa njalo ngenyanga noma ngezinye izikhathi.
- 1.16. **“IMithetho kaMasipala Emaqondana Nokuhlinzekwa Ngogesi”** kusho iMithetho kaMasipala Emaqondana Nokuhlinzekwa Ngogesi

ezomenyenzelwa ngowezi-2014, ngaphandle kokuthi lapho le mithetho kamasipala ingakamenyenzelwa ngesikhathi sokumenyenzelwa kwale mithetho kamasipala, iMithetho kaMasipala Emaqondana Nokuhlinzekwa Ngogesi ebele ikhona ngesikhathi kumenyenzelwa le mithetho kamasipala.

- 1.17. **“Umkhandlu”** kusho uMasipala uMsunduzi kanye nabawulandelayo emthethweni futhi ubandakanya uMkhandlu kaMasipala kumbe nanoma yiluphi uhlaka olubambile ngokwegunya lanoma yimaphi amandla eligunyazwe ngawo ngokwemithetho eshayiwe, kanjalo nanoma yimuphi umsebenzi ogunyazwe nguMkhandlu nganoma yimaphi amandla kanye nemisebenzi emaqondana nale mithetho kamasipala.
- 1.18. **“Ikhansela”** kusho nanoma yiliphi ilungu loMkhandlu kaMasipala.
- 1.19. **“Idiphozithi”** kusho isamba semali esincanyana esinqunywe yiSikhulu Esiphezulu Sezezimali futhi esizokhokhwa yikhasimende kuMasipala ngaphambi kokusebenzisa isakhiwo kumbe ngaphambi kosuku okudingeka ngalo izinsiza esakhiweni.
- 1.20. **“Usuku Lokugcina”** uma singekho isivumelwano esishoyo esimaqondana nalokho esiphakathi koMkhandlu kanye nekhasimende, kusho usuku olunqunywe kwi-akhawunti futhi olunqunywa izikhathi ngezikhathi ukuthi lungusuku lokugcina okumele kukhokhwe ngalo isikweletu.
- 1.21. **“Isexwayiso Sokugcina”** kusho isaziso esithunyelwa kumnikazi wesikweletu ecelwa ukuba akhokhe sonke isikweletu sikamasipala esingakhokhiwe ngosuku okufanele sikhokhwe ngaso kanye nalapho kuzothathwa khona izinyathelo zomthetho emva ngokubheka isikhathi esinqunywe esazisweni.
- 1.22. **“Isilinganiso Sokusetshenziswe Esilinganiselwe”** kwenzeka uma kungaba khona ukufundwa kwemitha futhi kufana nesilinganiso sokusetshenzisiwe okuvamile inqobo nje uma lokho kwenziwa ngokuhambisana nezihlinzeko zemithetho kamasipala yokuhlinzekwa ngamanzi nangogesi.
- 1.23. **“Unyaka wezimali”** kusho isikhathi esiqala mhla lu-1 kuNtulikazi onyakeni kuya kumhla zingama-30 kuNhlanguvana wonyaka olandelayo.
- 1.24. **“Inzalo”** imali engenayo esikweletini esisilele emumva, futhi ibalwa YiSikhulu Esiphezulu Sezezimali ngokuhambisana nemithetho eqondene eshayiwe.
- 1.25. **”i-MCB”** kuchaza Isigubhu Esincane Sikagesi.
- 1.26. **“Ukucwaningwa kwamamitha”** kusho ukuqinisekisa okwenziwa ngumasipala okumayelana nobuqiniso bokusetshenziswa kanye nokuhlinzekwa kukagesi kanye namanzi.

- 1.27 **“UMasipala”** kuyosho uMasipala uMsunduzi osungulwe ngokwezihlinzeko zeSigaba 12 soMthetho Wezinhlaka zikaMasipala kuHulumeni Wendawo uNo.117 wezi-1998.
- 1.28 **“IMenenja kaMasipala”** kuyosho iSikhulu Esinesibopho Sokubika.
- 1.29 **“Amahhovisi kaMasipala”** kuyosho amahhovisi kamasipala asendaweni elawulwa nguMasipala.
- 1.30 **“Imisebenzi kaMasipala”** kusho imisebenzi kamasipala njengoba kuchaziwe esigabeni 1 soMthetho Wezinhlelo zikaMasipala kuHulumeni Wendawo uNo.32 wezi-2000.
- 1.31 **“Umsebenzi Omusha Wokuxhunywa Kwezintambo”** kusho ukuxhunywa kwezintambo esakhiweni ezimaqondana nezidingo umasipala angakaze azihlinzeke ngaphambilini.
- 1.32 **“Umsebenzi”**, maqondana noMasipala uMsunduzi, kanye nangenhloso yale mithetho kamasipala, kusho,
- a) Umsebenzi kaMasipala uMsunduzi;
 - b) Umuntu ongeniswe kuMasipala uMsunduzi ukuba asebenze njengomsebenzi kaMasipala noma
 - c) Umuntu osenkontilekeni noMasipala waseMsunduzi ukuba asebenze njengomsebenzi kaMasipala uMsunduzi.
- 1.33 **“Umhlali”** maqondana nesakhiwo, kusho umuntu okunguyena ohlala esakhiweni, noma ngabe lowo muntu unelungelo noma cha lokuhlala esakhiweni.
- 1.34 **“Umnikazi”** kusho;
- a) Maqondana nesakhiwo okukhulunywe ngaso endimeni (a) yencazelo “isakhiwo”, kusho umuntu okubhalwe ngaye ubunikazi besakhiwo;
 - b) Maqondana nelungelo okukhulunywe ngalo endimeni (b) yencazelo “isakhiwo”, kusho umuntu okubhalwe igama lakhe lelungelo;
 - c) Maqondana nomuntu onelungelo lokuhlala emhlabeni okukhulunywe ngawo endimeni (c) yencazelo “isakhiwo”, kusho umuntu okubhalwe igama lakhe lelungelo kumbe okunguyena owanikezwa lona ngokomthetho oshayiwe kumbe;
 - d) Maqondana nengqalasizinda yemisebenzi kahulumeni okukhulunywe ngawo endimeni (d) yencazelo “isakhiwo” kusho uhloko lukahulumeni olungumnikazi noma olulawulayo ukuthi ingqalasizinda yemisebenzi kahulumeni njengoba icatshangiwe encazelweni “Ulawulo Oluvulelekile”), ngaphandle uma lowo muntu ochazwe ngezansi

nokwezinhloso zalo Mthetho ezothathwa ngumasipala njengomnikazi wesakhiwo ezimweni ezilandelayo:

- (i) Umphatheli obekiweyo (i-trustee) odabeni lwesakhiwo esikwi-trust engabandakanyi umhlaba kahulumeni ongaphansi kwe-trust;
- (ii) Umabi wefa noma umlawuli, odabeni lwesakhiwo esisefeni lomuntu osewashona;
- (iii) Umphatheli obekiweyo noma umuntu olawula izikweletu zomuntu, odabeni lwesakhiwo esingakhokheliwe kumbe ukukhokhwa ngoba umnini esehlulekile ukukhokhela isakhiwo;
- (iv) I-menenja yasemajajini, odabeni lwesakhiwo esisefeni lomuntu elingaphansi kolawulo lwemenenja yasemajajini;
- (v) Umphathi, odabeni lwesakhiwo esisefeni lomuntu esilawulwa ngumphathi;
- (vi) Umuntu onelungelo lokusebenzisa inzalo etholakala efeni noma onegunya lokusebenzisa into yomuntu orejistile, odabeni lwesakhiwo okungasebenziseka kuso inzalo etholakala efeni noma onegunya lokusebenzisa into yomuntu;
- (vii) Umqashi, odabeni lwesakhiwo esirejistwe ngaphansi kwegama likamasipala aphinde aqashise ngaso, kumbe
- (viii) Umthengi, odabeni lwesakhiwo esadayiswa ngumasipala waphinde kwathi ubunikazi banikwa umthengi bungakarejistelwa ubunikazi ngaphansi kwegama lomthengi;
- (ix) Abahlali abasemthethweni eMhlabeni we-Trust kaHulumeni.

1.35 “Isakhiwo” kusho-

- a) Isakhiwo esingenakususwa esirejistwe ngegama lomuntu, kubandakanya, odabeni lohlelo lwezindlu ezisesiqeshaneni somhlaba ezinabanikazi abehlukahlukene, indlu esesiqeshaneni somhlaba ezinabanikazi abehlukahlukene esirejistwe egameni lomuntu;
- b) Ilungelo okurejistwe ngalo isakhiwo esingenakususwa, kungabandakanya imali ebolekiwe okurejistwe ngalo indlu;
- c) Ilungelo lokurejistela ilungelo lokuhlala endaweni ngegama noma elinikezwe umuntu ngokwemithetho eshayiwe; kumbe
- d) Ingqalasizinda yeZemisebenzi kaHulumeni.

1.36 “**Intela kaMasipala**” kusho intela kamasipala ngesakhiwo okukhulunywe ngaso esigabeni 229 (1) (a) soMthethosisekelo.

1.37 “**Isivumelwano Sokuhlinzekwa Ngezinsiza**” kusho isivumelwano esibhalwe phansi sokusetshenziswa kwagesi kumbe amanzi noma ezinye izidingo.

1.38 **“UMnyango Wezemisebenzi Yokweseka“** kusho nanoma yimuphi umnyango okuMasipala uMsunduzi ohlinzeka ngensiza kamasipala.

1.39 **“Umshini oquququkayo olawula ukuphuma kwamanzi”** kushiwo umshini onswinyaa kumbe ovala ukuhlinzekwa kwamanzi ekhasimendeni.

1.40 **“Imali ekhokhwayo uma kuhanjelwe isakhiwo”** kusho imali ekhokhwayo uma kuhanjelwe isakhiwo kanye/ noma uma kuyonqanyulwa/ kuyovulwa ukuhlinzekwa kukagesi/ amanzi lapho ukunqanyulwa/ ukuvulwa kukagesi/kwamanzi kungenxa yokungakhokhi kanye/noma ukuthikamezwa, kumbe lapho kungangeneki lapho kunqanyulwe/kunswinywe khona, leyo mali ekhokhwayo izonqunywa nguMkhandlu izikhathi ngezikhathi.

1.40. **“Imiyalelo Yamaganishi kumbe Imiyalelo Yokukhokha”** kusho umyalelo wenkantolo wokuba kubanjwe isamba semali esithize emholweni lalelo khasimende elinesikweletu.

1.41. **“Isikhungo SikaMasipala Okukhokhwa Kuwo”** kusho amaHhovisi kaMasipala Ekukhokhwa kuwona kanye nabantu abawuhlangothi olunye abanegunya lokuqoqela uMasipala izimali.

1.42. **“IMithetho kaMasipala Emaqondana Nemisebenzi Yezamanzi”** – kusho Imithetho kaMasipala Emaqondana Nemisebenzi Yezamanzi eshicilelwe ngaphansi kwesaziso uNo 58 sangomhla zingama-24 kuNhlangulana wezi-2014.

2. UKUSEBENZA KWALE MITHETHO KAMASIPALA

2.1. Le Mithetho kaMasipala izosebenza kuyona yonke indawo elawulwa nguMasipala uMsunduzi kanye nakubanikazi bama-akhawunti abahlala ngaphandle kwendawo elawulwa nguMasipala uMsunduzi.

3. UKUFAKA ISICELO SOKUHLINZEKWA NGEZINSIZA KANYE NESIVUMELWANO SOKUHLINZEKWA NGEZINSIZA

3.1. Ngumnikazi wesakhiwo kuphela ongangena esivumelwaneni sokuhlinzekwa ngezinsiza, ngaphandle kwalokho iSikhulu Esiphezulu Sezezimali singamukela incwadi esinika igunya ngokomthetho uma kungukuthi umnikazi wesakhiwo akasona isakhamuzi sendawo engaphansi kolawulo lwaMasipala uMsunduzi, ngaphandle uma futhi umthengi wesakhiwo esingenakususwa lapho kungakarejisteki ubunikazi futhi namayelana nokuthi izincwadi ezidingekayo zokudlulisisa isakhiwo okukhulunywa ngaso kumthengi sezidluliselwe eHhovisi Lamatayitela, ngenhloso yalo mthetho kamasipala, angagunyazwa ukuthi afake isicelo sokuhlinzekwa ngezinsiza futhi anikezwe amandla okuphuthula lesi sivumelwano sokuhlinzekwa ngezinsiza.

3.2. Abaqondisi bezinkampani, amalungu e-Close Corporation kanye nabaPhathi Ababekiweyo be-Trust bayosayina izincwadi zabo

zamatayitela kumasipala zokubambisa uma bevuka ama- akhawunti okuhlinzekwa ngezinsiza.

- 3.3. Isivumelwano Sokuhlinzekwa Ngezinsiza esisha kumele kungenwe kuso kuphela maqondana nesakhiwo, uma zonke izimali ezikweletwayo ezimaqondana nesakhiwo sezikhokhwe zonke.
- 3.4. Umnikazi wesakhiwo uzokuba nesibopho sokukhokha yonke intela ekhokhwayo kanye nazo zonke izimali ezikhokhwayo zezinsiza zikamasipala ezifanele esakhiweni ngale kokuthi umnikazi akasiphothulile isivumelwano sokuhlinzekwa ngezinsiza noMasipala uMsunduzi.
- 3.5. UMasipala uzokwenza ukuba kutholakale amafomu okufaka izicelo zokuhlinzekwa ngezinsiza emahhovisi kamasipala futhil lawo mafomu agcwalisiwe kumle alethwe kwaMasipala okungenani kusasele izinsuku eziyi-10 ngaphambi kokuba kuhlalwe esakhiweni, uma ehluleka ukwenze njalo, lowo ofake isicelo angeke ahlinzekelwe ngezinsiza, kanti futhi inqobo nje uma le mithetho kamasipla ingeke yahunyushwa ukuthi isebenza nasekuxhunyenweni kwezinsiza okusha.
- 3.6. UMasipala uzothumela isikweletu sakho sokuqala emva komjkelo wokufundwa kwamamitha wokuqala emva kosuku lokusayindwa kwesivumelwano sokuhlinzekwa kwezinsiza noma-ke ngokushesha okungenzeka
- 3.7. Umhlali osebenzisa izidingo ngokungekho emthethweni ngale kwesivumelwano sokuhlinzekwa ngezinsiza uzobhekana nokuthi kunqanyulwe kanye/ noma kususwe izinsiza lezo futhi angabekwa icala ngokwale Mithetho kaMasipala kumbe nanoma yimiphi eminye imithetho eshayiwe eqondene.
- 3.8. Isivumelwano Sokuhlinzekwa Ngezinsiza sizoba nemibandela okuzohlinzekwa ngaphansi kwayo izidingo futhi sizodinga ukuba abasayinile bavume ukuthobela izihlinzeko lapho zeNqubomgomo kaMasipala Yokulawulwa Kwezikweletu kanye nale Mithetho kaMasipala.
- 3.9. Umnikazi wesakhiwo behlangene nomsebenzisi bayobekwa icala icala mayelana nazo zonke izimali okumele zikhokhwe ezimayelana nezinsiza zikamasipala ezihlinzekiwe esakhiweni ngale kokubheka nanoma yiziphi ezinye izihlinzeko zale Mithetho kaMasipala.

4. **AMADIPHOSITHI KANYE NAMAGARANTI**

- 4.1. Imali eyisibambiso (idiphosithi) iyokhokhwa kuzo zonke izicelo ezintsha zezinsiza zikamasipala ngesikhathi kufakwa isicelo futhi nangaphambi kokuba kunikezelwe nganoma yiziphi izidingo.

4.2. Akukho nzalo ezokwakheka ezozuzisa umfakisicelo kunoma iyiphi imali eyisibambiso.

4.3. UMkhandlu, kuncike ezihlinzekweni zoMthetho Okhuthaza Ukulawulwa Kwezobulungiswa uNo 3 wezi-2000, uyoba namandla okwenyusa idiphozithi ekhokhwa ngumnikazi we- akhawunti encike ekusetshenzisweni kanye nasendleleni akhokha ngayo umnikazi we- akhawunti bese kuthi lapho kuphulwe khona le mithetho kamasipala, kubandakanya kepha kungagcini ekuntshontsheni, ukuthikameza kumbe ukuphazamisa nanoma yiziphi izinsiza.

5. UKUNGENA ESAKHIWENI UKUZE KUFUNDWE AMAMITHA

5.1.1 Uma kwenzeka ukuthi imitha kungafinyeleleki kulo noma lingafundeki, uMasipala uzolinganisela ukuthi insiza isetshenziswe kangakanani bese-ke kuthi emva kwalokho abize isikweletu esiyimali kumnikazi we- akhawunti ngalokho alinganisa ukuthi kusetshenzisiwe. Lokho kulinganisela kuzohambisana nezihlinzeko zeMithetho kaMasipala Omaqondana Nezemisebenzi Yezamanzi kanye neMithetho kaMasipala Emaqondana Nokuhlinzekwa Kukagesi.

5.1.2 Lapho uMkhandlu uhluleka ukungena esakhiweni noma emitheni izikhathi eziyizinyanga ezi-3, iSikhulu Esiphezulu Sezezimali singanqamula ukuhlinzekwa kwaleso sakhiwo ngezinsiza.

5.3. Umsebenzisi angahambisa ubungako bukaGesi kanye naManzi esebenzile emitheni kuMasipala, ngaphansi kwemibandela elandelayo:

5.3.1. UMasipala unikezwe kusenesikhathi ngobungako bukagesi osebenzile uma kwenzeka umsebenzisi eyohlala kwenye indawo;

5.3.2. Uma umsebenzisi enganikezi uMasipala isexwayiso kusenesikhathi ngemali enqunyiwe ngokwe- S 75 (A) sikaHulumeni Wendawo: uMthetho Wezinhlalo zikaMasipala 32 wezi-2000 uzokhokhela izindleko zokuba kufundwe amamitha.

5.3.3 UMasipala kumele enze ucwaningo lwamamitha afundiwe okungenani kanye njalo esikhathini esiyizinyanga eziyisithupha ngaphandle uma kudingeka okunye ukufundwa kwamamitha ngesikhathi sezinyanga eziyisithupha, izindleko zalokho zizokhokhwa ngumsebenzisi;

5.3.4 Lapho umsebenzisi ehluleka ukufundwa amamitha ezikhathini ezimbili noma ngaphezulu zilandelelana, Isikhulu Esibhekelela Ezezimali singachitha lesi sivumelwano ngokuzifundela amamitha kuye ngokuvumelana nale nqubomgomo kanye neMithetho kaMasipala;

5.4. Umnikazi we-akhawunti uzokwazisa umasipala ngokufundwa kokugcina ngaphambi kokuya kwenye indawo futhi uma umnikazi we-akhawunti ehluleka

ukwenze njalo, umnikazi we-akhawunti uzophoqeleka ukuthi akhokhe zonke izindleko azidalekile njengoba kunqunywe Ngoyisikhulu Esibhekelela Ezezimali.

5.5 Umasipala kumele acubungule amabhuku akho konke ukufundwa kwamamitha okulethwe ngumnikazi we- akhawunti okungenani kanye ezinyangeni eziyisithupha

6 AMA-AKHAWUNTI, UKUKHISHWA KWENCWADI ENEMININGWANE YEMALI EKWELETWAYO KANYE NOKUKHOKHWA KWESIKWELETU

6.1 UMkhandlu uzonikeza umnikazi we-akhawunti incwadi eneminingwane yemali ekweletwayo esihlanganisiwe njalo ngenyanga yokukhokhela intela kamasipala kanye nezindleko zokuhlinzekwa kwezinsiza.

6.2 UMasipala uzothumelela ikhasimende incwadi yesikweletu esesihlanganisiwe ekhelini lekhasimende, eNingizimu Afrika, njengoba libalulwe yilona ikhasimende esivumelwaneni sokuhlinzekwa ngezinsiza. Ukungayitholi incwadi yesikweletu angeke kukhulule ikhasimende esibophweni salo sokukhokha imali eliyikweletayo ngosuku elingumqamulajuqu kumbe kuvimbe ukuba kungene inzalo esikweletini kanye nokulandelwa kwenqubo yokuqoqwa kwezikweletu. Lapho incwadi yesikweletu ingatholakalanga, kungumsebenzi womnikazi we-akhawunti ukuba athole ikhophi yamahhala yencwadi yesikweletu yakamuva, ngaphabi kosuku elingumqamulajuqu.

6.3 Umnikazi we-akhawunti uyokwazisa uMasipala ngokumbhalela uma kushintsha ikheli, kubalwa ne-imeyili, kanye neminingwane yokuxhumana.

6.4 Kumele ama-akhawunti akhokhwe ngokuphelele ngosuku lokhokha njengoba kubhaliwe encwadini yesikweletu, ukuhluleka ukuhambisana nalesi sigaba kuzoholela ekuthini kuthathelwe umnikazi we-akhawunti izinyathelo zolawulo lwezikweletu. Inzalo yemali esilele emuva iyokwakheka emva kosuku elingumqamulajuqu uma kungukuthi i- akhawunti ihlale yangakhokhwa.

6.5 Isikhulu Esiphezulu Sezezimali siyonquma indlela kanye nendawo okuzokhokhwa kuyo ama-akhawunti, inqobo nje uma kungukuthi kuyokwamukelwa kuphela amasheke aqinisekiswa yibhange noma ngummeli bese ekhokhwa e-Ground Floor, ku- 333 Church Street, Pietermaritzburg, kanti futhi uma kukhokhwa ngokusebenzisa ezinye izinhloko okukhokhwa kuzo, ngeke amasheke amukelwe.

7 INZALO EZIKWELETINI EZISILELE EMUVA KANYE NEZINYE IZIMALI EZIKHOKHWAYO ZENHLAWULO

7. 1 Inzalo iyofakwa kuzo zonke izimali ezikweletwayo ezisilele emuva zenyanga yonke noma ngabe imali ikhokhwe nini.

7.2 UMasipala uyokuba nelungelo lokwenyusa imali ekhokhwayo elandelayo o phezu kwenzalo ezokhokhwa okuningwe ngayo eMthethweni kaMasipala ku- 7.1:

- 7.2.1 Imali ekhokhelwa ukuqoqa elingana nama- 10% izokwenyuswa emva kwezinsuku ezingamashumu ayisithupha (60) kusukela osukwini lokukhokha isitolimende sokugcina esambeni semali esilele ngemuva.
- 7.2.2 Imali ekhokhwayo yokunqanyulwa kumbe yokuvulwa kukagesi.
- 7.2.3 Imali ekhokhwayo yokunswinywa kumbe yokuvalwa kokuhlinzekwa kwezinsiza zamanzi.
- 7.2.4 Imali ekhokhwayo yokuvulwa noma ukubuyiselwa kokuhlinzekwa ngezinsiza zamanzi.
- 7.2.5 Imali ekhokhwayo yokulethwa kwezaziso zokuthi kukhona okuhambi kahle nezinye izincwadi ezibhaliwe.
- 7.2.6 Izinhlawulo kanye nemali ekhokhelwa ukuthi kuphulwe le Mithetho kaMasipala, iMithetho kaMasipala emayelana neMisebenzi yezaManzi kanye neMithetho kaMasipala emayelana nokuhlinzekwa Ngogesi kubandakanywa kodwa kungacini ekuxhunyenweni kwezinsiza zikamasipala ngokungekho emthethweni kanye nokuzithikameza.
- 7.2.7 Imali ekhokhwayo eyinhlawulo ngokulethwa kwamasheke angekho emthethweni.

8 IZIVUMELWANO KANYE NEZINHLELO ZOKUKHOKHWA KWAMA-AKHAWUNTI ASILELE EMUVA

- 8.1 UMasipala angangena esivumelwaneni nabanikazi bama-akhawunti asilele emuva futhi anikeze abanikazi bama- akhawunti isikhathi esengeziwe sokuba bakhokhele nanoma iyiphi imali okumele bayikhokhe ngokuhambisana neNqubomgomo yawo Yokulawulwa kanye Nokqoqwa Kwezikweletu. Nanoma yikuphi ukwephulwa kwesivumelwano esishiwo ngenhla kuyobhekwana nakho ngokulandela le nqubomgomo eshiwo ngenhla.
- 8.2 Nanoma yiziphi izinhlelo zokukhokha okuvumelane ngazo umnikazi we- akhawunti kanye nomasipala njengoba kuningwe ngenhla angeke ziqale ukusebenza kuze kube umnikazi wesakhiwo uzibophezela kuleso sivumelwano ngokubhala phansi. Ezimweni ezinjalo, umnikazi kumele avume ukuthi umasipala akayekeleli amalungelo awo njengoba kuningwe eSigabeni se- 118 (i) soMthetho weziNhlelo zikaMasipala: kuHulumeni Wendawo (uMthetho u-No32 wezi-2000).
- 8.3 Lapho amakhasimende asebenzisa amamitha kagesi akhokhelwa ngaphambi kokuba asetshenziswe, enemali esilele emuva emayelana nezinye izintela ezikhokhwayo kanye/noma izinsiza ezihlinzekwe ngumasipala, uMkhandlu uyokuba nelungelo lokufaka imali engafinyelela kuma- 40% ubukhulu wemali eyisikeletu esisilele ngemuva kukho konke ukuthengwa kwekhadi likagesi kuze kufike lesi sikhathi lapho isikhokhiwe yonke imali esilele emuva.

9 UKUCAZWA KWEMALI EKHOKHWAYO KANYE NENGXENYE YEMALI EKHOKHWAYO

- 9.1 Lapho umnikazi we- akhawunti ekhokha ingxenye ethile kuphela yemali okufanele ayikhokhe, uMasipala uyocaza leyo mali ekhokhwayo ngendlela okuhlinzekelwe

ngayo kwiNqubomgomo Yokulawulwa Nokuqoqwa Kwezikweletu kaMasipala uMsunduzi.

10 IMIBUZO EMAYELANA NAMA-AKHAWUNTI

10.1 Umnikazi we-akhawunti osafake umbuzo nge-akhawunti akakhululiwe esibophweni sakhe sokuqhubeka akhokhe i-akhawunti yakhe ngokujwayelekile. Lapho umnikazi we- akhawunti enikeza izizathu ezizwakalayo zokubuzisisa maqondana nengxenyane kumbe izingxenyane ezithize encwadini yakhe ye-akhawunti yenyanga kumasipala, azikho izinyathelo azothathelwa zona uma ekhokhile imali efunekayo ngosuku olungumqamulajuqu, inqobo nje uma leyo mali ayikhokhile ilingana nemali evamile yenyanga ezincwadini zesikweletu zakhe ezintathu zakamuva ezingenankinga maqondana nensiza anesikhalo ngayo, kanjalo nayo yonke imali esele kuleyo akhawunti angenasikhalo ngayo. Lapho selwenziwe uphenyo futhi lwaphothulwa, imali okumele ikhokhwe enqunywe iSikhulu Esiphezulu sezezimali kumele ikhokhwe yonke ngokushesha. sha.

11 UKUNQANYULWA/ UKUNSWINYWA KWEZINSIZA

11.1 UMasipala uYonqamula aphinde answinye izinsiza ezihlinzekwa abanikazi bamakhawunti abanemali esilele emuva ngokuhambisana nezihlinzeko zoMthetho W Okukhuthaza Ukulawulwa Kwezobulungiswa, wezi- 2000(uMthetho uNo. 3 wezi-2000) kanye nangokweNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu.

12 UKUVULWA/ UKUBUYISELWA KOKUHLINZEKWA KWEZINSIZA EBEZINQANYULIWE/ EBEZINSWINYIWE

12.1 Izinsiza ebezinqanyuliwe noma ebezinswinyiwe ziyovulwa noma zibuyiselwe esimweni ngumasipal kuphela uma yonke imibandela ebalulwe kwiNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu emaqondana nalokho kuvulwa kanye nokubuyiselwa esimweni sekuhlangatshezwene nayo.

13 ISIKHATHI OKUYOVULWA NGASO KABUSHA NOMA KUBUYISELWE ESIMWENI

13.1 Lapho okungenzeka khona, umasipala uyovula kabusha kumbe abuyisele esimweni ukuhlinzekwa kwezinsiza ebezinqanyuliwe kumbe ebezinswinyiwe zingakapheli isinsuku zokusabenza ezi- 3 (ezintathu) emva kosuku okuvunyelwene ngalo kwahlangatshezwana ngalo nemibandela yeNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu emaqondana nalokho kuvulwa kanye nokubuyiselwa esimweni.

14 INQUBO YOKUQOQWA KWEZIKWELETU

14.1 Lapho izikweletu zisilele emuva, umasipala angathatha nanoma yiziphi izinyathelo zomthetho ezikhona ngenhloso yokukhokhisa lesi sikweletu ngokulandela inqubo ebalule kwiNqubomgomo Yokulawula kanye Nokuqoqwa Kwezikweletu.

15 UKUKHOKHWA KWEMALI YENTELA KAMASIPALA ESILELE EMUVA

- 15.1 Lapho izikweletu zisilele emuva, umasipala angathatha nanoma yiziphi izinyathelo zomthetho ezikhona ngenhloso yokukhokhisa lesi sikweletu ngokulandela inqubo ebalule kwiNqubomgomo Yokulawula kanye Nokuqoqwa Kwezikweletu.

16 UKUTHIKANYEZWA KANYE/ NOMA UKUNTSHONTSHWA KWEZINSIZA

- 16.1 Maqondana nezinsiza zikagesi kanye namanzi, uma kutholakala ukuthi kunokuthikanyezwa okuthilenoma ukuntshontshwa okukhona, kuyonqanyulwa ukuphakelwa kukagesi esakhiweni ngokuba kukhishwe imitha kanye nekhebuli bese kuthi uma kungamanzi, ukuphakelwa kwawo esakhiweni kuyonswinywa futhi/ noma kunqanyulwe kuncike ezihlinzekweni zoMthetho Wokukhuthaza Ukulawulwa Kwezobulungiswa, uMthetho No. 3 wezi-2000.

- 16.2 Amamitha amanzi kanye nawagesi kanye nezimpahla okuxhunywa ngazo kuyizimpahla zikamasipala futhi nanoma ngubani othintekayo ekuthikamezeni, ekubulaleni noma ekuntshontshweni kwazo uyobekwa icala lokwephula umthetho; kanti uma esetholakala ukuthi unecala kuyodingeka akhokhe inhlawulo noma agqunywe ejele ngokuhambisana nezinhlawulo njengoba kuhlinzekiwe eMithethweni kaMasipala Yokuhlinzekwa Kwamanzi Nogesi.

- 16.3 Akekho umuntu oyoxhuma izinsiza zikaMasipala ngaphandle kwemvume kaMasipala, noma-ke athikameze kumbe aphazamise nganoma yiyiphi indlela izinsiza zawo.

- 16.4 Uma kunobufakazi bokuxhunywa ngokungekho emthethweni kumbe kutholakala ukuthi kunokuthikanyezwa okuthile kwensiza, umnikazi kumbe lowo ohlala esakhiweni, okuxhunywe kuso ngokungekho emthethweni kumbe okuthikanyezwe kuso insiza, kuzothathwa ngokuthi nguyena othikameze kumbe oxhume insiza ngokungekho emthethweni ngaphandle uma umnikazi kumbe lowo ohlalayo eletha ubufakazi obukhomba okunye.

- 16.5 Lapho umshini wokunswinya ukuphakelwa kwamanzi noma omunye nje umshini oguquguqukayo olawula ukuphuma kwamanzi uthikanyeziwe, kuyonqanyulwa ukuphakelwa kwamanzi futhi nemitha liyokhishwa.

17 UKUCWANINGWA KWEZINSIZA EZAKHIWENI

- 17.1 UMasipala angacwaninga zonke izinsiza ezakhiweni ngokuhambisana nezihlinzeko zeNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu

18 AMANZI AVUZAYO

- 18.1 Nanoma yikuphi ukugxagxaza kwamanzi kuyobhekwanakho ngokwemithetho kamasipala emaqondana nokuhlinzekwa kwamanzi.

19 UKUPHOQELELWA KWEMINYE IMITHETHO

- 19.1 Le Mithetho kaMasipala angeke ibukele phansi izihlinzeko zanoma yimiphi imithetho eqondene eshayiwe.
- 19.2 Izihlinzeko zale mithetho kamasipala yizona ezisetshenzisa uma kwenzeka kuba nanoma yikuphi ukungqubuzana phakathi kwale mithetho kamasipala kanye neminye imithetho kamasipala.

20 UKUCHITHWA

- 20.1 Yonke iMithetho kaMasipala Yokulawulwa Kanye Nokuqoqwa Kwezikweletu eshicilelwe ngokweSigaba sama- 98 soMthetho weziNhlelo zikaHulumeni weNdawo uNo. 32 wezi-2000, lapha iyachithwa.