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As 'n Nuusblad by die Poskantoor Geregistreer

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Ibhaliswe ePosini njengePhephandaba

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WITZENBERG MUNICIPALITY**House Shop By-law****To control and regulate house shops within the authority's area of jurisdiction****PREAMBLE**

WHEREAS sections 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer, and to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS Part B of Schedule 4 to the Constitution lists Municipal Planning as local government matters to the extent set out in sections 155(6) (a) and (7);

AND WHEREAS the Witzenberg Municipality seeks to manage, control and regulate municipal land use planning and any matters connected therewith;

BE IT ENACTED by the Council of the Witzenberg Municipality, as follows –

SCHEDULE**Classification of sections**

1. Definitions
2. Application of this by-law
3. Classification of house shops
4. Applications for house shops
5. Requirements for a house shop
6. Restrictions
7. Non-liability of the municipality
8. Compliance notices
9. Penalty
10. Application
11. Transitional arrangements
12. Delegation
13. Failure to comply
14. Short title and commencement

1. Definitions

In this by-law, unless the context otherwise indicates:

“approval period” means a maximum of five years in terms of the Witzenberg Land Use Planning By-law, PN 289/2015, after which an extension for the period must be applied for.

“authorised official” means an employee of the Council appointed by the Municipal Manager to exercise the powers of an authorised official in terms of the provisions of this by-law, and includes a law enforcement officer.

“Businesses Act” means the Businesses Act, 1991 (Act 71 of 1991).

“business licence” means a licence or permit issued by a local government in terms of the Business Act, 1991, that allows an individual or company to conduct a business within the municipal jurisdiction.

“Council” means the municipal Council of the municipality.

“house shop” means the operation of a retail business from a dwelling for the convenience of the immediate community by the registered owner of the dwelling, who must occupy the dwelling; provided that the primary use of the dwelling shall remain residential.

“illegal goods” mean –

- (a) goods which may not been lawfully acquired or disposed of;
- (b) goods that are prohibited from sale or distribution under any applicable national, provincial, or municipal law;
- (c) counterfeit goods as defined in the Counterfeit Goods Act, 1997 (Act 37 of 1997)
- (d) goods that are required to be, but have not been, imported or produced in terms of the provisions of the Customs and Excise Act, 1964 (Act 91 of 1964);
- (e) stolen goods; or
- (f) goods that do not meet mandatory safety or quality standards as prescribed by relevant legislation.

“municipality” means the Witzenberg Municipality.

“Municipal Manager” means a person appointed by the Council in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

“national building regulations” mean the National Building Regulations promulgated in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

“occupier” in relation to any premises means –

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein; or
- (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he or she is absent from the Republic of South Africa or his other whereabouts are unknown.

“owner” in respect of immovable property means –

- (a) the person in whom ownership vests;

- (b) in the event of the person in whom the ownership vests being insolvent or deceased, or subject to any legal disqualification, the person under whose control and administration such immovable property vest in his or her capacity as curator, trustee, executor, administrator, judicial manager, liquidator or any other lawful representative;
- (c) in any event where the council is unable to determine the identity of such a person, the person who is entitled to the beneficial use of such immovable property;
- (d) in the event of immovable property in respect of which a lease agreement of 30 years or longer had been concluded, the lessee thereof;
- (e) in respect of –
 - (i) a portion of land demarcated on a sectional title plan and registered in accordance with the Sectional Titles Act, 1986 (Act No 59 of 1986), the developer or the governing body in respect of the joint property;
 - (ii) a portion of land as defined in this Act, the person in whose name that portion is registered in accordance with a title deed, including the lawfully appointed representative of such person;
 - (iii) any person, including but not limited to –
 - (aa) a company registered in accordance with the Companies' Act, 2008 (Act No 71 of 2008), a trust inter vivos, a trust mortis causa, a close corporation registered in accordance with the Close Corporations Act, 1984 (Act No 69 of 1984), and a voluntary association;
 - (bb) any government department;
 - (cc) any council or governing body established in accordance with any legislation in force in the Republic of South Africa; and
 - (dd) any embassy or other foreign entity.

“**public nuisance**” means any act, omission or condition that is offensive to the public, that is detrimental to or dangerous for public health, that materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or that adversely affects the safety of the public.

“**spaza shop**” refers to the definition of house shop, and has the same meaning.

“**zoning scheme**” means a zoning scheme promulgated in terms of the Land Use Planning Ordinance 15 of 1985 or the Integrated Zoning Scheme promulgated in terms of SPLUMA, 2013 (Act 16 of 2013).

“**zoning scheme regulations**” means section 7 and section 8 of the Scheme Regulations in terms of the Land Use Planning Ordinance 15 of 1985 or the Integrated Zoning Scheme promulgated in terms of SPLUMA, 2013 (Act 16 of 2013).

2. Application of this by-law

- (1) This by-law is applicable to the entire area of jurisdiction except for informal settlements of the Witzenberg Municipality.
- (2) The provisions of this by-law do not derogate from the provisions of any other legislation.
- (3) No person may operate a house shop without prior approval by the municipality in terms of this by-law.

3. Classification of house shops

- (1) House shops are classified as follows:
 - (a) a profit-seeking house shop;
 - (b) a house shop with an identified shop area inside an existing dwelling;
 - (c) a house shop where formal advertising takes place;
 - (d) a house shop where goods are purchased and delivered;
 - (e) a house shop where business hours are maintained;

- (f) a house shop where the primary use of the premises is residential and the secondary use is for the purposes of a house shop.

4. Applications for house shops

- (1) Only the owner of the property, and who resides on the property, may apply to operate a house shop.
- (2) An application for a house shop will be done in terms of the Witzenberg Land Use Planning By-law, PN 289/2015 and specifically as a departure.
- (3) The following documents must accompany an application for a house shop:
 - (a) The fully completed application form;
 - (b) A site and floor plan of the business component of the proposed house shop;
 - (c) Proof of the written consent of all surrounding/adjacent owners for a house shop to be operated on the relevant premises;
 - (d) Application fee as per the Council's tariffs;
 - (e) Copy of the applicant's identity document.
- (4) The application will be circulated to the municipal departments and local Councillor for comment.
- (5) Thirty days will be granted for comment.
- (6) The authorised official will consider the application and make a decision within a timeframe not exceeding 3 months as to whether to approve the application or not.
- (7) The applicant and objectors, if applicable, will be notified in writing of the decision of the authorised official.
- (8) Objections will be handled in terms of the Witzenberg Land Use Planning By-law, PN 289/2015.

5. Requirements for a house shop

- (1) House shops must meet the following requirements –
 - (a) The house shop may only be operated from a dwelling that complies with the Scheme Regulations applicable to the specific area and the National Building Regulations;
 - (b) The extent and location of the business component must be indicated on a scaled plan, and shall not exceed 45% of the total floor area of the dwelling-house;
 - (c) The erf from which the house shop is operated must contain a dwelling as a primary residential property;
 - (d) The house shop may not be located within the road reserve;
 - (e) The part of the house utilised as the shop may not be occupied.
- (2) Should any of the aforementioned provisions not be complied with or contravened, the Council reserves the right to withdraw the approval at any time.

6. Restrictions

- (1) Any alterations to the existing dwelling must blend in with the residential character of the area concerned.
- (2) All legislation, regulations and safety measures regarding the operation of the house shop and merchandise therein must be adhered to by the owner.
- (3) The operation of the house shop may not cause a public nuisance.
- (4) No explosive or flammable substances may be kept or sold.
- (5) Consent to operate a house shop is granted to the registered owner of the premises and is not transferable.
- (6) Business hours will be determined by the municipality.
- (7) Should an applicant wish to erect advertising signage –
 - (a) an application must be submitted in advance to the municipality;

- (b) only one unlighted sign or notice, no larger than 2 000 cm² in extent, indicating the name of the owner, business and the nature thereof only, may be displayed;
- (c) the prior written approval of the municipality must be obtained.
- (8) Only the registered owner and his direct dependants, who reside on the property, may operate the house shop.
- (9) Additional service connections will not be allowed.
- (10) The total amount of house shops allowed per street is as follows:
 - Street length shorter than 100 m – 1 shop
 - Street length 100 m to 200 m – 2 shops
 - Street length 200 m to 400 m – 3 shops
 - Street length 400 m and over – 4 shops

7. Business licence

- (1) A house shop/spaza shop owner must apply for a business licence.
- (2) A municipality must issue a business licence if it is properly applied for, unless –
 - (a) the applicant does not comply with the relevant provisions of this by-law;
 - (b) the goods or services provided by the business are illegal; or
 - (c) the house shop does not comply with the requirement relating to town planning or any law that applies to those premises.
- (3) The municipality must be satisfied that the applicant will be in actual and effective control of the business
- (4) A municipality may grant a licence on condition that –
 - (a) the house shop complies with the requirement relating to town planning, or any other law that applies to those premises; and
 - (b) a Certificate of Acceptability is issued by the district in terms of GN R638 of 22 June 2018: Regulations Governing General Hygiene Requirements for Food Premises, the Transport of Food and Related Matters.
- (5) An application form for a business licence can be accessed physically at the municipal offices and on the municipal website.
- (6) An application fee as determined by Council is payable.
- (7) The delegated official is responsible to establish and maintain a database of issued business licences.
- (8) The municipality reserves the right to conduct background checks on applicants, including liaising with law enforcement agencies, to verify the legality of their business activity.
- (9) The applicant, if successful, will be issued with a business licence that must be displayed and be available for inspection.
- (10) A business licence holder may not transfer a business licence to any other person in any manner, except in the event of death of a business licence holder. In case of death, an executor and/or dependant can apply to the municipality in the form of an affidavit to continue with the house shop, and the municipality can at its own discretion approve or not approve the application for transfer.
- (11) A business licence must be renewed annually.

8. Trading hours

House shops/spaza shops should have limited operating/trading hours in order to protect the residential character of the area the house shops/spaza shops are located in. Trading hours shall be limited to between **06:00** and **22:00** daily.

7. Non-liability of the municipality

The municipality shall not be liable for any direct or consequential loss or damage suffered or sustained by the owner of the house shop premises as a result of or arising from the approval of the house shop.

8. Compliance notices

- (1) Whenever an authorised official or law enforcement officer finds that any person contravenes any provision of this by-law or that a situation arises that causes a public nuisance or that could possibly lead to a public nuisance as a result of any person's actions or failure to act, such an official or officer is authorised to issue a compliance notice on such a person.
- (2) Should a notice be served, it must contain the following –
 - (a) The provision of the by-law that is being or will be contravened, should the situation be allowed to continue;
 - (b) The measures to be taken to rectify the situation; and
 - (c) The timeframe for compliance with the notice.

9. Penalties

Whenever a law enforcement officer finds that any person contravenes any requirement or restriction of this by-law, such law enforcement officer may serve a fine on such a person as approved by the Magistrate or notice to appear in court.

10. Application

The provisions of this by-law do not detract from the provisions of any other legislation in terms of which provision is made for the control of house shops and/or spaza shops as stipulated in that legislation.

11. Transitional arrangements

- (1) A person who can prove that the Council has already granted approval for the operation of a house shop at the time of implementation of this by-law may continue to act in accordance with the approval in terms of such by-law, provided that:
 - (a) approval is not transferred from the original applicant to another person;
 - (b) the owner of the house shop provides proof of the Council's approval; and
 - (c) the registered owner will comply with the requirements and restrictions under this by-law within 6 months of the proclamation of this by-law.

12. Delegation

The Municipal Manager may delegate any power or function conferred on the Municipal Manager in terms of the provisions of this by-law in writing to an authorised official of the municipality.

13. Failure to comply

- (1) If a person fails to comply with a compliance notice, the municipality may –
 - (a) lay a criminal charge against the person;
 - (b) apply to the Court for an order restraining that person from continuing the illegal activity, to demolish, remove or alter any building, structure or work illegally erected or constructed without the payment of compensation or to rehabilitate the land concerned;
 - (c) in the case of a temporary departure or consent use, withdraw the approval granted; or
 - (d) in the case of a business licence, withdraw the approval.

14. Short title and commencement

This by-law is called the Witzenberg Municipality House Shop By-law 2026 and shall be in operation on the date of its promulgation in the *Provincial Gazette*.

WITZENBERG MUNISIPALITEIT**Verordening op Huiswinkels****Om huiswinkels binne die owerheid se regsgebied te beheer en te reguleer****AANHEF**

NADEMAAL artikel 156(2) en (5) van die Grondwet bepaal dat 'n munisipaliteit verordeninge kan uitvaardig en administreer vir die doeltreffende administrasie van die aangeleenthede wat hy die reg het om te administreer, en om enige bevoegdheid uit te oefen met betrekking tot 'n aangeleentheid wat redelikerwys nodig is vir, of verband hou met, die doeltreffende verrigting van sy funksies;

EN NADEMAAL Deel B van Bylae 4 tot die Grondwet munisipale beplanning lys as 'n plaaslike regeringsaangeleentheid in die mate in artikel 155(6) (a) en (7) uiteengesit;

EN NADEMAAL die Witzenberg Munisipaliteit poog om munisipale grondgebruikbeplanning en enige aangeleenthede wat daarmee in verband staan te bestuur, beheer en reguleer;

WORD DAAR soos volg deur die Raad van Witzenberg Munisipaliteit BEPAAL –

SKEDULE**Indeling van artikels**

1. Woordomsrywings
2. Toepassing van hierdie verordening
3. Klassifisering van huiswinkels
4. Aansoeke om huiswinkels
5. Vereistes vir 'n huiswinkel
6. Beperkings
7. Nieaanspreeklikheid van die munisipaliteit
8. Voldoeningskennisgewings
9. Strafbepalings
10. Toepassing
11. Oorgangsreëlings
12. Delegering
13. Versuim om te voldoen
14. Kort titel en inwerkingtreding

1. Woordomskrywings

In hierdie verordening, tensy uit die samehang anders blyk, beteken:

“besigheidslisensie” ’n lisensie of permit uitgereik deur ’n plaaslike regering ingevolge die Wet op Besighede, 1991 wat ’n individu of maatskappy toelaat om ’n besigheid binne die munisipale regsgebied te bedryf.

“Besigheidswet” die Wet op Besighede, 1991 (Wet 71 van 1991).

“bewoner” met betrekking tot enige perseel –

- (a) enige persoon wat werklik sodanige perseel bewoon;
- (b) enige persoon wat regmatig daarop geregtig is om sodanige perseel te bewoon;
- (c) in die geval waar sodanige perseel onderverdeel en aan loseerders of verskeie huurders verhuur word, die persoon wat die huurgeld betaalbaar deur sodanige loseerders of huurders ontvang, hetsy vir hul eie rekening of as ’n agent vir enige persoon wat daarop geregtig is of ’n belang daarby het; of
- (d) enige persoon wat sodanige perseel beheer of vir die bestuur daarvan verantwoordelik is, insluitend die agent van enige sodanige persoon wanneer hy of sy van die Republiek van Suid-Afrika afwesig of wanneer sy of haar verblyf onbekend is.

“eienaar” ten opsigte van onroerende eiendom –

- (a) die persoon in wie eienaarskap berus;
- (b) indien die persoon in wie eienaarskap berus insolvent of dood is of aan enige regsdiskwalifikasie onderworpe is, die persoon onder wie se beheer en administrasie sodanige onroerende eiendom berus in sy of haar hoedanigheid as kurator, trustee, eksekuteur, administrateur, geregtelike bestuurder, likwidateur of enige ander regmatige verteenwoordiger;
- (c) indien die Raad nie die identiteit van sodanige persoon kan vasstel nie, die persoon wat geregtig is op die voordelige gebruik van sodanige onroerende eiendom;
- (d) in die geval van onroerende eiendom ten opsigte waarvan ’n huurooreenkoms van 30 jaar of langer aangegaan is, die huurder daarvan;
- (e) ten opsigte van –
 - (i) ’n gedeelte grond wat op ’n deeltitelplan afgebaken is en ingevolge die Wet op Deeltitels, 1986 (Wet 59 van 1986) geregistreer is, die ontwikkelaar of die beheerliggaam met betrekking tot die gesamentlike eiendom;
 - (ii) ’n gedeelte grond soos omskryf in hierdie Wet, die persoon in wie se naam daardie gedeelte geregistreer is in ooreenstemming met die titelakte, insluitend die regmatig aangestelde verteenwoordiger van sodanige persoon;
 - (iii) enige persoon, insluitend, maar nie beperk nie tot –
 - (aa) ’n maatskappy geregistreer in ooreenstemming met die Maatskappywet, 2008 (Wet 71 van 2008), ’n trust *inter vivos*, ’n trust *mortis causa*, ’n beslote korporasie geregistreer in ooreenstemming met die Wet op Beslote Korporasies, 1984 (Wet 69 van 1984) en ’n vrywillige assosiasie;
 - (bb) enige staatsdepartement;
 - (cc) enige raad of beheerliggaam ingestel ingevolge enige wetgewing van toepassing in die Republiek van Suid-Afrika; en
 - (dd) enige ambassade of ander buitelandse entiteit.

“gemagtigde amptenaar” ’n werknemer van die Raad wat deur die Munisipale Bestuurder aangestel is om die bevoegdhede van ’n gemagtigde amptenaar ingevolge die bepalings van hierdie verordening uit te oefen, en sluit ’n wetstoepassingsbeampte in.

“goedkeuringstydperk” ’n maksimum van vyf jaar ingevolge die Witzenberg Verordening op Grondgebruikbeplanning, PK 289/2015, waarna daar om ’n verlenging van die tydperk aansoek gedoen moet word.

“**huiswinkel**” die bedryf van ’n kleinhandelbesigheid vanaf ’n woonhuis vir die gerief van die omliggende gemeenskap deur die geregistreerde eienaar van die woonhuis, wat die woonhuis moet bewoon; met dien verstande dat die primêre gebruik van die woning residensieel sal bly.

“**Munisipale Bestuurder**” ’n persoon wat ingevolge die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) deur die Raad aangestel is.

“**munisipaliteit**” die Witzenberg Munisipaliteit.

“**nasionale bouregulasies**” die Nasionale Bouregulasies wat ingevolge die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet 103 van 1977) uitgevaardig is.

“**onwettige goedere**” –

- (a) goedere wat moontlik nie regmatig verkry of verkoop is nie;
- (b) goedere wat ingevolge enige toepaslike nasionale, provinsiale of munisipale wet verbied word om verkoop of versprei te word;
- (c) nagmaakte goedere soos omskryf in die Wet op Nagmaakte Goedere, 1997 (Wet 37 van 1997)
- (d) goedere wat ingevolge die Doeane- en Aksynswet, 1964 (Wet 91 van 1964) ingevoer of geproduseer moet word, maar wat nie aan die wet voldoen nie;
- (e) gesteelde goedere; of
- (f) goedere wat nie ingevolge toepaslike wetgewing aan verpligte veiligheids- of gehaltestandaarde voldoen nie.

“**openbare oorlas**” enige handeling, weglating of toestand wat aanstootlik is vir die publiek, wat nadelig of gevaarlik is vir openbare gesondheid, wat weselik inmeng in die normale gerief, maak, rus of vrede van die publiek, of wat die veiligheid van die publiek nadelig beïnvloed.

“**Raad**” die munisipale Raad van die munisipaliteit.

“**soneringskema**” ’n soneringskema uitgevaardig ingevolge die Ordonnansie op Grondgebruikbeplanning 15 van 1985 of die Geïntegreerde Soneringskema uitgevaardig ingevolge die Wet op Ruimtelike Beplanning en Grondgebruikbestuur (SPLUMA), 2013 (Wet 16 van 2013).

“**soneringskemaregulasies**” artikel 7 en artikel 8 van die Skemaregulasies ingevolge die Ordonnansie op Grondgebruikbeplanning 15 van 1985 of die Geïntegreerde Soneringskema uitgevaardig ingevolge SPLUMA, 2013 (Wet 16 van 2013).

“**spazawinkel**” ’n verwysing na die omskrywing van huiswinkel, en dra dieselfde betekenis.

2. Toepassing van hierdie verordening

- (1) Hierdie verordening is van toepassing op die hele regsgebied van die Witzenberg Munisipaliteit, behalwe informele nedersettings.
- (2) Die bepalinge van hierdie verordening maak nie inbreuk op die bepalinge van enige ander wetgewing nie.
- (3) Geen persoon mag ’n huiswinkel bedryf sonder voorafgoedkeuring van die munisipaliteit ingevolge hierdie verordening nie.

3. Klassifisering van huiswinkels

- (1) Huiswinkels word soos volg geklassifiseer:
 - (a) ’n huiswinkel met ’n winsoogmerk;

- (b) 'n huiswinkel met 'n geïdentifiseerde winkelgebied binne 'n bestaande woning;
- (c) 'n huiswinkel waar formele reklame plaasvind;
- (d) 'n huiswinkel waar goedere gekoop en afgelewer word;
- (e) 'n huiswinkel waar besigheidsure gehandhaaf word;
- (f) 'n huiswinkel waar die primêre gebruik van die perseel residensieel is en die sekondêre gebruik vir die doeleindes van 'n huiswinkel is.

4. Aansoeke om huiswinkels

- (1) Slegs die eienaar van die eiendom, en wat op die eiendom woon, mag aansoek doen om 'n huiswinkel te bedryf.
- (2) 'n Aansoek om 'n huiswinkel sal ingevolge die Witzenberg Verordening op Grondgebruikbeplanning, PK 289/2015 en spesifiek as 'n afwyking gedoen word.
- (3) Die volgende dokumente moet 'n aansoek om 'n huiswinkel vergesel:
 - (a) Die volledig voltooide aansoekvorm;
 - (b) 'n Terrein- en vloerplan van die besigheidskomponent van die voorgestelde huiswinkel;
 - (c) Bewys van die skriftelike toestemming van alle omliggende/aangrensende eienaars dat 'n huiswinkel op die betrokke perseel bedryf mag word;
 - (d) Aansoekgelde volgens die Raad se tariewe;
 - (e) 'n Afskrif van die aansoeker se identiteitsdokument.
- (4) Die aansoek sal aan die munisipale departemente en plaaslike Raadslid vir kommentaar gesirkuleer word.
- (5) Dertig dae sal vir kommentaar toegestaan word.
- (6) Die gemagtigde amptenaar sal die aansoek oorweeg en binne 'n tydperk van nie meer nie as 3 maande 'n besluit neem of die aansoek goedgekeur word of nie.
- (7) Die aansoeker en beswaarmakers, indien van toepassing, sal skriftelik van die gemagtigde amptenaar se besluit in kennis gestel word.
- (8) Besware sal ingevolge die Witzenberg Verordening op Grondgebruikbeplanning, PK 289/2015 hanteer word.

5. Vereistes vir 'n huiswinkel

- (1) Huiswinkels moet aan die volgende vereistes voldoen –
 - (a) Die huiswinkel mag slegs bedryf word vanuit 'n woning wat voldoen aan die Skemaregulasies van toepassing op die spesifieke gebied en die Nasionale Bouregulasies;
 - (b) Die grootte en ligging van die besigheidskomponent moet op 'n skaalplan aangedui word en mag nie meer as 45% van die totale vloeroppervlakte van die woonhuis beslaan nie;
 - (c) Die erf waarop die huiswinkel bedryf word, moet 'n woning as 'n primêre residensiële eiendom bevat;
 - (d) Die huiswinkel mag nie binne die padreserwe geleë wees nie;
 - (e) Die deel van die huis wat as die winkel gebruik word, mag nie bewoon word nie.
- (2) Indien daar nie aan enige van die voorgemelde bepalings voldoen word nie of as dit oortree word, behou die Raad die reg voor om die goedkeuring enige tyd terug te trek.

6. Beperkings

- (1) Enige veranderinge aan die bestaande woning moet inpas by die residensiële karakter van die betrokke gebied.
- (2) Die eienaar moet voldoen aan alle wetgewing, regulasies en veiligheidsmaatreëls ten opsigte van die bedryf van die huiswinkel en handelsware daarin.
- (3) Die bedryf van die huiswinkel mag nie 'n openbare oorlas veroorsaak nie.
- (4) Geen plofbare of vlambare stowwe mag aangehou of verkoop word nie.

- (5) Toestemming om 'n huiswinkel te bedryf, word aan die geregistreerde eienaar van die perseel verleen en is nie oordraagbaar nie.
- (6) Besigheidsure sal deur die munisipaliteit bepaal word.
- (7) Indien 'n aansoeker advertensietekens wil oprig –
 - (a) moet 'n aansoek vooraf by die munisipaliteit ingedien word;
 - (b) mag slegs een onverligte teken of kennisgewing van nie groter nie as 2 000 cm² in omvang vertoon word, met slegs die naam van die eienaar, besigheid en die aard daarvan wat aangedui word;
 - (c) moet die skriftelike goedkeuring vooraf van die munisipaliteit verkry word.
- (8) Slegs die geregistreerde eienaar en sy of haar direkte afhanklikes wat op die eiendom woon, mag die huiswinkel bedryf.
- (9) Bykomende diensaansluitings sal nie toegelaat word nie.
- (10) Die totale aantal huiswinkels wat per straat toegelaat word, is soos volg:
Straatlengte minder as 100 m – 1 winkel
Straatlengte 100 m tot 200 m – 2 winkels
Straatlengte 200 m tot 400 m – 3 winkels
Straatlengte 400 m en meer – 4 winkels

7. Besigheidslisensie

- (1) Die eienaar van 'n huiswinkel/spazawinkel moet om 'n besigheidslisensie aansoek doen.
- (2) 'n Munisipaliteit moet 'n besigheidslisensie uitreik as daar behoorlik om een aansoek gedoen word, tensy –
 - (a) die aansoeker nie voldoen aan die toepaslike bepalings van hierdie verordening nie;
 - (b) die goedere of dienste wat deur die besigheid verskaf word, onwettig is; of
 - (c) die huiswinkel nie voldoen aan die vereiste met betrekking tot stadsbeplanning of enige wet wat op daardie perseel van toepassing is nie.
- (3) Die munisipaliteit moet tevrede wees dat die aansoeker in werklike en doeltreffende beheer van die besigheid sal wees.
- (4) 'n Munisipaliteit kan 'n lisensie toestaan op voorwaarde dat –
 - (a) Die huiswinkel voldoen aan die vereiste met betrekking tot stadsbeplanning of enige ander wet wat op daardie perseel van toepassing is; en
 - (b) 'n Sertifikaat van Aanvaarbaarheid deur die distrik uitgereik word ingevolge GK R638 van 22 Junie 2018: Regulasies Insake Algemene Higiënevereistes vir Voedselpersele, die Vervoer van Voedsel en Verwante Aangeleenthede.
- (5) 'n Aansoekvorm vir 'n besigheidslisensie kan persoonlik by die munisipale kantore afgehaal word en van die munisipale webwerf afgelaai word.
- (6) Aansoekgelde, soos deur die Raad bepaal, is betaalbaar.
- (7) Die gedelegeerde amptenaar is verantwoordelik om 'n databasis van uitgereikte besigheidslisensies op te stel en by te hou.
- (8) Die munisipaliteit behou die reg voor om die agtergrond van aansoekers na te gaan, insluitend om met wetstoepassingsagentskappe te skakel, om die wettigheid van hul besigheidsaktiwiteit te verifieer.
- (9) Indien suksesvol, sal 'n besigheidslisensie aan die aansoeker uitgereik word, welke lisensie vertoon moet word en vir inspeksie beskikbaar moet wees.
- (10) Die houër van 'n besigheidslisensie mag nie op enige wyse 'n besigheidslisensie aan enige ander persoon oordra nie, behalwe in die geval van die afsterwe van die houër van 'n besigheidslisensie. In die geval van afsterwe kan 'n eksekuteur en/of afhanklike in die vorm van 'n beëdigde verklaring by die munisipaliteit aansoek doen om met die huiswinkel voort te gaan, en die munisipaliteit kan na eie goeddunke die aansoek om oordrag goedkeur of nie goedkeur nie.
- (11) 'n Besigheidslisensie moet jaarliks hernu word.

8. Handelsure

Huiswinkels/spazawinkels moet beperkte bedryfs-/handelsure hê ten einde die residensiële karakter van die gebied waarin die huiswinkels/spazawinkels geleë is, te beskerm. Handelsure moet beperk word tot tussen **06:00** en **22:00** daaglik.

7. Nieaanspreeklikheid van die munisipaliteit

Die munisipaliteit is nie aanspreeklik vir enige direkte of gevolglike verlies of skade wat deur die eienaar van die huiswinkelperseel gely word as gevolg van of voortspruitend uit die goedkeuring van die huiswinkel nie.

8. Voldoeningskennisgewings

- (1) Indien 'n gemagtigde amptenaar of wetstoepassingsbeampte bevind dat enige persoon enige bepaling van hierdie verordening oortree of dat 'n situasie ontstaan wat 'n openbare oorlas veroorsaak of wat moontlik tot 'n openbare oorlas kan lei as gevolg van enige persoon se optrede of versuim om op te tree, is sodanige amptenaar of beampte gemagtig om 'n voldoeningskennisgewing aan so 'n persoon uit te reik.
- (2) Indien 'n kennisgewing beteken word, moet dit die volgende bevat –
 - (a) Die bepaling van die verordening wat oortree word of oortree sal word indien daar toegelaat word dat die situasie voortduur;
 - (b) Die maatreëls wat ingestel moet word om die situasie reg te stel; en
 - (c) Die tydraamwerk vir voldoening aan die kennisgewing.

9. Strafbepalings

Indien 'n wetstoepassingsbeampte bevind dat enige persoon enige vereiste of beperking van hierdie verordening oortree, kan sodanige wetstoepassingsbeampte 'n boete aan sodanige persoon oplê, soos goedgekeur deur die Landdros, of 'n kennisgewing uitreik om in die hof te verskyn.

10. Toepassing

Die bepalings van hierdie verordening doen geen afbreuk aan die bepalings van enige ander wetgewing ingevolge waarvan voorsiening gemaak word vir die beheer van huiswinkels en/of spazawinkels, soos bepaal in daardie wetgewing nie.

11. Oorgangsreëlings

- (1) 'n Persoon wat kan bewys dat die Raad ten tye van die implementering van hierdie verordening reeds goedkeuring verleen het vir die bedryf van 'n huiswinkel, mag voortgaan om te handel in ooreenstemming met die goedkeuring ingevolge sodanige verordening, met dien verstande dat:
 - (a) goedkeuring nie vanaf die oorspronklike aansoeker na 'n ander persoon toe oorgedra word nie;
 - (b) die eienaar van die huiswinkel bewys van die Raad se goedkeuring lewer; en
 - (c) die geregistreerde eienaar binne 6 maande na die uitvaardiging van hierdie verordening aan die vereistes en beperkings ingevolge hierdie verordening sal voldoen.

12. Delegering

Die Munisipale Bestuurder mag enige bevoegdheid of funksie wat ingevolge die bepalings van hierdie verordening aan die Munisipale Bestuurder verleen is, skriftelik aan 'n gemagtigde amptenaar van die munisipaliteit delegeer.

13. Versuim om te voldoen

- (1) Indien 'n persoon versuim om aan 'n voldoeningskennisgewing te voldoen, kan die munisipaliteit –
- (a) 'n kriminele klag teen die persoon lê;
 - (b) by die hof aansoek doen om 'n bevel wat daardie persoon belet om die onwettige aktiwiteit voort te sit, om enige gebou, struktuur of werk wat onwettig opgerig of gebou is, sonder die betaling van vergoeding te sloop, te verwyder of te verander, of om die betrokke grond te rehabiliteer;
 - (c) in die geval van 'n tydelike afwyking of vergunningsgebruik die goedkeuring wat verleen is, terugtrek; of
 - (d) in die geval van 'n besigheidslisensie, die goedkeuring terugtrek.

14. Kort titel en inwerkingtreding

Hierdie verordening staan bekend as die Witzenberg Munisipaliteit Verordening op Huiswinkels 2026 en sal in werking tree op die datum waarop dit in die *Provinsiale Koerant* uitgevaardig word.

UMASIPALA WASEWITZENBERG**UMthetho woMasipala weevenkile eziseKhaya****Ukulawula nokumilisela imithetho kwiivenkile ezisekhaya kwindawo elawulwa ngumasipala**

NJENGOKO ngokwamacandelo ele156(2) kunye nelesi(5) lomgaqosiseko uMasipala unelungelo lokwenza nokulawula imithetho yomasipala ukuze kuphunyezwe kakuhle imicimbi nekunguye onelungelo lokuyilawula, kwakunye nokusebenzisa nawaphi na amandla afanelekileyo okanye ahambelana nokuphunyezwa kakuhle kwemisebenzi yawo;;

KWAYE NJENGOKO ngokweCandelo B lweShedyuli yesi4 yoluhlu oluCwangciselwe uMgaqosiseko woMasipala njengemicimbi yorhulumente basemakhaya ngokomlinganiselo obekwe kula macandelo ele155(6) (a) nelesi(7);

"KWAYE NJENGOKO uMasipala waseWitzenberg efuna ukuphatha, ukulawula, nokumisela ucwangciso lokusetyenziswa komhlaba womasipala kunye nayo nayiphi na imiba enxulumene noko;

MAYIMISELWE liBhunga loMasipala waseWitzenberg, ngolu hlobo lulandelayo –

ISHEDYULI**Ukuhlelwa kwamacandelo**

1. linkcazelo
2. Ukusetyenziswa kwalo mthetho womasipala
3. Ukuhlelwa kweevenkile ezisekhaya
4. Izicelo zeevenkile ezisekhaya
5. Iimfuneko zeevenkile zasekhaya
6. Izithintelo
7. Ukungabinaluxanduva kukamasipala
8. Ukuthotyelwa kwezaziso
9. Isohlwayo
10. Ukufakwa kwesicelo
11. Utshintsho lwamalungiseleko
12. Abathunywa
13. Ukungaphumeleli ukuthobela
14. Isihloko esifutshane nokuqala kokusebenza

1. Iinkcazelo

Kulo mthetho kamasipala, ngaphandle kwaxa umxholo ubonisa okunye:

“iBhunga” lithetha iBhunga likaMasipala lomasipala.

“igosa eligunyazisiweyo” umsebenzi weBhunga oqeshwe nguMphathi woMasipala ukuze asebenzise amagunya egosa eligunyazisiweyo ngokwemiqathango yalo mthetho womasipala, kwaye kubandakanya igosa lonyanzelisomthetho.

“iimpahla ezingekho mthethweni” kuthetha –

- (a) iimpahla ezingafumanekanga okanye ezilahliweyo ngokusemthethweni;
- (b) iimpahla ezingavunyelwanga ukuba zithengiswe okanye zihanjiswe phantsi kwawo nawuphi na umthetho osebenzayo owephondo, okazwelonke okanye owomasipala;
- (c) iimpahla ezingezizo ezoqobo ngokwenkcazo yoMthetho ka1997 weeMpahla ezingezizo ezoqobo (uMthetho wama37 ka1997);
- (d) iimpahla ekufuneka zingeniswe okanye ziveliswe ngokwemiqathango yoMthetho ka1964 (uMthetho wama91 ka1964 wokuNgeniswa kwempahla ezivela kwelinye ilizwe, kodwa ezingakhange zingeniswe okanye ziveliswe ngaloo ndlela ;
- (e) iimpahla ezibiweyo; okanye
- (f) iimpahla ezingahlangabezaniyo nemigangatho yezokhuseleko okanye yomgangatho emiselweyo ngokwemithetho efanelekileyo.

“imithetho nemimiselo yomasipala elawula indlela esetyenziswa ngayo umhlaba nezakhiwo kwindawo ethile” kuthetha ukuba kwicandelo lesi7 nelesi8 leMithetho elawula iNdelela yokusetyenziswa komhlaba nezakhiwo kwiindawo ezithile ngokwemigaqo yeSicwangciso soMiselomhlaba esiDiityanisiweyo esibhengezwe phantsi koMthetho we15 ka1985 okanye woCwangciso lweMihlaba nokuLawulwa kokuSetyenziswa kwayo ochazwe ngokwemigaqo ye SPLUMA, ka2013 (uMthetho we16 ka2013).

“imithetho yokwakha yesizwe” ithetha imithetho yokwakha yesizwe ekhutshwe ngokungqinelana neMigaqo yoKwakha yeSizwe kunye noMthetho ka1997 weMigangatho yoKwakha (uMthetho we103 ka1977).

“imvume yokushishina” ithetha imvume okanye ipemithi enikezelwe ngurhulumente wamakhaya ngokwemigaqo yoMthetho ka1991 yoShishino, ovumela umntu okanye inkampani ukuba iqhube ushishino ngaphakathi kwengingqi yomasipala.

“isithuba sexesha lokuvuma” lithetha iminyaka emihlanu ubuninzi ngokwemigaqo yoMthetho woMasipala waseWitzenberg wesiCwangciso sokuSetyenzwa koMhlaba, PN 289/2015, emva koko ukwandiswa kwexesha kufuneka kwenziwe ngesicelo.

“ivenkile esekhaya” kuthetha ukuqhuba ishishini lokuthengisa elincinci ekhaya ngeenjongo zokulungiselela uluntu olukungqongileyo, nto leyo eyenziwa ngumninimzi obhalisiweyo ohlala kuloo ndlu; ngelixa iinjongo eziphambili zendlu izezokuhlala.

“iziphaza” zibhekisa kwingcaciso yevenkile esekhaya, kwaye zinentsingiselo ezifanayo.

“ukuphazanyiswa koluntu” kuthetha nasiphi na isenzo, ukusilela, okanye imeko ecaphukisa uluntu, eyingozi okanye embi kwimpilo yoluntu, ephazamisayo ngendlela ebonakalayo kwindlela elungileyo yokuphila yoluntu, uxolo, okanye ebeka ukhuseleko loluntu esichengeni.

“umanejala womasipala” uthetha umntu otyunjwe liBhunga ngokwemigaqo yoRhulumente wamaKhaya: uMthetho ka1998 weZakhiwo zoMasipala (uMthetho we117 ka1998).

“umasipala” uthetha uMasipala waseWitzenberg.

“umhlali” ngokunxulumene naso nasiphi na isakhiwo uthetha –

- (a) nawuphi na umntu okwisakhiwo eso;
- (b) nawuphi na umntu onelungelo elisemthethweni lokuhlala kweso sakhiwo;
- (c) kwimeko apho ezo zakhiwo zahlulwahluliweyo kwaye zirentiselwe abahlali okanye abarenti abohlukeneyo, umntu ekuhlawulwa kuye irenti ngabo bahlali okanye abarenti, nokuba kukwiakhawunti yakhe okanye njengearhente yakhe unelungelo lokwenza oko okanye onomdla koko; okanye
- (d) Nawuphi na umntu olawula ezo zakhiwo okanye onoxanduva lolawulo lwazo, kwaye kubandakanya iarhente yaloo mntu xa engekho kwiRiphabhlikhi yoMzantsi Afrika okanye xa engaziwa apho akhoyo.

“umninimzi” ngokuphathelele kwiprophati engenakususwa–

- (a) Umniniprophati obhalisiweyo;
- (b) kuyo nayiphi na imeko apho umniniprophati eye akabinamali okanye wasweleka, Okanye ngokuxhomekeke kuko nakuphi na ukungafaneleki ngokwasemthethweni, umntu ophantsi kolawulo, nolawulo lwakhe lo mhlaba okanye indlu unelungelo njengomgcini, umphathiswa, umgwebi welifa, umlawuli, umphathi wenkundla, umcimi weshishini okanye nawuphi na omnye ummeli osemthethweni;
- (c) kuyo nayiphi na imeko apho ibhunga lingakwaziyo ukuchonga lowo mntu, umntu onelungelo lokuzuza ngokusebenzisa loo prophati ingenakushukunyiswa;
- (d) kwimeko apho iprophati engenakushukunyisa ngokwesivumelwano sokuqeshisa kwiminyaka engama30 okanye ngaphezulu isivumelano sokuqeshisa siqukunjelwe;
- (e) ngokubhekisele –
 - (i) kwisiqendwana somhlaba esicandiweyo kwisiza esiphantsi kobunini bamagumbi, esibhaliswe ngokusemthethweni ngokoMthetho ka1986 weeTayitile zoKwabiwa kweendawo yokusetyenziswa (uMthetho wama59 ka1986) elawulwa ngumenzi wophuhliso okanye ibhodi elawulayo;
 - (ii) kwiisiqendwana somhlaba njengoko kuchaziwe kulo Mthetho, umntu ekubhaliswe egameni lakhe eso siqendwana ngokungqinelana netayitile yobunini, kuqukwa nommeli otshatyalaliswe ngokusemthethweni;
 - (iii) kuye aawuphi na umntu, kuquka kodwa kungaphelelanga –
 - (aa) kwinkampani ebhalisiweyo ngokuhambelana noMthetho ka2008 (uMthetho wama71 ka2008, itrasti esekwa ngabaphilayo, iqumrhu elibhalisiweyo ngokuhambelana noMthetho ka1984 wamaQumrhu (uMthetho wama69 ka1984), kunye nombutho wokuzithandela;
 - (bb) kulo naliphi na icandelo likarhulumente;
 - (cc) kulo naliphi na ibhunga okanye ibhodi elawulayo eyasungulwa ngokungqinelana nawo nawuphi na umthetho osemthethweni kwiRiphabhlikhi yoMzantsi Afrika; kunye
 - (dd) kulo naliphi na iziko lobumeli lelinye ilizwe okanye elinye iziko lasemzini.

“Umthetho woShishino” uthetha uMthetho ka1991 woShishino (uMthetho wama71 ka1991).

2. Ukusetyenziswa kwalo mthetho womasipala

- (1) Lo mthetho womasipala usebenza kummandla uphela wolawulo lomasipala waseWitzenberg, ngaphandle kwemihlaba yasematyotyombeni.
- (2) Imimiselo yalo mthetho womasipala ayiyithwali okanye ayicaphuli imimiselo yawo nawuphi na omnye umthetho.
- (3) Akukho mntu uvumelekileyo ukuba aqhube ivenkile esekhaya ngaphandle kokunikwa imvume yomasipala kuqala ngokwemigaqo yalo mthetho womasipala.

3. Ukohlulwa kweevenkile ezisekhaya

- (1) Iivenkile ezisekhaya zohlulwa ngolu hlobo lulandelayo:
 - (a) Ivenkile esekhaya efuna inzuzo;
 - (b) Ivenkile esekhaya nenendawo ecacisiweyo yokuthengisela ngaphakathi kwindawo ekuhlalwa kuyo;
 - (c) Ivenkile esekhaya apho ubhengezo olusesikweni lwentengiso lwenzeka khona;
 - (d) Ivenkile esekhaya apho iimpahla zithengwa kwaye zisiwe;
 - (e) Ivenkile esekhaya apho amaxesha okusebenza agcinwayo;
 - (f) Ivenkile esekhaya apho indlu isetyenziselwa ukuhlala ingundoqo kwaye okwesibini isetyenziselwa iinjongo zevenkile esekhaya.

4. Ukufakwa kwezicelo zeevenkile ezisekhaya

- (1) Ngumnini weprophati kuphela, kwaye ohlala kwiprophati leyo, onokufaka isicelo sokubenza kwivenkile esekhaya.
- (2) Isicelo sekusebenza kwivenkile esekhaya kuya kwenziwa ngokwemigaqo yoMthetho woMasipala yoCwangiso lokuSetyenziswa koMhlaba ngokungqinelana nalo Mthetho woMasipala wase Witzenberg, iPN 289/2015 kwaye ngokukodwa njengokuhamba.
- (3) La maxwebhu alandelayo mawahambe nesicelo sevenkile esekhaya:
 - (a) Ifomu egcwaliswe ngokupheleleyo;
 - (b) Isiza kunye nesicwangciso mgangatho secandelo leshishini levenkile esekhaya ecetywayo;
 - (c) Ubungqina bemvume ebhaliweyo yabo bonke abanini abakungqongileyo /abakufutshane kwivenkile esekhaya ukuze isebenza kwisakhiwo esifanelekileyo;
 - (d) Imali ehlawulwayo yesicelo njengoko kumiselwe kwiirhafu zeBhunga;
 - (e) Ikopi yoxwebhu lwesazisi sobunini somfakisicelo.
- (4) Isicelo siza kuthunyelwa kumasebe womasipala nakooCeba basekhaya ukuze bavakalise uluvo lwabo.
- (5) Kuya kunikezelwa iintsuku ezingama30 zokuvakaliswa kwezimvo.
- (6) Igosa eligunyazisiweyo liya kusithathela ingqalelo isicelo kwaye lithathe isigqibo kwisithuba sexesha elingadlulanga kwiinyanga ezi3 ukuba liyavuma na okanye alivumi.
- (7) Umfakisicelo kunye nabachasi, ukuba kufanelekile baya kwaziswa ngokubhaliweyo malunga nesigqibo segosa eligunyazisiweyo.
- (8) Izichaso ziya kuphathwa ngokoMthetho woMasipala yoCwangiso lokuSetyenziswa koMhlaba ngokungqinelana nalo Mthetho woMasipala wase Witzenberg, iPN 289/2015.

5. Iimfuno zevenkile yasekhaya

- (1) Iivenkile zasekhaya kufuneka zihlangabezane nezi mfuno zilandelayo –
 - (a) Ivenkile esekhaya ingasebenzela kuphela kwindawo yokuhlala ehambelanayo kunye neMimiselo yeNkqubo esebenzayo kwindawo ethile kunye neMimiselo yeSakhiwo seSizwe;
 - (b) Ubungakanani kunye nendawo yecandelo leshishini kufuneka iboniswe kwisicwangciso esilinganisiweyo, kwaye akufunekanga ukuba idlule kwiipesenti ezingama45 zomgangatho ophelileyo wendlu yokuhlala;
 - (c) Ierf yalapho isebenzela khona ivenkile esekhaya kufuneka iqulathe indawo yokuhlala njengendawo yokuhlala ephambili;
 - (d) Ivenkile esekhaya akufuneki ibekwindawo yendlela ebekelwe bucala;
 - (e) Inxalenye yendlu esetyenziswa njengevenkile isenokungahlali mntu.
- (2) Xa kuye kwenzeka nayiphi na imimiselo ekhankanywe apha ngasentla yangathotyelwa okanye yophulwa iBhunga linelungelo lokuyirhoxisa imvume nangaliphi na ixesha.

6. Imiqathango

- (1) Naluphi na utshintsho olukwindawo ekuhlalwa kuyo kufuneka ludibane nobume bendawo yokuhlala yaloo ndawo ichaphazelekayo.
- (2) Yonke imithetho, imigaqo kunye neenkqubo zokhuseleko ngokubhekisele ekusetyenzisweni kwevenkile esekhaya kunye norhwebo ekubhekiswa kulo kufuneka ilandelwe ngumnini.
- (3) Ukusebenza kwevenkile esekhaya akuyi kubangela isiphazamiso kuluntu.
- (4) Akukho ziqhushumbisi okanye izinto ezinokutsha ekumele zigcinwe okanye zithengiswe.
- (5) Imvume yokuqhuba ivenkile esekhaya iya kunikezelwa kumnini obhalisiweyo njengomnini wesakhiwo kwaye ayikwazi ukukhutshelwa komnye umntu.
- (6) Amaxesh oshishino aya kumiselwa ngumasipala.
- (7) Ukuba umfakisicelo uye wanqwenela ukuthetha nabathengi abanokubakho ngendlela yokubonisa intengiso–
 - (a) kufuneka isicelo sifakwe kwangaphambili kwamasipala;
 - (b) kufuneka iluphawu olunye kuphela okanye isaziso esingakhanyayo nesingekho sikhulu ukodlula i2 000 cm² ngokomlinganiselo, ebonisa igama lomnini, ishishini kunye nobume balo kuphela, elinokuboniswa;
 - (c) imvume ebhaliweyo yangaphambili yakwamasipala kufuneka ifunyenwe.
- (8) Ngumnini obhalisiweyo kuphela okanye abantwana bakhe, abahlala apho kwiprophati abanokuqhuba ivenkile yasekhaya.
- (9) Uqhagamshelo lwenkonzo eyongezelelweyo aluyi kuvunyelwa.
- (10) Inani levenkile zasekhaya ezivumelekileyo kwisitrato ngasinye sihamba ngolu hlobo:
 - Ubude besitrato mabube bufutshane kuneemitha ezili100 – ivenkile e1
 - Ubude besitrato buziimitha ezili100 ukuya kwezingama– iivenkile ezi2
 - Ubude besitrato ziimitha ezingama200 ukuya kwezingama400 – zi3 iivenkile
 - Ubude besitrato ziimitha ezingama400 – zi4 iivenkile

7. Imvume yoshishino

- (1) Ivenkile yasekhaya/umnini wesipaza kufuneka ufake isicelo semvume yoshishino.
- (2) Umasipala kufuneka enikezele imvume yoshishino ukuba sifakiwe isicelo, ngaphandle kokuba –
 - (a) Umfakisicelo akahambelani nezibonelelo ezifanelekileyo zalo mthetho kamapasipala;
 - (b) Iimpahla okanye iinkonzo ngaphandle kokuba ishishini alikho mthethweni; okanye
 - (c) Ivenkile esekhaya ayihambelani neemfuno ezihambelana nesicwangciso sedolophu okanye nawuphi na umthetho obhekisa kwezo zakhiwo.
- (3) Umasipala kufuneka akholiseke ukuba umfakisicelo uya kuba kulawulo olululo nolusebenzayo kushishino
- (4) Umasipala anganikezela imvume phantsi komqathango wokuba –
 - (a) Le venkile esekhaya enemfuno ehambelana nesicwangciso sedolophu, okanye omnye umthetho ongomnye osebenza kwezi zakhiwo; kwaye
 - (b) Isatifikethi sakwaMasipala sinikezelwa sisithili ngokwemigaqo yeGN R638 22 Juni 2018: Imigaqo yeeMfuno eZilawula uCoceko ngokubanzi kwiZakhiwo zoKutya, UkuHanjiswa koKutya kunye neMicimbi ehambelana noko.
- (5) Ifomu yesicelo semvume yoshishino ingafikeleleka ngokwasemzimbeni kwii ofisi zomasipala nakwiwebhusayithi yomasipala.
- (6) Imali yokufaka isicelo njengoko imiselwe liBhunga iyabhataleka.
- (7) Igosa elingumthunywa linoxanduva lokuseka kunye nokugcina uvimba weenkukacha yeemvume ezinikezelweyo.
- (8) Umasipala unelungelo lokuqhuba uphando ngemvelaphi kubume bolwaphulomthetho kubafakizicelo, kubandakanya uqhagamshelwano neearhente zonyanzeliso lomthetho, uqinisekise ukuba semthethweni kwimisebenzi yoshishino lwabo.

- (9) Ukuba umfakisicelo uphumelele uya kunikwa imvume ekufuneka beyibonisile kwaye ifumaneke xa kusenzisa uhlolo.
- (10) Umnini wemvume akanakutshintshela imvume yoshishino kuye nawuphi na umntu ngayo nayiphi na indlela, ngaphandle kokuba uye wasweleka. Kwimeko yokufa, umenzi welifa kunye/okanye oxhomekeke kuye angafaka isicelo kumasipala ngokwenza iafidavithi ukuba aqhubeke ngevenkile esekhaya, kwaye umasipala ngokokwenza kwakhe angasithatha isigqibo sokuvuma okanye angavumi isicelo ukuba sitshintshwe.
- (11) Imvume yoshishino kufuneka ihlaziye minyaka le.

8. Amaxesha okusebenza

Ivenkile esekhaya/isiphaza kufuneka kukho ixesha elibekiweyo lokusebenza ukuze kukhuseleke indawo ekuhlalwa kuyo apho ikhoyo ivenkile/isiphaza. Amaxesha okusebenza kufuneka abekwe abe phakathi ko**06:00** no**22:00** mihla le.

7. Ukungakwazi ukuthintela

Umasipala akayi kukwazi nakuphi na ukuthintela okuthe ngqo okanye isiphumo selahleko okanye okanye umonakalo owenziweyo okanye ogcinwe ngumnini wesakhiwongesiphumo esisukela ekuvumeni ivenkile esekhaya.

8. Izaziso zokuthobela

- (1) Nanini na xa igosa eligunyazisiweyo okanye igosa lonyanzeliso mthetho lifumanise nawuphi na umntu owophule naziphi na imimiselo yalo mthetho womasipala okanye ukuba kuvela imeko enokubangela uphazamiseko kuluntu okanye enokukhokelela kuphazamiseko koluntu ngenxa yazo naziphi na izenzo zomntu okanye ukusilela ukwenza, igosa elinjalo okanye igosa eligunyazisiweyo ligunyazisiwe ukuba likhuphe isaziso sokuthobela loo kumntu.
- (2) Ukuba isaziso sinikezelwe, kufuneka siqulathe oku kulandelayo –
 - (a) Imimiselo yalo mthetho womasipala wophuliweyo okanye oza kophulwa, xa inokuyekelwa imeko iqhubekele phambili;
 - (b) Amanyathelo aza kuthathwa ukulungisa le meko; kunye
 - (c) Ixesha elibekiweyo lokuthotyelwa kwesaziso.

9. Izohlwayo

Ngalo naliphi na ixesha igosa lonyanzeliso mthetho lifumanisa nawuphi na umntu owophula naziphi na iimfuno okanye izithintelo zalo mthetho womasipala, elo gosa lonyanzeliso mthetho linganika loo mntu isohlwayo esivunywe yiMantyi okanye isaziso sokuba avele enkundleni.

10. Ukusetyenziswa

Imimiselo yalo mthetho womasipala ayiwuphelisi umthetho okhoyo okanye ingqubane nemithetho elawula iivenkile zasekhaya okanye iziphaza ezichazwe kwamanye amacandelo omthetho.

11. Amalungiselelo exeshana

- (1) Umntu onokungqina ukuba iBhunga sele liyiphumezile imvume yokusebenza kwevenkile esekhaya ngexesha lokuphunyezwa kwalo mthetho womasipala angaqhubeka nokwenza njengoko kuvunyelwene ngoko mthetho womasipala, ngaphandle kokuba:
 - (a) imvume ayitshintshwanga kumfakisicelo woqobo itshintshelwe komnye umntu;
 - (b) umnini wevenkile esekhaya uveza isiqinisekiso sokuvuma seBhunga; kwaye

- (c) umnini obhalisiweyo uya kuhambelana neemfuno kunye nezithintelo phantsi kwalo mthetho womasipala kwisithuba seenyanga ezintandathu kubhengezwe lo mthetho womasipala.

12. Abathunywa

Umanejala woMasipala angadlulisela nawaphi na amandla okanye imisebenzi anikwe yona kuwo nawuphi na omnye umntu osebenza kwamasipala ngokwemimiselo yalo mthetho womasipala ngokubhaliweyo.

13. Ukusilela ukuthobela

- (1) Ukuba umntu uye wasilela ukuthobela isaziso sikaMasipala angenza oku kulandelayo –
 - (a) ambeke ityala lolwaphulomthetho emntwini; okanye
 - (b) afake isicelo kwiNkundla sokuba kukhutshwe umyalelo othintela loo mntu ekuqhubekeni nomsebenzi ongekho mthethweni, ukuze kudilizwe, kususwe okanye kulungiswe nasiphi na isakhiwo, ulwakhiwo okanye umsebenzi owakhiwe ngokungekho mthethweni ngaphandle kwembuyekezo, okanye kubuyiselwe kwimeko yesiqhelo umhlaba ochaphazelekayo;
 - (c) kwimeko yokuhamba okwexeshana okanye ukusetyenziswa kwemvume, okanye, umasipala angayirhoxisa imvume enikeziweyo; okanye
 - (d) kwimeko yemvume yoshishino, umasipala angayirhoxisa imvume.

14. Isihloko esifutshane nokuqalisa kokusebenza

Lo mthetho kamasipala ubizwa ngokuba nguMthetho kamasipala waseWitzenberg uMthetho ka2026 woMasipala weeVenkile eziseKhaya kwaye uya kuqala ukusebenza ngomhla wokupapashwa kwawo kwiGazethi yePhondo.

