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(1) In these bylaws, except as otherwise expressly provided or unless the context otherwise requires —

"approval" means approval by the authorised official and "approved" has an equivalent meaning;

"authorised official" means an official of the Council to whom it has delegated a duty, function or power under these bylaws, in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such officials;

"Council" means the Ulundi Transitional Local Council and includes in relation to a duty, function or power under these bylaws, a committee or official of the Council to whom it has delegated that duty, function or power;

"dangerous weapon" means any object which in the opinion of an authorised official or an officer is designed as a means of attack or defence or is likely to cause serious bodily harm if it were used to commit an assault;

"foodstuffs" means foodstuffs as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectant Act, 1972 (Act 54 of 1972) as amended;

"garden or park" means a garden or park to which the public has a right of access;

"goods" includes a living thing and any transferable interest;

"health inspector" means a health inspector as defined in Section 1 of the Health Act 1977 (Act 63 of 1977) as amended and environmental health officer has a corresponding meaning;

"home industry" means any activity, purpose or use other than residential, including any occupation, profession, trade, bona fide hobby or business as contemplated in and subject to the provision of clause 5.19 and clause 2.8 of the Town Planning Scheme which, to the sole discretion of Council and subject to any other applicable provisions in this scheme or any of Council's other bylaws involves a small scale venture or operation to be carried out from a residential premises without constituting a nuisance in the general meaning of the word or in any other way having a detrimental effect on the character and good order of a residential area or township, and which does not detract from the primary residential character of the dwelling unit concern; further provided that any activity falling within the definition of Schedule 3 Shop (Town Planning Scheme shall be restricted to a maximum total and all inclusive floor area of 20m²;

"intersection" means an intersection as defined in Section 1 of the Road and Traffic Act, 1989 (Act No. 29 of 1989) as amended;

"litter" includes any receptacle, container or other object or matter discarded or abandoned by a trader or his customers or left behind by him or them;

"local authority service" means any systems conducted by or on behalf of a local authority for the collection, conveyance, treatment or disposal of refuse, sewage or storm-water or for the generation, impounding, storage, purification or supply of water, gas or electricity;

"local authority service works" means all property or works of whatsoever nature necessary or desirable for or incidental to any local authority service;

"motor vehicle" means a motor vehicle as defined in the Roads Traffic Act, 1989 (Act 29 of 1989) as amended;

"national building regulations" means the National Building Regulations and Building Standards Act, No. 103 of 1977;

"national monument" means a building declared to be a national monument under the National Monuments Act, 1969 (Act 28 of 1969) as amended;

"nuisance" bears the meaning given to it by the Ordinance and as stipulated in the nuisance by-laws;

"ordinance" means the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974) (Natal) as amended;

"permit" in relation to a business means a permit to trade as a street trader and issued by the permit authority;

- (iii) Mkuze
- (iv) Hluhluwe
- (v) Somkele
- (vi) St Lucia Estuary

“inhloko yophiko lokuphatha” isho umuntu phambi nje kokupheliswa kwamasipala okhona obengumlawuli omkhulu/unobhala wedolobha walowo masipala;

“umasipala wesigodi” usho umasipala wesiGaba B omiswe ngokulandela lesi siThasiselo;

“MEC” usho iLunga loMkhandlu oLawulayo elibhekene nomsebenzi woHulumeni beNdawo esifundazweni saKwaZulu-Natali;

“umasipala omusha” usho umasipala wesifunda noma umasipala wesigodi, kube sekutheni yikuphi okuyikona, omiswe ngokulandela lesi siThasiselo;

“amakhansela akhethwe ngokulingeneyo” kusho amakhansela akhethwe ukumela ngokulingeneyo amaqembu angenele ukhetho kumasipala othinthekayo;

“uMthetho” usho uMthetho wezaKhiwo zoMasipala: Ohulumeni beziNdawo, ka-1998 (uMthetho nombolo 117 ka-1998)

“uMsekelo” usho

- (a) Ibhodi lokuThuthukisa nemiSebenzi elibunjwe ngokulandela isigaba 2 soMtheshwana weBhodi lokuThuthukisa nemiSebenzi ka-1941 (uMtheshwana nombolo 20 ka-1941) njengoba uchitshiyelwe; futhi
- (b) Ibhodi lamaLokishi elimiswe ngokulandela imiThetho echitshiyelwe yokuPhatha nokuLawula iziNdawo ezithile eziNdaweni eziNgamadolobha ka—1983 (isiMemmezelo nombolo 67 ka-1983) nelisaqhubeka nokuba khona ngokulandela isigaba 15(1) soMthetho woHulumeni beNdawo besiKhashana ka-1993

kokubili u(a) no(b) befundwa nesiMemmezelo nombolo 100 ka-1996, isiMemmezelo nombolo 20 ka-1997, isiMemmezelo nombolo 8 ka-1999; futhi

“Ikhansela lesigceme/lewodi” lisho ikhansela elikhethwe ukumela isigceme ngqo.

Ukupheliswa komasipala abakhona

- 2. (1) Omasipala abakhona bayaphelise kuze kube labo masipala bayongena ngaphansi kwezindawo zomasipala abasha kusukela ngosuku oluqokiwe.
- (2) Njengoba kuhlangozwe esigabeni 159(3) soMthethosisekelo futhi kusuka osukwini oluqokiwe, umkhandlu kamasipala ophelisiwe uyoghubeka usebenze njengomkhandlu kamasipala wesigodi yamasipala ophelisiwe kuze kube imiphumela yokhetho lokuqala lomkhandlu kamasipala wesifunda kanye nomasipala wesigodi endaweni kamasipala wesifunda seyikhishiwe ngokulandela isigaba 190(1)(c) soMthethosisekelo.
- (3) Amakhansela omasipala abakhona ayophuma emahhovisi lapho imiphumela yokhetho seyikhishiwe njengoba kuhlangozwe endimeni encane (2).

Ukumiswa komasipala

- 3. (1) Omasipala lapha bamiselwa izindawo zomasipala besifunda njengoba kubekiwe eziNgxenyeni 2-7 zalesi siThasiselo.
- (2) Ukumiswa komasipala ababalulwe endimeni encane (1) kuqala ukusebenza ngosuku oluqokiwe.

Isikhundla

- 4. Umasipala omusha unesikhundla ngokomthetho esinikezwelowo masipala ngokulandela ukushaywa kwemiththo kazwelonke.

ISAHLUKO 2 — IZINYATHELO ZESIKHASHANA

Ukulandelana ngokomthetho

- 5. (1) Kweyame ezimisweni ezibalulwe ezindimeni 6 no-7 zeNgxenye yokuQala yalesi siThasiselo, umasipala omusha uyoba ngolandela ngokomthetho mayelana nendawo kamasipala ophelisiwe kuze kube yonke noma noma yiyiphi ingxenye yaleyo ndawo iyongena emingceleni yalowo masipala omusha: Kube sekutheni lapho umsebenzi noma amandla omunye umasipala ngaphandle kwalowo omusha obalululiwe, lowo masipala omunye uyoba ngolandela ngokomthetho mayelana nezindaba ezilandelayo:
 - (a) lowo msebenzi noma amandla;
 - (b) ukwenziwa komsebenzi noma usetshenziswa kwamandla mayelana nokusebenza kwanoma yimuphi umthetho wedolobha, umthetho noma isinqumo esithathwe yilowo masipala ophelisiwe lapho lokho kusebenza kudingeka ukuba lowo masipala omunye athumele abasebenzi bakhe; futhi
 - (c) abasebenzi, imipahla, amalungelo, izikweletu kanye nezibopho zalowo masipala ophelisiwe okwakumele, phambi nje kosuku oluqokiwe, zigcinwe mayelana noma maqondana nokwenziwa kwanoma yimiphi imisebenzi ebalulwe ngenhla noma ukusebenzisa noma yimpahi amandla abalulwe ngenhla endaweni ebaluliwe.
- (2) Ngokulandela isigaba 84(1)(p) soMthetho sifundwa nesigaba 229 soMthethosisekelo, umasipala wesigodi, ngamanani anqunwe ngumkhandlu walo kuvunyelwene neLunga loMkhandlu oLawulayo elibhekene nezeziMali kanye noNgqongqoshe wezeziMali, ungabiza futhi ufune izintela ezichazwe esigabeni 12(1)(a) soMthetho woMkhandlu wemiSebenzi yesiFunda ka1985, (uMthetho nombolo 109 ka-1985) noma isigaba 1(1)(a) soMthetho woKwenza imiSebenzi Ngokuhlanganyela KwaZulu naseNatali ka-1990, (uMthetho nombolo 84 ka-1990), kube sekutheni yikuphi okuyikona.

"MEC" means the Member of the Executive Council responsible for Local Government in the province of KwaZulu-Natal;

"new municipality" means a district municipality or a local municipality, as the case may be, established in terms of this Schedule;

"proportionally elected councillors" means councillors elected to proportionally represent the parties that contested the election in the municipality concerned;

"the Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"uMsekeli" means

- (a) the Development and Services Board constituted in terms of section 2 of the Development and Services Board Ordinance, 1941 (Ordinance No. 20 of 1941) as amended; and
- (b) the Townships Board established in terms of the repealed Regulations for the Administration and Control of Certain Urban Areas, 1983 (Proclamation No. 67 of 1983) and which continues to exist in terms of section 15(1) of the Local Government Transition Act, 1993

both (a) and (b) read with Proclamation No. 100, 1996, Proclamation No. 20, 1997, Proclamation No. 8 of 1999; and

"ward councillor" means a councillor elected to directly represent a ward.

Disestablishment of existing municipalities

- 2. (1) The existing municipalities are disestablished to the extent that those municipalities fall within the areas of new municipalities with effect from the effective date.
- (2) As contemplated in section 159(3) of the Constitution and from the effective date the municipal council of a disestablished municipality remains competent to function as the municipal council for the area of the disestablished municipality until the results of the first election of the municipal councils of the district municipality and the local municipalities in the district municipal area are declared in terms of section 190(1)(c) of the Constitution.
- (3) The councillors of an existing municipality vacate office upon the declaration of the results of the election as contemplated in subparagraph (2).

Establishment of municipalities

- 3. (1) Municipalities are hereby established for the district municipal area as set out in Parts 2-7 of this Schedule.
- (2) The establishment of the municipalities mentioned in subparagraph (1) takes effect on the effective date.

Status

- 4. A new municipality has the legal status accorded to such municipality in terms of national legislation.

CHAPTER 2 — TRANSITIONAL MEASURES

Legal succession

- 5. (1) Subject to the provisions set out in paragraphs 6 and 7 of Part 1 of this Schedule, a new municipality is the successor in law with regard to the area of a disestablished municipality to the extent that the whole or any portion of the said area falls within the boundaries of such new municipality: Provided that where a function or power of such disestablished municipality is, in terms of section 84 or 85 of the Act, a function or power of a municipality other than the said new municipality, such other municipality is the successor in law with regard to the following matters —
 - (a) such function or power;
 - (b) the performance of a function or the exercise of a power in relation to the continued application of any by-law, regulation or resolution of such disestablished municipality where such application requires the deployment by such other municipality of its staff; and
 - (c) the staff, assets, rights, liabilities and obligations of such disestablished municipality that were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance of any of the aforementioned functions or the exercise of any of the aforementioned powers in the said area.
- (2) In terms of section 84(1)(p) of the Act read with section 229 of the Constitution, the district municipality may, at rates determined by its municipal council with the concurrence of the Member of the Executive Council responsible for Finance and of the Minister of Finance, levy and claim the levies referred to in section 12(1)(a) of the Regional Services Council Act, 1985 (Act 109 of 1985) or section 16(1)(a) of the KwaZulu and Natal Joint Services Act, 1990 (Act 84 of 1990), as the case may be.

Transfer of assets, rights, liabilities and obligations

- 6. (1) The assets, rights, liabilities and obligations of a disestablished municipality, in so far as they were, immediately before the effective date, predominantly deployed in respect of, or related to, the performance by that municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) and 85 of the Act, transferred to that new municipality (if any) which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (2) Those of the aforementioned assets comprising investments, cash and current credit balances in the accounts of a financial institution, in so far as they were, immediately before the effective date, exclusively related to the performance by the disestablished municipality of a function or functions in a specific area, are hereby, subject to sections 16(1) and 85 of the Act, transferred to that new municipality (if any) which, on the effective date, has sole responsibility for the performance of the said function or functions in the said area.
- (3) For the purpose of sub-paragraphs (1) and (2), function includes a power.

- (2) Voltydse raadslede word aangewys ooreenkomstig 'n beleidsraamwerk beoog in artikel 18(4) van die Wet.

WYKE

7. Die plaaslike munisipaliteit het 37 wyke met grense soos bepaal in die afbakeningskennisgewing.

SETEL VAN EERSTE VERGADERING

8. Die setel van die nuwe munisipaliteit vir die doeleindes van die eerste vergadering van die raad daarvan na die effektiewe datum, is Pietermaritzburg Stadsaal, tot andersins bepaal ingevolge artikel 29(1) van die Wet.

STAANDE REËLS VIR EERSTE VERGADERING

9. Die staande reëls en orders vir die eerste vergadering van die nuwe munisipaliteit is dié wat van toepassing was op die afgeskafte munisipaliteit wat bekend gestaan het as Pietermaritzburg-Msunduzi Plaaslike Oorgangsraad tot andersins deur die raad bepaal.

DEEL 8

INSTELLING VAN PLAASLIKE MUNISIPALITEIT

1. Vir daardie gedeelte van die distriks-munisipale gebied wat in die afbakenings kennisgewing as KZ 226 bepaal is, word 'n plaaslike munisipaliteit hierby ingestel.

KATEGORIE

2. Die plaaslike munisipaliteit is 'n Kategorie B munisipaliteit soos deur die Afbakeningsraad ingevolge artikel 4 van die Wet bepaal.

SOORT

3. Die soort van die munisipaliteit is dié van 'n gesamentlike uitvoerende stelsel soos beskryf in die KwaZulu-Natal Wet op die Bepaling van Soorte Munisipaliteite, 2000.

GRENSE

4. Die grense van die plaaslike munisipaliteit is soos bepaal in die afbakeningskennisgewing vir KZ 226.

NAAM

5. Die naam of voorlopige benaming van die plaaslike munisipaliteit is KZ 226 Munisipaliteit.

RAADSLEDE

6. (1) Die raad van die plaaslike munisipaliteit bestaan uit 7 proporsioneel verkose raadslede en 7 wykraadslede soos bepaal in Munisipale Kennisgewing No 143 van 13 Julie 2000 soos reggestel deur Munisipale Kennisgewing No 175 van 22 Augustus 2000.

- (2) Voltydse raadslede word aangewys ooreenkomstig 'n beleidsraamwerk beoog in artikel 18(4) van die Wet.

WYKE

7. Die plaaslike munisipaliteit het 7 wyke met grense soos bepaal in die afbakeningskennisgewing.

SETEL VAN EERSTE VERGADERING

8. Die setel van die nuwe munisipaliteit vir die doeleindes van die eerste vergadering van die raad daarvan na die effektiewe datum, is Camperdown Munisipale Kantore, tot andersins bepaal ingevolge artikel 29(1) van die Wet.

STAANDE REËLS VIR EERSTE VERGADERING

9. Die staande reëls en orders vir die eerste vergadering van die nuwe munisipaliteit is dié wat van toepassing was op die afgeskafte munisipaliteit wat bekend gestaan het as Camperdown Plaaslike Oorgangsraad tot andersins deur die raad bepaal.

DEEL 9

INSTELLING VAN PLAASLIKE MUNISIPALITEIT

1. Vir daardie gedeelte van die distriks-munisipale gebied wat in die afbakenings kennisgewing as KZ 227 bepaal is, word 'n plaaslike munisipaliteit hierby ingestel.

KATEGORIE

2. Die plaaslike munisipaliteit is 'n Kategorie B munisipaliteit soos deur die Afbakeningsraad ingevolge artikel 4 van die Wet bepaal.

SOORT

3. Die soort van die munisipaliteit is dié van 'n gesamentlike uitvoerende stelsel soos beskryf in die KwaZulu-Natal Wet op die Bepaling van Soorte Munisipaliteite, 2000.