

BUILDING

[PROVINCIAL NOTICE NO. 82 OF 1932.]
[DATE OF COMMENCEMENT: 16 MARCH, 1932.]

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BOROUGH OF DURBAN BUILDING BY-LAWS

The Administrator in Executive Committee has been pleased to confirm, under the authority of Section 114 of the Boroughs Ordinance No. 19, 1924, the subjoined By-laws for the Borough of Durban, as finally passed by the Town Council at a Meeting held on the 8th January, 1932—

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[Chapter. I amended by PN 94 of 1934, by PN 12 of 1937, by PN 64 of 1942, by PN 349 of 1945, by PN 209 of 1948, by PN 466 of 1950, by PN 618 of 1951, by PN 92 of 1953, by PN 262 of 1954, by PN 198 of 1958, by PN 122 of 1958, , by PN 79 of 1959, by PN 63 of 1960, by PN 265 of 1963, by PN 265 of 1965, by PN 223 of 1966, by PN 280 of 1966, by PN 310 of 1966, by PN 488 of 1966, by PN 383 of 1969, by PN 425 of 1970, by PN 376 of 1971, by PN 536 of 1972, by PN 190 of 1973, by PN 208 of 1973, substituted by PN 385 of 1974, amended by PN 632 of 1974, by PN 268 of 1975, by PN 354 of 1975, by PN 489 of 1975, by PN 538 of 1975, by MN 96 of 1976, by PN 505 of 1976, by MN 173 of 1976, by PN 523 of 1976, by PN 169 of 1977, by PN 380 of 1977, by MN 184 of 1977, by PN 241 of 1978, by PN 529 of 1978, by PN 597 of 1978, by MN 161 of 1979, by PN 502 of 1980, by PN 512 of 1980, by PN 513 of 1980, by PN 514 of 1980, by PN 151 of 1981, by PN 152 of 1981, by PN 249 of 1981, by MN 80 of 1981, by MN 156 of 1982, by PN 380 of 1982, by PN 502 of 1982, by MN 84 of 1983, by PN 321 of 1983, by PN 199 of 1984, by PN 251 of 1984 and corrected by PN 301 of 1984, amended by MN 98 of 1984, by PN 392 of 1984, by PN 443 of 1984, by PN 21 of 1985, by PN 54 of 1985, by PN 269 of 1985, by MN 435 of 1985, by PN 499 of 1985 and by MN 181 of 1986 and substituted by r. 1 of PN 173 of 1987.]

Part I *Definitions*

1. (1) In these By-laws, unless inconsistent with the context and except where other meanings have been assigned to words or expressions in any particular chapter—

“**Act**” means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

“**airport zone**” means a zone set aside for airport purposes in terms of any town planning scheme;

“**approved**” means approved by the Council or by an officer of the Council to whom its powers of approval have been delegated;

“**awning**” means an easily removable light-weight roof-like covering which projects from a wall or building;

“**balcony**” means an outside platform, enclosed along the outer edges by parapets, railings or balustrades, which may project beyond the external wall of a building at any storey above the ground storey and which may be partly or wholly roofed;

“**bay window**” means a window placed in a bay which has been advanced from the external wall of a building to add space to a room;

“**canopy**” means a rigid roof-like projection from wall of a building;

“**caravan**” means any vehicle or similar portable, movable or towable structure including a trailer and having no foundation other than wheels or jacks and so designed or constructed as to permit human occupation for dwelling or sleeping purposes, but excludes a mobile home or a trailer constructed to be used as a dwelling house;

“caravan park” means an area of land designed, laid out, used or intended for the accommodation thereon of three or more caravans, whether or not any charge is made for such accommodation;

“City” means the City of Durban;

“City Engineer” means the person appointed as such by the Council from time to time or authorised to act in that capacity, and includes any Deputy City Engineer, the Director: Development and any other officer of the Council nominated by the City Engineer to discharge all or part of the functions of the City Engineer under these By-laws to the extent of such nomination;

“City Treasurer” means the person who from time to time holds the position as such either substantively or in an acting capacity from the Council and includes any Deputy City Treasurer;

“connecting foul-water sewer”

[Definition of “connecting foul-water sewer” deleted by para. (a) (i) of MN 104 of 1994.]

“connecting stormwater sewer” means a pipe vested in the Council, connecting a stormwater drainage system on premises to a stormwater sewer beyond the boundary of those premises or within a servitude area or within an area covered by a wayleave;

“Council” means the City Council of the City and includes any Committee thereof to which the relevant powers and functions of the Council in terms of any of these By-laws have been plenarily delegated;

“Council property” includes all property owned by, vesting in or under the control of the Council other than property leased from the Council;

“curtilage” means the whole of the area of the ground within the boundaries of the subdivision or subdivisions forming the site of any building;

“drain” means the portion of a drainage system not vested in the Council which conveys the discharge from drainage pipes from any premises to a stormwater sewer;

[Definition of “drain” amended by para. (a) (ii) of MN 104 of 1994.]

“drainage system” means a system not vested in the Council which is used for or intended to be used for or in connection with the reception, conveyance, storage or treatment of stormwater on any premises and includes drains, fittings, appliances, septic tanks, conservancy tanks and private pumping installations forming part of or ancillary to such system;

[Definition of “drainage system” amended by para. (a) (iii) of MN 104 of 1994.]

“drainage work” includes any drain, water-supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

[Definition of “drainage work” amended by para. (a) (iv) of MN 104 of 1994.]

“dwelling house” means a building used or constructed or designed or adapted to be used as a residence by one family together with such out-buildings as are ordinarily used therewith;

“encroachment” means any projection from a building which encroaches under, into or over any street or public place;

“excavation work” includes loosening, taking out, and removing stone or soil or other material in connection with building work;

“existing encroachment” means any encroachment lawfully in existence at the date of coming into operation of Chapter III;

“flat” means a portion of a building designed for occupation by a single family or household for living purposes and containing one or more habitable rooms, a kitchen, a bathroom and a water closet pan;

“footpath” means a street or part of a street that is used by pedestrians;

“foul-water” means soil water, waste water and trade effluent;

“foul-water drain”.

[Definition of “foul-water drain” deleted by para. (a) (i) of MN 104 of 1994.]

“foul-water sewer”.

[Definition of “foul-water sewer” deleted by para. (a) (i) of MN 104 of 1994.]

“frontage works” means any gate, gateway, driveway, path or other means of access to premises and any wall, fence or other structures and any permanent earthworks abutting upon a street or situated on private property within five metres of the street line or any line which the City Engineer has prescribed as a future street line;

“general business zone” means a zone set aside for general business purposes in terms of any terms of any town planning scheme;

“general residential zone” means a zone set aside for general residential purposes in terms of any town planning scheme;

“harbour zone” means a zone set aside for harbour purposes in terms of any town planning scheme;

“hoarding” means any fence or screen which is used while building or excavation work, as the case may be, is in progress, to enclose a building or material or an excavation;

“industrial zone” means a zone set aside for industrial purposes in terms of any town planning scheme;

“occupier” includes any person in actual occupation of land or premises without regard to the title under which he occupies and, in the case of premises let to lodgers or various tenants, the person receiving the rent payable by the lodgers or tenants, whether on his own behalf or as agent for any person entitled thereto or interested therein;

“outbuilding” means a private garage, privy, private workshop, private storeroom or any other similar structure other than servants’ quarters, the use of which is incidental and ancillary to that of the main building on the same cartilage;

“parapet” includes a low wall along the edge of a balcony or a roof;

“party wall” means—

- (i) a wall forming part of a building and used, or constructed to be used, for the separation of adjoining parts of the building belonging to different owners, or occupied, or constructed, or adapted to be occupied by different persons;
- (ii) a wall whose base extends across the common boundary of land in different ownership;

“pavement” means a paved footpath;

“pile” means a structural member inserted into the subsoil and which transmits a load to the subsoil through friction or end bearing or some combination of both;

“premises” means any building together with the land on which such building is situated and the adjoining land used in connection therewith and any land without buildings;

“prescribed charges” and **“prescribed tariff of charges”** mean the charges prescribed by the Council by resolution from time to time;

“public water” means any river, watercourse, bay, estuary, the sea and any other water which the public has a right to use or to which the public has the right of access;

“Regulation” means the National Building Regulations made in terms of the Act;

“residential building” means any building, other than a dwelling house, constructed, intended or adapted to be used for human residence, including such outbuildings as are ordinarily used therewith and, without prejudice to the generality of the foregoing, includes any of the following buildings—

Apartment houses	flats	institutions (residential)
boarding houses	hospitals	nursing homes
clubs (residential)	hotels	office buildings
convalescent homes	hostels	sanatoria

“roadway” means that part of a street which is used by vehicular traffic;

“scaffold” means any structure or framework used for the support of persons, equipment and materials in elevated positions;

“shop” means a building or a portion of a building used or constructed or adapted to be used for the purpose of carrying on retail trade and includes any portion of such building used as showrooms or banking halls;

“site” means any subdivision or group of subdivisions on which one or more buildings have been or are intended to be erected or on which a caravan park has been or is intended to be established;

“slop sink”.

[Definition of “slop sink” deleted by para. (a) (i) of MN 104 of 1994.]

“soil pipe”.

[Definition of “soil pipe” deleted by para. (a) (i) of MN 104 of 1994.]

“soil water”.

[Definition of “soil water” deleted by para. (a) (i) of MN 104 of 1994.]

“stormwater drain” means that portion of the drainage system used or intended to be used for the conveyance of stormwater within any premises;

“stormwater sewer” means any conduit vested in the Council for the conveyance of stormwater;

“street line” means that boundary of any subdivision or building site which adjoins any street;

“street verandah” means a verandah which has its supporting columns, piers or other compression members located outside the boundaries of the site of the building to which it is attached;

“subdivision” means any piece of land which has been allotted an individual description in the records of the Surveyor-General and includes a remainder;

“tent” means any portable shelter or structure constructed or covered wholly or partly with canvas, calico, vinyl or other pliable material;

“Town Clerk” means the person who from time to time hold the position as such either substantively or in an acting capacity from the Council and any Deputy Town Clerk;

“town planning scheme” means a planning scheme, operative, approved, prepared or in the course of preparation in accordance with the provisions of Chapter IV of the Town Planning Ordinance (Ordinance 27 of 1949), and includes a scheme supplementing, varying or revoking an approved scheme, and a map illustrating the scheme;

“trade effluent”.

[Definition of “trade effluent” deleted by para. (a) (i) of MN 104 of 1994.]

“trade premises”.

[Definition of “trade premises” deleted by para. (a) (i) of MN 104 of 1994.]

“verandah” means a roofed structure, the sides and front of which are open, attached to the outer wall (or walls) of a building and which, for stability, is dependent not only upon the building but also upon columns or piers or other compression members located outside the outer walls of the building, and in which the space under such roofing is not used for storage purposes or as a carport;

“walkway” means a boarded or built-up footway provided to enable pedestrians to pass the site of building work without having to walk in that part of the street used by vehicular traffic;

“waste pipe”.

[Definition of “waste pipe” deleted by para. (a) (i) of MN 104 of 1994.]

“waste water”.

[Definition of “waste water” deleted by para. (a) (i) of MN 104 of 1994.]

(2) Subject to the provision of subsection (1), any expression to which a meaning has been assigned in the Act or the Regulations shall have that meaning in these By-laws.

1A. Nondiscrimination.—(1) Subject to the provision of subsection (2) hereof, no provision of these By-laws shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed as to have the effect of authorising such discrimination.

(2) Notwithstanding the provisions of subsection (1) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provision of these By-laws which prescribes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of persons into public ablution, toilet and change room facilities or prescribes different standards for such facilities.

[R. 1A inserted by MN 43 of 1992.]

Part 2
Buildings, Building Work and Related Matters

2. Building Work on Unregistered Subdivisions.—No person shall, except with the prior written approval of the City Engineer, erect or commence the erection of any building or commence or carry out any frontage works or cause or permit any such work to be commenced or carried out on any subdivision approved in terms of the Council's By-laws relating to the Subdivision of Land and New Streets until separate title in respect of that subdivision has been registered in the office of the Registrar of Deeds, or the City Engineer has withdrawn or cancelled his certificate of such approval issued in terms of such By-laws.

3. Deposits, Undertakings And Indemnities.—(1) Before the return of plans and drawings in terms of section 7 (3) of the Act or before the grant of permission in terms of regulation E2 (1) of the Regulation, as the case may be, the owner of any land upon which a building is to be erected or demolition work is to be executed shall at the discretion of the City Engineer exercised on behalf of the Council in terms of regulation F8 (1) of the Regulations—

- (a) lodge with the City Engineer an undertaking and indemnity in the form prescribed in the First Schedule to these By-laws; and
- (b) deposit with the City Treasurer a sum of money estimated by the City Engineer to be sufficient to cover the cost of the repair by the Council either on completion of such work, or if deemed necessary by the City Engineer, during the progress thereof, of any damage which in the opinion of the City Engineer is caused as a result of such execution or anything incidental to the work concerned, to any property or services of the Council whatsoever, including, without derogating from the foregoing, any street, pavement, kerbing, channelling, scoops, entrance driveways, street lighting, traffic signal or sign, street furniture and any drainage, sewerage, electricity, water or other pipes, conduits and equipment, and the restoration thereof to its or their original condition.

(2) The City Engineer may at any time require the owner who made a deposit in terms of subsection (1) hereof to deposit a further sum with the City Treasurer when for any reason he is of the opinion that the amount of the original deposit is no longer adequate for the purpose contemplated by that subsection, or where such deposit has already been used in part or in whole for the purpose for which it was made.

(3) Failure on the part of any owner to comply with the requirements of subsections (1) and (2) as to the lodging of any undertaking and indemnity or the deposit of a sum or a further sum of money, as the case may be, and any breach of such undertaking and indemnity shall constitute a breach of these By-laws and such person may be required by the City Engineer by notice in writing to cause all work in respect of which there has been such a failure or breach to cease until such failure or breach has been remedied.

(4) The City Engineer shall be entitled from time to time, in his absolute discretion, whether during or upon completion of the work in respect of which a deposit has been made in terms of subsection (1) and (2), to repair damage to the Council's property and services referred to in subsection (1) (b) above, to restore the same to its or their original condition and to debit the cost of doing so against such deposit.

(5) If the cost of any repairs made is less than the sums deposited in terms of subsections (1) and (2) or if no repairs have been necessary, the balance as certified by the City Engineer or an amount equal to such sums, as the case may be, shall upon completion of the work in respect of which the deposit was made be refunded to the owner at the time the deposit was made but if such cost is greater than such sums, the shortfall shall, upon demand at any time, be paid to the City Treasurer by such owner and such shortfall shall constitute a debt owing to the Council.

4. Use of and Damage to Streets.—(1) In erecting any building or executing any demolition work or excavation work no person shall without the authority of the City Engineer alter, sever, cut into or otherwise endanger or interfere or tamper with any sewer, cable, water main or other works or service of the Council or cause or permit the same to be done for any purpose whatsoever of cause or suffer any stake, drill or similar object to be driven into or under any street or public place.

(2) No person shall—

- (a) deposit or leave any building rubble, debris, sand, earth, stone, bricks, timber or other building material or excavated material of any kind, or place, erect or allow to remain any hoarding, protective structure, enclosure, scaffold, hoist, concrete mixer, air compressor or other building, demolition or renovating appliance or plant on any street or public place;
- (b) use any portion of any street or public place in connection with building work or damage or in any way interfere with the surface thereof;
- (c) execute any work in connection with the erection of a building so as to endanger the safety of or cause inconvenience to the public using a street or public place; or
- (d) make any excavation in any street or public place; nor shall he cause or permit any such act to be done, save under and in compliance with the written permission of the City Engineer which permission may in the absolute discretion of the City Engineer be withdrawn by him in writing and upon such withdrawal the person to whom the permission was given shall immediately cease the doing of the act to which the permission related.

(3) At least seven days before any of the acts to which reference is made in subsection (2) is due to be commenced the person intending to do such act or to cause or allow it to be done shall apply in writing to the City Engineer for permission to do so, which may be refused or granted subject to such conditions and for such period as the City Engineer may deem fit to impose in the public interest, including a condition requiring such person, before such act is commenced, to—

- (i) enclose such part of the street or public place as he may be permitted to occupy;
- (ii) provide an open or covered walkway along the sides of such enclosure; and
- (iii) bear the cost of the construction by the City Engineer of a roadway for the purpose of giving vehicular access to the site.

5. Drawings Of Buildings As Completed.—Within not more than 60 days after the issue of a certificate of occupancy contemplated by section 14 (1) of the Act, the person who has requested the issue of such certificate shall at the request of the City Engineer furnish him with a drawing which clearly depicts the building as erected.

6. Connection To Electricity Supply Mains.—The City Electricity Engineer may refuse to authorise the connection in terms of section 5 (4) of the Council's Electricity By-laws of the supply main to the electrical installation in any building or part of a building in respect of which a certificate referred to in section 14 of the Act is required until such certificate has been issued.

7. Deviation From Approvals And Substitution Of Materials.—(1) No person shall—

- (a) substitute for any material forming part of the fabric of any existing building or part of any work already executed in terms of these By-laws or

the Regulations any other material of a different kind, quality or specification; or

- (b) substitute for any treatment of any exterior surface of any existing building or of a building under construction any other treatment of a different kind, quality or specification in order to form a background to, or form part of a sign or advertisement;

without first obtaining the written approval of the City Engineer.

(2) No person shall depart or deviate from an approval given in terms of the Act or the plans to which such approval relates, except with the prior written consent of the City Engineer given after compliance with the Act and Regulations and after submission to the City Engineer of such details and plans as he may require and application for such consent shall be accompanied by the prescribed charge.

8. No Openings in Party Walls.—No person who erects a building shall construct any party wall of such building so that any opening is made or left in such wall.

9. Buildings not to be United Without Consent of City Engineer.—(1) No person shall unite any buildings without the consent of the City Engineer first having been obtained, and then only if they are wholly in the same occupation or are constructed or adapted to be so, and when deemed necessary by the City Engineer, fire doors shall be provided.

(2) When any buildings which have been united, cease to be in the same occupation, the owner shall cause any opening made in the party walls dividing the same to be properly built up to the satisfaction of the City Engineer.

10. Roof Covering.—The roofs of all buildings (including outbuildings) shall be covered on the outer surface with tiles or other approved durable materials other than corrugated asbestos, corrugated iron, malthoid or similar material in the area bounded on the east by the Indian Ocean, on the south by the north bank of the Umgeni River from the Indian Ocean to the North Coast Road, along the eastern boundary of the North Coast Road to its intersection with the southern boundary of Sub. L of Lot 6 No. 1554, along the southern boundaries of Sub. L and Sub. S.10 both of Lot 6, along the eastern boundaries of S9, S8, S7, all of Lot 6, along the western boundary of Rem. of 32 of T of Lot 6, along the northern boundaries of Rem. of 32 of T and Sub. S both of Lot 6, along the western and northern boundaries of Lot 5 No. 1553, along the northern boundaries in succession of Subs. 562, 563 and 564 of Rosehill No. 10663 and Lot 4. No. 1551, along the eastern boundary of Rosehill No. 10663 and Duikerfontein No. 785 to the southern boundary of Sub. 4 of U3 of Duikerfontein No. 785, along the southern boundary of Sub. 4 of U3, along the western boundary of Subs. 4, 3, 2 and 1 of U3 and the northern boundary of 1 of U3, all of Duikerfontein No. 785, along the western boundary of Umhlanga Rocks Drive and including all subdivisions abutting on the said western boundary to a depth of 45,72m to the northern boundary of Lot 25 No. 1538, along the said northern boundary of Lot 25 No. 1738 and its production to the Indian Ocean.

11. Loading Of Buildings.—(1) Except for the purpose of a full scale load test carried out in terms of the provisions of regulation F9 of the Regulations, the owner or occupier of any building who subjects such building or any portion thereof, or permits such building or such portion to be subjected to a superimposed load greater than that stated on—

- (a) the working drawings of such building or such portion approved in terms of the Regulations or the Building By-laws which the Regulations replaced; or

- (b) a notice displayed in terms of subsection (2) hereunder,
shall be guilty of an offence.

(2) When required in writing by the City Engineer to do so, the owner of a building shall exhibit on every storey, in a conspicuous position, a notice in the form of an embossed or stamped metal plate clearly stating the superimposed load for which the floor of such storey has been designed and approved under the Regulations; and in the event of any such storey being subdivided into portions, each designed for a different superimposed loading, the owner shall, when so required, exhibit such notice in each such portion.

(3) The notice referred to in subsection (2) shall be in the following terms:

WARNING

The safe uniformly distributed load for which this floor or this portion of the floor has been designed is kilograms per square meter. No single mass or load greater than kilograms may be placed on the floor without the written consent of the City Engineer.

(4) In the case of any garage intended for the accommodation of any type of vehicle, such notice shall, in addition to the information required under subsections (2) and (3), clearly state the maximum permissible gross mass of the type of vehicle concerned as, determined by the City Engineer.

12. Windows Near Or Abutting Streets.—All windows on the ground storey level which abut a street and are less than 2,3 m above the street shall not be made to open over any such street.

13. Lift Wells And Lifts.—(1) Every building in which the distance in a vertical line between the surfaces of the floors of any two storeys or the difference between the level of the floor of anyone storey and the finished level of the ground at anyone entrance to the building exceeds 10 m at any point shall be provided with an automatic lift or automatic lifts serving all floors for the conveyance both of persons and of goods and such lift or lifts shall be maintained by the owner of the premises in good working order and in compliance with the requirements of subsection (4) (b) at all times; provided that—

- (a) such distance shall not be calculated from or to a storey or storeys used or to be used exclusively for anyone or more of the following purposes, viz. the accommodation of servants, the storage of goods, a laundry or a caretaker's flat;
- (b) it shall not be necessary to extend the lift or lifts to any one or more of the storeys referred to in (a) which is or are the highest or the lowest storey or storeys of the building;
- (c) where a caretaker's flat or servant's quarters on the highest storey of such building is converted to residential accommodation and the City Engineer is satisfied that a lift or lifts cannot, because of technical or other difficulties, be provided to serve such storey he may waive compliance with the provisions of this subsection;
- (d) where the level of the surface of a vehicular access point immediately adjacent to a pedestrian entrance to the building is above a level which is 600 mm below the level of the floor of the lowest storey used for habitation, the City Engineer may in his discretion permit such distance of 10 m to be calculated from the surface of the said floor

(2) The number of automatic lifts which shall be provided in any building containing flats or any apartment house shall be not less than as follows—

- (a) one lift where the total floor area of the building does not exceed 2 500 m² and the building does not exceed six storeys in height;
- (b) two lifts where the total floor area of the building, exceeds 2 500m² but does not exceed 7 500m² or the building exceeds six storeys in height;

- (c) where the total floor area of the building exceeds 7 500m² two lifts plus an additional lift for each 5 000 m² of such floor area or part thereof above 7 500 m²;

provided that there shall be excluded—

- (i) in calculating the total floor area, any portion thereof set aside for the parking of vehicles or for any non-residential purpose;
- (ii) in determining the height of any building, any storey which is set aside exclusively for non-residential purposes and which is served by its own lift or other approved mechanical device for conveying persons from one floor to another.

(3) Not less than one lift shall be designed and adjusted so as to stop at a landing on the level of every floor.

(4) The lifts installed in terms of this section shall—

- (a) be sited in relation to the entrances to the building to the satisfaction of the City Engineer;
- (b) be capable of and shall maintain at all times while in operation a minimum average speed over the total distance of travel of the following—

distance of travel up to 6 storeys	30 metres per minute
distance of travel up to 10 storeys	60 metres per minute
distance of travel up to 20 storeys	90 metres per minute
distance of travel over 20 storeys.....	105 metres per minute

14. Vehicular Access to Premises.—No person shall provide a vehicular access point at a street line without having first obtained the written approval of the City Engineer.

15. Boundary Walls, Fences and other Structures.—(1) Save with the written consent of the City Engineer no person shall erect or maintain or permit to be erected or maintained any gate or door made exclusively to open outwards so as to project over or across any portion of a public street or public place.

[Sub-r. (1) substituted by MN 148 of 1991.]

(2) No person shall construct or place or maintain or permit to be constructed or placed any platform step or ramp which encroaches on any street or public place, save to the extent authorised by the City Engineer.

(3) Any barbed wire overhang encroaching over any street or public place or any place open to the public shall not be lower at any point than 2,4 m measured vertically from the surface of the street or public place, or such lesser height which the City Engineer may deem to be not likely to cause injury or damage to any person or the property of any person, provided that the maximum width of the encroachment shall be 450 mm and the applicant shall be required to apply for an encroachment permit in terms of Chapter II and pay the prescribed charges.

[Sub-r. (3) substituted by MN 15 of 1994.]

(4) No person shall erect or maintain or permit or cause to be erected or maintained on property owned or occupied by him any fence, wall or enclosure constructed of or containing corrugated or flat metal, asbestos or other like sheeting, save with the prior written consent of the City Engineer, which may only be granted when such sheeting is to be used as cladding on a rigid framework in accordance with a design approved by him.

(5) A garden wall consisting of pre-cast concrete panels in conjunction with posts on or facing a street boundary or a boundary of a public place shall have its better face facing such street or public place.

16. Stormwater Drainage of Premises: Dwelling Houses.—(1) The owner of premises on which a dwelling house has been or is erected shall take all steps necessary to ensure that stormwater from every building on the premises is controlled to the satisfaction of the City Engineer and is conveyed—

- (a) to a manhole or inspection chamber near a boundary of the site which abuts a street or servitude in which is situated a surface channel or stormwater sewer; or
- (b) along a servitude to a manhole or inspection chamber near the boundary of a street or servitude in which is situated a surface channel or a stormwater sewer;

provided that where such surface channel or stormwater sewer is situated more than 60 metres from the nearest boundary of such site or where, in the opinion of the City Engineer, it is impracticable to convey the stormwater to any surface channel or stormwater sewer, the City Engineer may, in his sole discretion, permit the stormwater to be conveyed either directly or along a servitude to a natural stream or to a soak put on the site.

(2) (a) The grade and dimensions of the conduits or surface channels required in terms of subsection (1) shall be to the City Engineer's satisfaction but in no case shall the dimensions be less than those of a conduit having a nominal diameter of 100 mm.

(b) The manhole or inspection chamber required in terms of paragraph (a) and (b) of subsection (1) shall be constructed in compliance with regulation P27 of the Regulations and shall be situated within 1,5 metres from the boundary of the site or street or servitude as the case may be.

(c) The soak pit required in terms of the proviso to subsection (1) shall not, save with the prior written approval of the City Engineer, be situated closer than 3 metres to any building or to any boundary of the site or to any boundary of any drainage servitude to which such site may be subject and shall be of such size as may be approved by the City Engineer but in no case shall its capacity be less than one cubic metre for each forty square metres of the area of the roof from which the stormwater is conveyed.

(3) Upon payment of the prescribed charges, which payment shall be effected within the period specified by the City Engineer in a written notice to the owner, the Council shall cause the stormwater to be conveyed from the manhole or inspection chamber required in terms of subsection (1) to a surface channel or stormwater sewer in such manner as the City Engineer may determine.

(4) Every person who erects a building on premises referred to in subsection (1) shall—

- (a) construct and drain the yard or surroundings of such building in such manner as effectively to prevent stagnation of surface, waste or sub-soil water thereon, and stormwater falling thereon shall be disposed of in like manner to the storm water falling on the roof of a building;
- (b) when called upon to do so by the City Engineer, cause the yard or other land adjoining such building to be properly paved with brick and cement, concrete, asphalt or other impervious material to the satisfaction of that officer and shall dispose of stormwater falling thereon in a manner prescribed in paragraph (a) hereof;
- (c) when deemed necessary by the City Engineer, raise the ground level, with approved material, to such a height as will ensure immunity from dampness;

- (d) prevent the ingress of storm or surface water to the foulwater drainage system.

(5) Upon the discovery of any defect or stoppage in any connecting stormwater sewer which connects the stormwater drainage works on any premises to a street surface channel or stormwater sewer the owner or, if he is not in occupation, the occupier of, such premises shall forthwith report such defect or stoppage to the City Engineer who will arrange for the repair of such defective connecting stormwater sewer or the removal of the obstruction causing such stoppage. The cost of removing such obstruction shall be borne by the owner of such premises in accordance with the prescribed charges.

17. Child Protection Guards in Flats.—In all flats above ground floor level—

- (a) openable windows situated in the external walls of such flats shall be so constructed as to permit the installation of child protection guards over the full extent of all such openable windows;
- (b) the installation of child protection guards shall be permitted by the owner of such flat, who shall not in any way hinder their installation;
- (c) any child protection guards installed in terms of paragraph (b) above shall be of such pattern that no opening in the guard will be such as to permit the passage of a sphere which has a diameter of 125 mm;

provided that the requirements of paragraph (a) shall not apply in the case of louvered windows where the blades of such windows are spaced not more than 124 mm apart.

(Editorial Note: Wording as per original *Provincial Gazette*. It is suggested that the word “spaced” is intended to be “spaced”.)

18. Swimming Baths.—(1) For the purpose of this section a ‘swimming bath’ shall mean and include a plunge bath or any device or thing designed or intended to be used for swimming in or paddling in and which has a capacity of more than 2 500 litres and is capable of retaining water to a height in excess of 450 mm above its lowest part.

(2) No person shall construct a swimming bath, the structural stability of which relies upon a horizontal resistance being supplied by the surrounding soil unless such bath is located so that at no point in the bath is the least horizontal distance from such point to any servitude boundary less than one and a half times the depth of the bath at the same point.

(3) Notwithstanding the provisions of subsection (2) above the City Engineer may permit a lesser horizontal distance if other measures have been or are to be taken to ensure the stability of the swimming bath, provided that such measures are to the City Engineer’s satisfaction.

19. Directory Boards And Street Numbers.—(1) Every owner of a building used for office or business purposes (other than a building comprising shops) which is occupied by more than one tenant shall provide a directory board indicating the name of the tenant of each part of the building.

(2) The directory shall be located inside the main entrance to the building and the owner of the building shall ensure that the information depicted upon it is kept up to date and in a legible condition.

(3) Every owner of a building or portion of a building to which a separate property street number has been allocated by the Council shall provide and maintain in a legible condition at the entrance to the premises from a street or public place a board indicating such numbers in such a position as to render such number clearly visible from such street or public place. Such board and number shall comply with South African Bureau of Standards Specification 972 - 1970 (street name plates and property number plates) as published under General Notice 463 of 1982 dated 9 July 1982; provided that—

- (i) the surface of such property street number shall have a light-reflecting finish which will render such property street number readily legible from such street or public place during the hours of darkness or shall be illuminated during the hours darkness to the satisfaction of the City Engineer;
- (ii) notwithstanding the provisions of section 3.6.2 of SABS 972 - 1970, the background to such property street number shall either be of a colour contrasting substantially with that of the property street number itself or the board and property street number shall be otherwise to the City Engineer's satisfaction; and
- (iii) such property street number shall be at least 100 mm high and not 75 mm high as set out in SABS 972 - 1970.

(4) Where premises have more than one street line, the board and property street number referred to in subsection (3) shall be erected only at an entrance to the premises from the street or public place in respect of which such property street number has been allocated, and no person shall provide and maintain a board or property street numbers at any other entrance to the premises from or so as to be visible from any other street or public place except with the prior written consent of the City Engineer and in accordance with such conditions as he may impose and a board and property street number erected in terms of such consent shall reflect the name of the street or public place in respect of which the property street number has been allocated.

(5) Where a board or property street number is provided with a written consent of the City Engineer in terms subsection (4) it shall comply with the requirements of SABS Specification 972 - 1970 (street name plates and property number plates) published under General Notice 463 of 1982 date 9 July 1982, and with the requirements of the proviso to subsection (3).

(6) Where the Council requires a building or portion of a building to which a street number has been allotted to be renumbered, the owner of the building or portion of the building shall remove the existing number and replace it with the new street in accordance with the requirements of this section.

20. Construction Of Stands.—(1) No person shall erect any stand, platform or other structure for the accommodation of persons attending an open-air meeting or of spectators at any game, match, procession, entertainment or event without first obtaining the permission of the City Engineer thereto. Such permission shall be applied for in writing and the application shall give the full working details of the stand, platform or other structure with the maximum number of persons which it is intended to accommodate and shall be accompanied by a plan thereof and a certificate by a qualified structural engineer that the proposed structure will support the loads for which it has been designed, which shall not be less than 4,8 kN/m².

(2) The City Engineer, if satisfied that such stand, platform or structure is so designed as to be capable of safely accommodating the number of persons for which it is intended, but not otherwise, shall grant permission for the erection of the same.

(3) Any person who suffers or permits any such stand, platform or structure to be used for any of the purposes hereinbefore mentioned without first having obtained the permission thereto of the City Engineer shall be guilty of an offence.

(4) The owner and occupier of the premises on which a stand, platform or other structure referred to in subsection (1) has been erected and any other person having control thereof shall at all reasonable times permit the City Engineer or other person appointed by the Council entry for the purpose of inspecting such stand, platform or structure.

(5) If any stand, platform or structure referred to in subsection (1) is or is likely to become unsafe or dangerous, the City Engineer may prohibit the use of same, and the

owner or occupier of the premises and any person having control of the stand, platform or structure shall not, after receiving notice of such prohibition, use or permit the use of the same.

*Part 3
Drainage*

21. Approval Of Works And Submission Of Notices.—(1) No person shall construct, install, reconstruct, alter or renew a drainage system on premises within the City, or cause the same to be done without the prior approval of the City Engineer.

(2) Before work referred to in subsection (1) is commenced a plan thereof, framed in accordance with the requirements of regulation A8 of the Regulations, shall be submitted to and approved by the City Engineer.

(3) On submission of a plan an inspection fee calculated on the basis specified in the prescribed tariff of charges shall be paid to the Council. Such inspection fee shall, on approval of the plan, be retained by the Council but if the plan is not approved, fifty per cent of the fee shall be refunded. The work shall be carried out in strict accordance with the plan approved and by trained plumbers.

(4) The person referred to in regulation A2(1) of the Regulations who is required to submit drainage installation drawings in accordance with regulation A8 shall serve or cause to be served upon the City Engineer at his office due notice in writing on the prescribed forms as detailed in the Second Schedule—

- (a) two days prior to the commencement of work on construction, partial or entire reconstruction, alteration or disconnection of a drainage system or of drainage work;
- (b) two clear days before covering up and drainage work, for the testing of such work, which must not be covered up before testing and approval by the City Engineer; and
- (c) within two clear days after the completion of construction or reconstruction of any work.

(5) The deposit of plans and particulars, in terms of the Regulations, shall not be deemed to be a notice under subsection (4).

22.

[R. 22 deleted by para. (b) of MN 104 of 1994.]

23. Council And Owner May Agree To Construction By Council.—It shall be lawful for the Council, at its discretion, to agree with the owner of any premises that any drainage system which such owner desires, or is required by the Council to construct in terms of the Regulations, shall be constructed by the Council, and the cost of such construction as certified by the City Engineer shall be repaid by such owner to the Council.

24.

[R. 24 deleted by para. (b) of MN 104 of 1994.]

25. Full Cost Charges.—Whenever any work is carried out by the Council in respect of which it is entitled to recover the full cost from any person under these By-laws there shall be included in the full cost so recoverable such sum as the City Engineer shall certify as being the full cost of carrying out the work including any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge and the use of tools and plant, as well as any expenditure or labour involved in disturbing, making good and remaking any part of the street or ground affected by the work.

26. Sealing Up Of Openings.—(1) The City Engineer may, by written notice, require the owner at his expense to seal up and close the opening of any part of a drainage system and in such event the said owner shall keep the same properly closed and sealed until such time as the City Engineer may by written notice permit such seal to be removed. The occupier of any premises shall at once notify the City Engineer of any breach of removal of the said seal.

(2) Any person unlawfully breaking or removing or causing or permitting the breakage or removal of any seal of the opening of any drainage system or part thereof and any owner or occupier failing to comply with the provisions of this section or any notice issued in terms thereof shall be liable to the penalties for breach of these By-laws and shall make good such damage or loss as may be caused to the Council or as the Council may be required to make good to any person in consequence of such breach.

27.

[R. 27 deleted by para. (b) of MN 104 of 1994.]

28.

[R. 28 deleted by para. (b) of MN 104 of 1994.]

29.

[R. 29 deleted by para. (b) of MN 104 of 1994.]

30.

[R. 30 repealed by para. (b) of MN 104 of 1994.]

31. Disconnection of Foul-Water Drain.—When the foul-water drain from premises is permanently disconnected from a connecting foul-water sewer, the owner shall notify the City Engineer who will seal or remove the connecting foul-water sewer and the owner shall pay the tariff charge in accordance with the prescribed charges.

32. Work by Private Persons.—The Council shall lay all stormwater sewers and connecting stormwater sewers unless it elects not to do so in which case the work may be executed in accordance with the following provisions—

- (a) any person carrying out such work in terms of this section shall prior to commencement of such work, lodge with the City Treasurer, a written indemnity to his satisfaction indemnifying the Council against all liability in respect of any accident or injury to persons or loss of or damage to property which may occur as the direct or indirect result of the execution of such works;
- (b) where a connection is to be made with any sewer, it shall be made at a point indicated by the City Engineer;
- (c) whenever the surface of any street has been disturbed in the course of such work, the restoration of such resurface shall be undertaken solely by the Council at the expense of the person carrying out such work. Prior to the disturbance of the surface of such street a deposit shall be made by such person with the Council which in the opinion of the City Engineer is sufficient to cover the estimated cost of such restoration. When the actual cost is greater or less than the amount deposited any excess shall be recoverable from such person and any balance shall be refunded to him;
- (d) all work shall be carried out in accordance with the requirements, and to the satisfaction, of the City Engineer.

[R. 32 amended by para. (c) of MN 104 of 1994.]

33. Maintenance of Drains.—(1) The owner of any premises shall at his own expense maintain and repair all drains on such premises and keep the drainage system upon such premises in a proper condition and free from obstruction to the satisfaction of

the City Engineer. In all cases where the premises of more than one owner are served by any drain, such owners shall be jointly and severally responsible for the maintenance and repair of such drain. Should it appear to the City Engineer that such responsibility is being or has been neglected, the City Engineer may serve upon the owner or owners a written notice calling upon them to carry out the repairs or to remove the obstruction in a specified time.

(2) Should the owner or owners fail to comply with a notice issued in terms of subsection (1) by not carrying out the repairs called for, the Council may itself carry out the necessary work and recover the full cost thereof from such owner or owners in such proportions as the City Engineer in his absolute discretion may decide in each case.

(3) The owner of any premises on which drains have been cleared of any obstruction by the Council shall defray the cost of clearing such obstruction, calculated at the rate specified in the prescribed tariff of charges.

(4) The City Engineer may, on the written application of the owner of premises, inspect and test the drainage system of such premises or any section thereof and recover from the owner the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.

34. Consequential Maintenance of Sewers.—Whenever a sewer is damaged or becomes obstructed or in need of maintenance or repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of section 33 or otherwise, the Council shall be entitled to carry out such work of maintenance or repair as the City Engineer considers necessary or to remove the obstruction at the expense of such person and to recover from him the cost of doing so in accordance with the provisions of section 28.

35. Notices and Documents.—(1) Any notice, order or document required or authorised to be served upon or given to any person under these By-laws may be served or given by delivering the same or a true copy thereof to some person on the premises belonging to or occupied by the person upon whom such service is to be made, or, if there is no person to be found upon such premises who can be so served, by affixing such notice, order or document in a conspicuous part of the premises.

(2) Any such notice, order or document may also be served by post by a prepaid letter, and if so served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and, in proving such service, it shall be sufficient to prove that such notice, order or document was properly addressed and put into the post. Any such notice, order or document may be addressed by the description of the 'owner' or 'occupier' of the premises (naming such premises) in respect of which such notice, order or document is served, without further name or description.

36. Right of Appeal to Council.—Every person who is directly affected thereby shall have a right of appeal to the General Services Committee of the Council against any decision by the City Engineer or the issue of a notice by him under this part of Chapter I; provided that in the case of a notice issued in terms of section 28 (1) the person to whom such notice is addressed shall comply with the terms thereof pending the outcome of the appeal.

37. Foul-Water Drains to be Laid on Concrete.—Where foul-water drains are to be laid in a place providing unsatisfactory foundations or where the City Engineer so requires, they shall comprise either cast-iron pipes or vitrified clay or other approved pipes laid on a bed of concrete not less than 100mm thick and in width at least two and a half times the diameter of the foul-water drain and the concrete shall be 1:3:6 by volume of cement sand and coarse aggregate.

38. Concrete to be Filled in.—(1) When required by the City Engineer, the concrete base shall be haunched up to not less than half the external diameter of the pipe,

(2) Where foul-water drains are laid in a depth less than 450 mm below the surface of the ground or whenever required by the City Engineer, such foul-water drains shall be encased in concrete with a minimum thickness of 100 mm.

(3) Haunching or encasement shall be made discontinuous at pipe joints so as to maintain joint flexibility. Concrete to be used under the requirements of this section shall be 1:3:6 by volume of cement, sand and coarse aggregate.

39. Urgent Cases.—Where any partial or entire reconstruction or alteration of drainage work has to be carried out as a matter of urgency the builder may, in lieu of submitting the plans, elevations, sections, detailed descriptions and particulars and serving the notice referred to in these By-laws before commencing such work, forthwith send to the City Engineer a notice in writing of such work; provided always that he shall, within seven days after the commencement of such work, submit the plan referred to in section 24 and thereafter obtain approval of such plan.

40. Drains Within Or Under Buildings.—Where any foul-water drain or part thereof is constructed within or under a building such foul-water drain or such part shall—

- (a) if constructed of vitrified clay pipes, be laid on a bed of concrete as prescribed in section 37 and either haunched or encased as prescribed in section 38; and
- (b) if constructed of cast-iron pipes and on a foundation not approved by the City Engineer be laid on a bed of concrete and haunched as prescribed in sections 37 and 38; provided always that if such foul-water drain is above the ground it shall be supported at least at each joint on adequate piers or other sufficient support and the pipes used shall be encased in concrete.

41. Manholes.—Reinforced covers and frames for man holes shall withstand one or other of the tests set out in the Third Schedule depending upon the location in which they will be placed and the loading to which they may reasonably be expected to be subjected.

42. Cover To Openings.—The open end of every vent-pipe shall be fitted with a suitable cover approved by the City Engineer for the purpose of preventing any obstruction in or damage to any pipe or foul-water drain connected therewith by the introduction of any substance through such open end and the aggregate area of the apertures of such cover shall be not less than the sectional area of the pipe.

43. Testing Sanitary Fixtures.—All sanitary fixtures and the materials used therein shall be of an approved pattern or quality. Any person desiring to submit any particular material or sanitary fixture for approval shall submit the same for testing to a place to be denoted by the City Engineer, and for every separate type of material or fixture shall pay in advance to the Council the prescribed charge to cover the cost of testing such fixture or material.

44. Septic Tanks Or Storage Tanks.—(1) No person shall construct or fix or maintain any septic tank, storage tank or other works for the disposal of foul water on any premises without the written consent of the City Engineer.

(2) Any such installation or similar work shall be situated in the open air 3 m at least from any building and from the boundary of the owner's premises, unless otherwise permitted by the City Engineer.

CHAPTER II CARAVAN PARKS

[Chapter. II amended by PN 94 of 1934, by PN 121 of 1934, by PN 444 of 1934, by PN 273 of 1935, by PN 273 of 1936, by PN 12 of 1937, by PN 168 of 1937, by PN 53 of 1939, by PN 474 of 1939, by PN 456 of 1940, by PN 113 of 1941, by PN 286 of 1941, by PN 325 of 1943, by PN 467 of 1945, by PN 7 of 1946, by PN 297 of 1948, by PN 492 of 1948, by PN 267 of 1951, by PN 532 of 1952, by PN 144 of 1953, by PN 161 of 1953, by PN 218 of 1953, by PN 300 of 1953, by PN 533 of

1954, by PN 413 of 1955, by PN 187 of 1956, by PN 52 of 1957, by PN 198 of 1958, by PN 361 of 1958, by PN 63 of 1960, by PN 488 of 1964, by PN 265 of 1965, by PN 223 of 1966, by PN 280 of 1966, by PN 303 of 1966, by PN 310 of 1966, by PN 289 of 1967, by PN 552 of 1967, by PN 18 of 1969, by PN 383 of 1969, by PN 118 of 1970, by PN 425 of 1970, by PN 459 of 1970, by PN 366 of 1971, by PN 369 of 1971, by PN 741 of 1971, by PN 141 of 1972, by PN 289 of 1972 and by PN 536 of 1972 and substituted by PN 385 of 1974.]

1. Application for Approval of Establishment of a Caravan Park.—Every person desiring to establish a caravan park shall make written application to the City Engineer on forms obtainable from the office of the City Engineer. Such forms shall be completed in every particular in duplicate, shall be dated and signed by the applicant and by the owner (if the applicant is not the owner) of the site and shall be accompanied—

- (i) by such plans as may be required by the Regulations to be submitted in respect of the structures referred to in section 3 of this Chapter or any building work necessary to give effect to the requirements of this Chapter or to the proposed establishment, together with an application in terms of section 4 of the Act in respect of such structures or building works;

[Sub-para. (i) substituted by r. 2 (a) of PN 173 of 1987.]

- (ii) by such further details as the City Engineer may require to give effect to these By-laws.

2. Information on Block Plan.—The block plan referred to in section 1 of this chapter shall fully and clearly show the following information—

- (i) all dimensions of any subdivision forming part of the site and all the boundaries of the site;
- (ii) the registered description of all the subdivisions included in the site, the names of the registered owners thereof, and the postal number of the site;
- (iii) the direction of True North;
- (iv) the name or names and the width or widths of the street or streets upon which the site abuts and the widths of the abutting footpaths or if there are no footpaths, the distance in metres from the nearest street boundary to the edge of the hardened portion of such street;
- (v) the position and name of the nearest named cross street which intersects any street to which the site has frontage;
- (vi) the position of all natural watercourses and other natural features and all sewers, drains, surface channels, water mains, electric or other cables or wires and any structures or installations supporting or connected with any of the foregoing which exist upon or traverse the site;
- (vii) all servitudes, building lines and rights-of-way to which the site is subject;
- (viii) the position of trees, electric and telephone poles and any other apparatus or property of the Council on any street or public place adjoining the site;
- (ix) the position of any buildings to be erected on the site, of existing buildings thereon and of any building which is to be demolished with their distances shown in metres from the boundaries of the site and from each other, together with the proposed layout of the caravan spaces, access roads and paths, recreational spaces, drainage work, water supply points and lighting and details of the fence proposed to be erected in terms of section 3 (vii) of this chapter;
- (x) the distances, in metres, from the site boundaries to all existing buildings on adjoining subdivisions which are within 10 metres of such boundaries;
- (xi) the postal numbers of the adjoining sites; and

- (xii) the levels of the ground at each corner of the site and at any prominent feature and the position of any such feature together with contour lines at vertical intervals of one metre, all of which are to be in relation to mean sea level or to such other datum as the City Engineer may in writing approve for the purpose of this requirement;

provided that the City Engineer may waive compliance with the whole or a part of the provisions of this section.

3. Minimum Requirements for a Caravan Park.—The following requirements shall be met in respect of any caravan park established in terms of this chapter—

- (i) not more than 50 caravan spaces shall be provided on every hectare of land approved for this purpose, and the caravan spaces shall be so arranged as to allow a distance of not less than 6 metres between any two caravans, and between any caravan and the boundary of any residential subdivision adjoining the caravan park or less than 3 metres from any other boundary of the caravan park;
- (ii) a caravan space shall have an area of not less than 90 square metres and each caravan space shall be demarcated to the satisfaction of the City Engineer;
- (iii) an open space for recreational purposes shall be provided in the proportion of one-sixth of a hectare to every fifty caravan spaces; roadways shall afford free access to a public road;
- (iv) roadways not less than 2,8 metres wide, if they are intended for one-way movement of traffic only and at least 4,5 metres wide if they are intended for two-way movement of traffic shall be laid out and the surface thereof hardened to provide vehicles with adequate access to all caravan spaces under all weather conditions and such roadways shall afford free access to a public road;
- (v) every caravan space shall have direct access to a roadway;
- (vi) the position and details of vehicular and pedestrian access to the caravan park shall be subject to approval by the City Engineer and access shall be obtained only in the positions and in the manner so approved;
- (vii) the caravan park shall be enclosed by a fence of a height not less than 1,8 metres to the City Engineer's satisfaction;
- (viii) one permanent water stand pipe shall be provided in a convenient position for every four caravan spaces and at each stand pipe a grease trap, set in a dished and properly rendered surround, shall be provided and connected to the Council's waterborne sewerage system or to some other approved sewage disposal system;
- (ix) a minimum of one bathroom or one shower cubicle for each sex shall be provided for every six caravan spaces and sufficient hot and cold water shall be laid on in pipes to every shower cubicle and bathroom;
- (x) a minimum of one water closet for each sex shall be provided for every four caravan spaces in addition to 500mm of urinal length for every 12 caravan spaces or part of this number and not less than one wash-hand basin shall be provided at the entrance to each and every latrine block for the respective sexes;
- (xi) the internal walls of all bathrooms and latrines shall be painted with washable paint and shall be tiled or have a smooth and impervious surface to a height of 1,4 metres from the floor;

- (xii) a laundry equipped with wash tubs, ironing facilities or such alternative laundry facilities as the City Engineer may approve and an enclosed or screened drying yard shall be provided;
- (xiii) a minimum of one wash-up sink shall be provided for every six caravan spaces; sufficient hot and cold water shall be laid on in pipes; and an effective hot water system shall be provided and kept in operation at all times appropriate for the cleaning of caravanners' cooking and eating utensils;
- (xiv) adequate facilities shall be available for caravanners' servants if they are accommodated within the park. Such facilities, which shall be provided separately for each sex, shall include sleeping quarters, latrines and ablutions. No room used for sleeping in shall be occupied by a greater number of persons than will allow 11,3 cubic metres of free air space for each person.

4. Approval of Application to Establish a Caravan Park.—After the application has been considered the City Engineer's decision thereon shall be conveyed to the applicant in accordance with the provisions of section 18 of Chapter I of these By-laws,

5. Plans to be Adhered To.—A caravan park, the establishment of which has been approved in terms of this chapter, shall be properly and attractively laid out and landscaped to the satisfaction of the City Engineer and the plan, or plans, as approved by the City Engineer shall be adhered to in the establishment of the caravan park unless the City Engineer in writing has agreed otherwise.

6. Siting of Structures, Roads and Installations in Caravan Park.—All structures, roads, installations and equipment required in terms of section 3 of this chapter shall be located in accordance with the approved plans in approved positions and shall, except where otherwise expressly stated, be designed, constructed or installed to the satisfaction of the City Engineer.

7. Certificate of Approval for Occupation of Caravan Park.—A certificate of approval for occupation in terms of section 14 (1) of the Act must be obtained from the City Engineer before the owner or any person responsible for the conduct of a caravan park may admit any caravan to such park. Such certificate shall record the maximum number of caravans allowed to be in the caravan park at any one time.

[R. 7 amended by r. 2 (b) of PN 173 of 1987.]

8. Use of a Caravan Park.—Every caravan park shall be reserved exclusively for the use of caravanners and no person shall use or permit or suffer the use of a caravan park for any other purpose not expressly authorized by the Council or by the City Engineer.

9. Conduct of a Caravan Park.—(1) The owner from time to time of a caravan park established in terms of this chapter shall cause his name and address and any change of address to be registered with the City Engineer, as well as the name of any person appointed by him from time to time to be responsible to him for the conduct of the caravan park.

(2) The owner or person responsible for the conduct of the caravan park shall ensure that—

- (i) all activities in the caravan park take place in such a manner as not to cause any user any inconvenience or to cause any nuisance;
- (ii) the caravan park and all buildings, drainage work, roads sanitary fittings and other amenities in the caravan park are at all times kept in a clean, efficient and tidy condition;

- (iii) all roadways and water closets, as well as buildings containing public or communal toilets, bathrooms or showers are lighted from dusk to dawn for the purpose of safety, convenience and traffic;
- (iv) no vagrant or disorderly person is allowed to enter, loiter or remain in the caravan park;
- (v) dogs or other domestic animals are effectively controlled by their owners;
- (vi) he, or some competent person appointed by him is at all times in charge of the caravan park to ensure compliance with the provisions of these By-laws;
- (vii) not more than the maximum number of caravans recorded on the certificate of approval for occupation is allowed to be in the caravan park at any one time;
- (viii) a minimum of one light is provided in a convenient and suitable position for every four caravan spaces to provide such illumination as the City Engineer may deem satisfactory and is kept burning from dusk to dawn whenever any one of the four caravan spaces is occupied;
- (ix) fire buckets filled with water or sand and other suitable fire-fighting equipment are provided to the satisfaction of the Chief Officer, Fire Department, at points throughout the caravan park approved by such Chief Officer;
- (x) suitable direction signs are placed and maintained where directed by the City Engineer;
- (xi) one refuse receptacle of an approved type is provided in a convenient place for every two caravan spaces and the contents thereof are removed at regular intervals from such receptacle and it is thoroughly cleansed before being returned to its position;
- (xii) a responsible person is in attendance whenever the caravan park is occupied and for this purpose, a dwelling may be erected within the caravan park;
- (xiii) apart from the buildings or structures and other amenities forming part of the caravan park, and the caravans and vehicles used for moving them no tent, structure, shelter or any other similar thing is allowed in the caravan park, with the exception of side-tents or sun shades attached to caravans;
- (xiv) only caravans which are in a roadworthy condition according to the Road Traffic Ordinance, 1966 (Ordinance No. 21 of 1966) and the regulations thereunder or other relevant legislation and which are in a good state of repair and of good external appearance are allowed into or to remain in the caravan park;
- (xv) admittance is refused to any unsightly or dilapidated caravan;
- (xvi) an effective hot water system shall be provided and kept in operation whenever the caravan park is occupied;
- (xvii) no washing is done or clothing hung out to dry in any place other than the places specially provided for this purpose;
- (xviii) a register is provided and maintained in which is recorded—
 - (a) the names of all persons staying in the park;
 - (b) their permanent home address;
 - (c) the serial number of the caravan space allotted to them;

- (d) the registration number of their motor vehicle, where applicable, and
 - (e) their date of arrival and date of departure;
- (xix) the presence of any one caravan in the caravan park and the presence of any caravanner in the caravan park is limited to an aggregate of 3 months in any period of 12 months; provided that up to 20 percent of approved caravan spaces in the caravan park may be set aside for occupation whether on a permanent or temporary basis, inclusive of any caravans permanently sited and occupied in the caravan park prior to the date of promulgation of this proviso, and provided further that such caravan spaces shall be clearly identified and depicted on a drawing which shall be submitted to the City Engineer in terms of Section 1 (ii) of Chapter II of these By-laws.

[Sub-para. (xix) substituted by PN 172 of 1982.]

10. Camping Within a Caravan Park.—Notwithstanding the provisions of sections 8 and 9 (2) (xiii) of this chapter, the owner of a caravan park may, with the prior written approval of the City Engineer and subject to compliance with the provisions of this chapter, use a portion of a caravan park as a camping site.

11. Application for Approval of a Camping Site.—Every owner of a caravan park desiring to establish a camping site within such park shall make written application in terms of sections 1 and 2 of this chapter and the City Engineer's decision thereon shall be dealt with in terms of section 4 of this chapter.

12. Minimum Requirements for a Camping Site Within a Caravan Park.—The site shall be developed in accordance with section 3 of this chapter and, in addition, the following shall also be provided—

- (i) adequate built-in cooking facilities to the satisfaction of the City Engineer;
- (ii) sufficient cold storage facilities for use by campers for the storage of their perishable foodstuffs
- (iii) a form of demarcation, to the satisfaction of the City Engineer, to define the common boundary between the camping site and the remainder of the caravan park.

[Sub-para. (iii) substituted by r. 1 of PN 296 of 1976.]

13. Certificate of Approval for Occupation of a Camping Site.—A certificate of approval for occupation, in terms of section 14 (1) of the Act, must be obtained from the City Engineer before the owner or any person responsible for the conduct of a caravan park may admit any campers to the camping site within such park.

Such certificate shall record the maximum number of tents allowed to be in the camping site at any one time and the maximum number of caravans that are to be allowed in the caravan park at any one time as from the date of such certificate.

It shall also record that such certificate supersedes the certificate issued in terms of section 7 of this chapter.

[R. 13 amended by r. 2 (b) of PN 173 of 1987.]

14. Conduct of a Camping Site within a Caravan Park.—(1) The owner or person responsible for the conduct of a caravan park shall be responsible for the conduct of any approved camping site within such park.

(2) Such owner or person responsible for the conduct of the camping site shall ensure that—

- (i) the provisions of section 9 (2), excluding paragraphs (vii), (xiv), (xv), and (xix), are applied to the camping site;

- (ii) not more than one tent is allowed to occupy any one caravan space at any one time;
- (iii) no camping is permitted in the areas between caravan spaces;
- (iv) not more than the maximum number of tents recorded on the certificate of approval for occupation is allowed to be in the camping site at any one time;
- (v) no camping activities take place in any part of the caravan park other than the area approved as a camping site;
- (vi) no tent which is unsightly, or in a dilapidated state, is allowed within the camping site; and
- (vii) the presence of any one tent in any space set aside for a tent and the presence of any camper in the camping site is limited to an aggregate of 3 months in any period of 12 months.

15. Offences.—(1) Save with the written consent of the City Engineer no person shall erect or maintain or permit to be erected or maintained any gate or door made exclusively to open outwards so as to project over or across any portion of a public street or public place.

[Sub-r. (1) amended by r. (3) of PN 632 of 1974 and substituted by MN 148 of 1991.]

(2) Every person who shall contravene this section shall be guilty of a continuing offence in respect of each day or part thereof during which such contravention continues.

16. Closure of Caravan Park.—Upon the third or subsequent conviction of either the owner or the person responsible for the conduct of a caravan park established in terms of this chapter for an offence involving a breach of any of these provisions, the City Engineer may by notice in writing addressed to the owner withdraw the approval granted in terms of this chapter and require the conduct of the caravan park to cease by not later than a date specified in such notice, which date shall be not less than thirty days from the date of the notice; provided that an owner who is aggrieved by any such withdrawal shall have a right of appeal against such withdrawal, firstly to the Council and thereafter to the Administrator, and the provisions of section 14 (2) and (3) of Chapter I of these By-laws shall *mutatis mutandis* apply to such appeals; provided further that the period for cessation specified in the aforesaid notice shall on appeal be deemed to have commenced upon the date that the Council's decision is conveyed to the owner and where an appeal to the Administrator is subsequently lodged, upon the date that the Administrator's decision is conveyed to the owner.

CHAPTER III

CANOPIES, BALCONIES AND OTHER ENCROACHMENTS

[Chapter. III amended by PN 94 of 1934, by PN 444 of 1934, by PN 374 of 1935, by PN 273 of 1936, by PN 12 of 1937, by PN 438 of 1944, by PN 121 of 1945, by PN 7 of 1946, by PN 492 of 1948, by PN 466 of 1950, by PN 623 of 1951, by PN 73 of 1953, by PN 92 of 1953, by PN 161 of 1953, by PN 169 of 1953, by PN 445 of 1953, by PN 113 of 1955, by PN 314 of 1955, by PN 413 of 1955, by PN 473 of 1955, by PN 198 of 1958, by PN 79 of 1959, PN 632 of 1959, by PN 63 of 1960, by PN 256 of 1964, by PN 116 of 1965, by PN 138 of 1965, by PN 265 of 1965, by PN 289 of 1967, by PN 238 of 1969, by PN 450 of 1969, by PN 118 of 1970, by PN 425 of 1970, by PN 369 of 1971, by PN 388 of 1971 and by PN 289 of 1972 and substituted by PN 385 of 1974.]

1. Application for Permission to Erect an Encroachment.—(1) Subject to the provisions of this chapter no person shall erect or alter or cause or permit to be erected or altered any encroachment or retain any encroachment in respect of which the permit has lapsed in terms of subsection (5) except under and in accordance with the written permission of the City Engineer; provided that this subsection shall not apply to a

flagpole erected and used for the sole display of the national flag of a country on a building wholly or partly occupied by the consulate or embassy of that country.

[Sub-r. (1) amended by r. 1 of PN 243 of 1986.]

(2) (a) Every person intending to erect or alter any encroachment or retain any encroachment in respect of which the permit has lapsed in terms of subsection (5) shall make written application for the permission of the City Engineer on forms obtainable from the office of the City Engineer.

(b) Such forms shall be submitted in duplicate and shall be accompanied by—

(i) such plans as may be required by the Regulations to be submitted in respect of the proposed encroachment or the alteration of an existing encroachment contemplated by the application, unless an exemption is granted in terms of section 13 of the Act, together with an application in terms of section 4 of the Act in respect of such encroachment or alteration;

[Sub-para. (i) substituted by r. 3 (a) of PN 173 of 1987.]

(ii) the prescribed charge;

[Sub-para. (ii) substituted by r. 3 (a) of PN 173 of 1987.]

(iii) such further details as the City Engineer may require to give effect to these By-laws; and

(iv) where the applicant is not the owner of the site to which the application relates, the written consent of such owner or his authorised agent to the making of the application.

(c) The owner of the building shall, in addition, furnish the City Engineer with such indemnities and undertakings as he may require and, in particular, such owner shall—

(i) undertake without the payment of compensation to remove, alter or otherwise modify the encroachment when required by the City Engineer;

(ii) indemnify the Council against all claims and against any costs incurred by it in resisting any claims arising directly or indirectly out of the existence of the encroachment or out of his neglect to maintain such encroachment;

(iii) permit the City Engineer to enter the premises to remove, alter, repair or modify the encroachment should he fail or neglect to do so and agree to defray all costs so incurred; and

(iv) undertake not to sell or otherwise alienate the property without binding all successors in title to terms identical to those of the said indemnities and undertakings.

(3) (a) The City Engineer may refuse or grant any such application subject to such conditions not inconsistent with the provisions of these By-laws as he may deem proper.

(b) When any application is granted the City Engineer shall issue a permit substantially in the form set out in Annexure A to this chapter, and he shall in such permit set out the conditions, if any, on which such application has been granted.

(4) (a) Notwithstanding the provisions of subsection (3) every encroachment erected under these By-laws and every existing encroachment shall be deemed to be at the pleasure of the Council but the owner thereof shall, after receiving from the City Engineer a written notice requiring him so to do, remove any encroachment within thirty days or such longer period as the City Engineer may allow.

(b) Should the owner of such encroachment fail to remove such encroachment within the period specified in such notice, he shall be guilty of a contravention of this section and the Council may, without prejudice to any other proceedings it may decide to take, cause such encroachment to be demolished and recover the cost of such demolition from such owner.

(5) (a) Any permit issued in terms of subsection (3) and any permit valid at the date of promulgation of these By-laws shall lapse—

- (i) upon the issue of a notice by the City Engineer in terms of subsection (4); or
- (ii) upon the expiry of a period of thirty days after a change occurs in the ownership of the building to which the encroachment is attached, in which event the new owner shall apply for a new permit within such period of thirty days; or
- (iii) when the encroachment is removed or the building to which it is attached is demolished.

(b) when a change occurs in the ownership of an encroachment the City Engineer shall, upon application to him and upon the payment of the prescribed fee, issue to the new owner a permit subject to the same conditions as the permit previously held in respect of such encroachment.

2. Liability of Council.—No liability whatsoever shall attach to the Council for any injury or damage to persons or property which may occur as the direct or indirect result of the existence on the street of an encroachment authorised by the Council or the City Engineer as the case may be in terms of these By-laws or which was lawfully in existence on the date of coming into operation of these By-laws.

3. Conditions of Permits for Encroachments.—Where a permit is granted by the City Engineer for an encroachment the owner of the building concerned shall—

- (i) maintain such encroachment in a safe condition;
- (ii) permit attachments to such encroachment or to the building from which it projects for the purpose of fixing electric lighting or transmission wire, street lights and similar public services of the Council;
- (iii) pay to the City Treasurer the rental at the rate set out in the prescribed tariff of charges;

[Para. (iii) substituted by r. 3 (b) (i) of PN 173 of 1987.]

- (iv) erect, alter or add to such encroachment, as the case may be, in accordance with the Regulations and in accordance with any conditions imposed under section 216 of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974) and sections 129 and 130 of the Durban Extended Powers Consolidated Ordinance, 1976 (Ordinance 18 of 1976);

[Para. (iv) substituted by r. 3 (b) (ii) of PN 173 of 1987.]

- (v) before carrying out the work so authorised deposit with the City Treasurer such amount as in the opinion of the City Engineer will be required to meet the cost of paving or re-paving the footpath under or over such encroachment or to make good any damage to the pavement, street, kerb or gutter consequent upon the erection or construction of such encroachment.

4. Encroachment to be Removable without Danger.—Every encroachment which is permitted by the Council or the City Engineer as the case may, be shall be so constructed that its presence is not essential to the structural stability of the building to which it is attached; provided that the provisions of this section shall not apply to

foundations which have been permitted to encroach by the Council or the City Engineer or to any pile cap that may be permitted to encroach in terms of these By-laws.

5. Construction of Encroachments.—The design, construction and situation of any encroachment erected, altered or added to under the written permission of the City Engineer shall be to the satisfaction of the City Engineer and shall comply with the conditions and restrictions set out hereunder, which shall be deemed to have been imposed by the City Engineer in granting permission therefor.

- (a) Any encroachment projecting from a building shall—
- (i) be constructed of non-combustible material or be covered with material having a fire-resistance rating of not less than half an hour;
 - (ii) except as directed by the City Engineer be not less than 3 m above the surface of the footpath or, if there is no footpath, above the street or ground surface, or above such other level as the City Engineer may determine, measured to the underside of the lowest portion of the encroachment;
 - (iii) be at every point at least 450 mm back from a vertical line drawn through the exposed vertical edge of the kerb or, if there is no kerb, from such line as the City Engineer may determine; and
 - (iv) be so designed and constructed as to provide for the disposal of rainwater in such a manner as to prevent the discharge of such rainwater across the surface of any footpath or over the street through any spout or gargoyle.

[Para. (a) substituted by r. 1 of PN 532 of 1984.]

- (b) A canopy over a street shall be designed for a super-imposed load of 2,5 kilonewtons per square metre of plan area.

and—

- (i) allowance shall be made for an upward wind pressure of 720 newtons per square metre of plan area with no superimposed load acting in opposition;
- (ii) adequate provision shall be made for anchoring the encroachment to the building and the anchorage shall be designed for maximum loading conditions;
- (iii) the encroachment shall, in the case of a new building, be incorporated in the structural design and, in the case of an existing building, be fixed in such manner as to avoid damage or danger to any member or part of the building;
- (iv) the encroachment shall be so designed as to ensure that the stability of the building to which it is attached will not be disturbed if the encroachment is subsequently removed.

[Para. (b) substituted by r. 1 (1) of PN 316 of 1985.]

- (c) Every canopy over a street shall—

- (i) have its outer edge splayed or rounded on plan when such canopy is 450 mm from the kerb line and is carried around the corner of two streets;

[Sub-para. (i) previously sub-para. (ii) substituted by PN 27 of 1983 and amended by MN 90 of 1990.]

- (ii) be provided with an artificial lighting installation which shall produce an illuminance of not less than 50 Lux, measured in the horizontal

plane, at any point on the surface of the footpath, or on the ground if there is no footpath, beneath the canopy.

[Sub-para (ii) previously sub-para. (iii) amended by MN 90 of 1990.]

(d) Unless specially permitted by the Council no bay window or similar projection over a street from a building shall—

(i) project more than 920 mm beyond the street line or any other line which the City Engineer, in approving the plan for the building, has indicated as a future street line dictated by future road development nor shall the aggregate length of any bay windows at any level over the street exceed half the length of the frontage of such building to such street;

(ii) be erected over any street which is less than 12 metres wide and no part of such encroachment shall be nearer than 920 mm from any party or flank wall of the building to which it is attached;

(iii)

[Sub-para. (iii) deleted by r. 1 (2) (c) of PN 316 of 1985.]

[Para. (d) amended by r. 1 (2) of PN 316 of 1985.]

(e) No architectural feature, including a cornice, eave of a roof, string course, pilaster, fin, window surround and the like shall project beyond the street line for more than three per cent of the width of the street which, for the purposes of this paragraph, shall be deemed to be not wider than 30 metres, provided that a flagpole which, for the purposes of this paragraph shall be deemed to be included in the foregoing expression “architectural feature”, erected for the sole display of the national flag of a country on a building wholly or partly occupied by the consulate or embassy of such country, may project beyond the street line for not more than ten per cent of the width of such street.

[Para. (e) substituted by r. 2 of PN 243 of 1986.]

(f) Any architectural feature, excluding a cornice, string course, eave of a roof and the like, which projects over a street for more than 150 mm beyond the street line, shall be not closer to the boundary of an adjoining site than the extent of the projection of such feature.

(g) (i) No air-conditioning unit shall be permitted to project beyond the street line from the face of a building if such air-conditioning unit is installed within a height of 3,0 m from the finished ground level of the street onto which such building fronts.

(ii) Where one or more air-conditioning units, are installed at a height in excess of 3,0 m from the finished ground level of the street onto which such building fronts, such unit or units shall be permitted to project for a maximum distance of 300 mm beyond the street line.

(iii) Where an existing air-conditioning unit exceeds the maximum distance of projection beyond the street line, as described in (ii) above, the City Engineer may permit the continuation of the existence and use of such unit in such a position, subject to the compliance with all other requirements contained in this Chapter relating to encroachments, where applicable, and subject to the payment to the City Treasurer of a rental for each and every such air-conditioning unit at the rate as set out in the prescribed tariff of charges.

[Sub-para. (iii) amended by r. 3 (c) of PN 173 of 1987.]

[Para. (g) inserted by PN 247 of 1981.]

6. Encroachment to be Maintained in Proper Repair.—(1) Every owner of an encroachment which has been erected in terms of these By-laws and every owner of an existing encroachment shall maintain or cause to be maintained such encroachment in proper repair and outward appearance and shall not cause or permit such encroachment to be a disfigurement or a danger to the neighbourhood. If, in the opinion of the City Engineer, such encroachment is not being maintained in proper repair and outward appearance the City Engineer shall serve a written notice on the owner of such encroachment in which shall be specified the things to be done in order that such encroachment shall be restored to a state of proper repair and outward appearance and the date by which such things shall be done.

(2) Any person who disregards any notice referred to in subsection (1) shall be guilty of a continuing offence as from the day succeeding the date specified in such notice.

7. Lighting to be maintained in Good Order.—The owner of every building who has been permitted to attach an encroaching canopy thereto shall ensure that the lighting thereunder is maintained in good order and is illuminated nightly from dusk to dawn.

8. Encroachments Not Permitted under any Conditions.—(1) After the date of coming into operation of these By-laws, no application for permission to erect a display window, a foundation, or a pile, which would encroach into, on, or under, a street or public place shall be granted under any conditions; provided that a pile cap or the foundation of a canopy column may be permitted to encroach.

[Sub-r. (1) previously r. 8 amended by r. 2 of PN 532 of 1984, by r. 2 of PN 316 of 1985 and by r. (1) of MN 102 of 1994.]

(2) As from the date of commencement of this subsection no application for permission in terms of section 1 (1) shall be granted for the erection of a balcony which will encroach over a street or public place or beyond a street line.

[Sub-r. (2) inserted by r. 2 of PN 316 of 1985.]

9. Encroachment Not Permitted under certain Conditions.—An application for permission to erect an encroachment of the following type will not be granted—

- (i) a vertical sunblind, unless such sunblind is fitted with automatic retractable supports or is attached to the front of a building and, in either case, the lower edge of such sunblind shall be incapable of being lowered to less than 2,5 metres above the surface of the footpath or, if there is no footpath, above the street or ground surface;
- (ii) an awning, unless such awning does not project more than 1,5 metres or half the width of the footpath, whichever is the lesser, beyond the street line and the lower edge of such awning shall be incapable of being lowered to less than 2,5 metres above the surface of the footpath or, if there is no footpath, above the street or ground surface; and
- (iii) a pile cap, unless such pile cap does not project more than 300 mm beyond the street line or a line shown on the approved plan of the building concerned as a future street line or a street line which has been prescribed as a future street line, and is not higher than 1,5 metres below the surface of the footpath or, where there is no footpath, below the street or ground surface or such other level as the City Engineer may prescribe.

[R. 9 amended by r. 3 of PN 316 of 1985.]

10. Conversion or use of an encroaching verandah.—(a) No person shall without the permission of the City Engineer—

- (i) use or permit to be used any enclosed verandah which projects beyond the street line as a bedroom or place for the preparation of food or a place of refreshment or entertainment;

- (ii) construct any glazed screen or any other structure between the piers, columns or other supports of a balcony or verandah projecting over the street line;

[Sub-para. (ii) amended by r. 2 (2) of MN 102 of 1994.]

- (iii) construct or maintain or permit to be constructed or maintained on any encroaching balcony any transverse dividing walls, partitions or screens which are in excess of the height of the parapet walls, railings or balustrades, as the case may be.

[Para. (a) amended by r. 2 (1) of MN 102 of 1994.]

(b) Where any enclosed verandah which projects beyond the street line is used as a bedroom or place for the preparation of food or a place of refreshment or entertainment it shall, unless the contrary is proved, be presumed that the owner of the building incorporating such verandah permitted such use.

[R. 10 substituted by r. 4 of PN 316 of 1985.]

11. Use of Encroachment for Accommodation of Spectators.—(1) No owner, lessee or person in control or occupation of any building to which a verandah, canopy, balcony, roof, projection or other structure extending above ground level beyond the street line is attached shall use or permit the use of any such structure for the accommodation of spectators during any procession or display except under the authority of a written permit from the City Engineer, which shall specify the number of persons indicated on the certificate referred to in subsection (2).

(2) Application for such permit shall be made in writing by the owner to the City Engineer and shall be accompanied by a certificate from a suitably qualified and experienced professional engineer, indicating the maximum number of persons which the said structure can accommodate with safety.

(3) No such owner, lessee or person as aforesaid shall erect, or cause to be erected, temporary platforms or other structures for the accommodation of persons on any of the aforementioned structures, except with the consent of the Council first had and obtained in terms of these By-laws.

(4) Neither the Council nor any of its officials shall be held liable for any damage arising out of the accommodation of spectators as aforesaid.

12. Encroaching Architectural Features.—Notwithstanding the provisions of section 3 (iii) and the prescribed tariff of charges, no annual rental shall be payable in respect of permitted architectural features of the types enumerated in section 5 (e); provided that such encroachments are situated at a level not less than 3 m above the surface of the footpath or, if there is no footpath, above the street or ground surface, or above such other level as the City Engineer may determine.

[R. 12 inserted by r. 2 of PN 159 of 1975 and amended by r. 3 (d) of PN 173 of 1987.]

13. Exceptions to Provisions of this Chapter.—The provisions of this Chapter shall not apply where the applicant is required by the Council to enter into a lease in terms of Section 129 (2) of the Durban Extended Powers Consolidated Ordinance, 1976 (Ordinance 18 of 1976) of the area affected by the encroachment or where in alienating to the Council an area reserved for street purposes in terms of the Town Planning Scheme, the owner retains a right to project a portion of his building under or over such areas.

[R. 13 inserted by PN 8 of 1976 and amended by r. 3 (e) of PN 173 of 1987.]

ANNEXURE A

ENCROACHMENT PERMIT

[Annexure A amended by r. 3 (f) of PN 173 of 1987.]

(Issued under and subject to the provisions of Chapter III of the Building By-laws of the City of Durban)

..... the registered owner of
..... (insert full survey description of site) situated at

(insert full postal address) is hereby authorised to construct/retain* the encroachment as depicted on the owner’s plan, which plan bears the City Engineer’s plan Reference No. and his approval, or as described hereunder if the City Engineer has granted an exemption in terms of section 13 of the Act of the Building By-laws, subject to the conditions hereinafter set out and the provisions of Chapter III of the said By-laws.

The validity of this permit shall lapse upon—

- (a) non-payment of the rental payable in terms of section 3 (iii);
or
- (b) the expiry of the period specified in a notice issued in terms of section 1 (4); or
- (c) the expiry of a period of 30 days after a change occurs in the ownership of the building to which the encroachment is attached; or
- (d) the removal of the encroachment or the demolition of the building to which it is attached.

Description of encroachment (if applicable):

.....
Special conditions (in terms of section 1 (3)):

.....
.....

*Delete whichever is not applicable.

CITY ENGINEER

Date:

CHAPTER IV ADVERTISING SIGNS

[Chapter. IV amended by PN 94 of 1934, by PN 273 of 1935, by PN 273 of 1936, by PN 12 of 1937, by PN 318 of 1937, by PN 396 of 1939, by PN 400 of 1941, by PN 166 of 1943, by PN 438 of 1944, by PN 104 of 1945, by PN 255 of 1946, by PN 103 of 1947, by PN 299 of 1948, by PN 96 of 1952, by PN 73 of 1953, by PN 174 of 1953, by PN 37 of 1954, by PN 171 of 1954, by PN 314 of 1955, by PN 187 of 1956, by PN 157 of 1957, by PN 198 of 1958, by PN 632 of 1959, by PN 246 of 1960, by PN 18 of 1961, by PN 265 of 1963, by PN 214 of 1964, by PN 361 of 1964, by PN 265 of 1965, by PN 440 of 1966, by PN 552 of 1967, by PN 370 of 1968, by PN 18 of 1969, by PN 425 of 1970, by PN 470 of 1971, by PN 641 of 1973, by PN 63 of 1974, by PN 385 of 1974, by PN 268 of 1975, by PN 296 of 1976, by PN 669 of 1978, by MN 161 of 1979, by PN 528 of 1979, by PN 669 of 1979, by PN 685 of 1979, by PN 15 of 1982, by PN 66 of 1982, by MN 156 of 1982 and by MN 84 of 1983 and substituted by PN 321 of 1983, corrected by PN 281 of 1984.]

1. Definition.—In this Chapter, unless inconsistent with the context, the following words and expressions shall have the meanings hereunder assigned to them—

“**Advertisement**” means any audible or visible representation of a word name, letter, figure or object or of an abbreviation of a word or name, or of any sign or symbol, or

any light which is not intended solely for illumination or as a warning against any danger, which has as its object the furthering of any industry, trade, business undertaking, event, or activity of whatever nature.

“Advertising vehicle” means a vehicle which has been constructed or adapted for use primarily for the display of advertisements.

[Definition of “Advertising vehicle” inserted by r. 1 of PN 220 of 1987.]

“Aerial advertisement” means any advertisement displayed or made in the air by the use of aeroplane, kites, balloons, rockets, fireworks or by any other means.

“Animated advertisement” means an electric advertisement in which a representation of one or more than one figure, object or illustration is given the appearance of movement by the successive switching on and off of lights or illuminated lines.

“Applicant” means the occupier of premises by whom an application for permission to retain or to erect a sign or display an advertisement on such premises is made in terms of section 4.

[Definition of “Applicant” inserted by r. 1 (1) of PN 221 of 1986.]

“Clear height” in relation to a sign means the vertical distance between the lowest edge of such sign and the level of the ground, footway or roadway immediately below such sign.

“Depth” in relation to a sign means the vertical distance between the uppermost and lowest edges of such sign.

“Directional” in relation to any advertisement or part thereof means that such advertisement or part conveys only the name and, in words the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement appears.

“Display” in relation to an advertisement includes the production of an audible sound and “to display” has an equivalent meaning.

“Display window” means a unit of fenestration filled with glass, polycarbonate or other suitable glazing material which is in an external wall of the basement storey, ground storey or mezzanine storey of a residential building or shop and which faces a street or public place.

[Definition of “Display window” inserted by r. 1 (2) of PN 221 of 1986.]

“Electric advertisement” means an advertisement in which electric current is used.

“Fascia sign” means a sign which is directly affixed to the front or sides or both the front and one or more sides of a canopy or verandah beam.

[Definition of “Fascia sign” previously “Fascia advertisement” substituted by r. 1 (3) of PN 221 of 1986.]

“Flashing advertisement” means an electric advertisement which intermittently appears and disappears as a result of the electric current being successively switched on and off or for some other reason.

“Ground sign” means a sign not attached to a building or wall but erected on the ground in any manner whatsoever or attached to any pole, pylon, screen, fence or hoarding.

“Illuminated advertisement” means an advertisement which is at any time artificially illuminated by any means whatsoever and which is either supplied directly with electrical current or is otherwise made luminous.

[Definition of “Illuminated advertisement” substituted by r. 1 (4) of PN 221 of 1986.]

“Length” means the horizontal measurement of a sign from one end to the other.

“National advertising” is advertising that aims at the creation or maintenance of consumer demand through the promotion of a product or service on a national scale, such product or service being available in each of the four Provinces.

“Overall height” in relation to a sign means the vertical distance between the uppermost edge of such sign and the level of the ground, footway or roadway immediately below such sign.

“Permit disc” means a metal or plastic disc referred to in section 12A (1) (b) on which is permanently imprinted the letters “D.C.”, the year for which such permit is granted, which year shall commence on 1 July, and the serial number of such disc.

[Definition of “Permit disc” inserted by r. 1 of PN 55 of 1987.]

“Pointer board” means an advertisement displayed on a sign which is erected on Council property and which displays only the name of the selling agent, the words ‘show house’ or ‘open house’ or other words indicating that a house or flat for sale is on view, and an arrow indicating the route to such house or flat, and such other information as the City Engineer may approve;

[Definition of “Pointer Board” inserted by r. 1 (1) of PN 344 of 1985.]

“Projection sign” means a sign affixed to a building the whole of which sign projects more than 300 mm from such building and which is not a sky sign.

[Definition of “Projection sign” inserted by r. 1 (5) of PN 221 of 1986.]

“Return wall” means external wall of a building, or any other wall, which faces any boundary, other than a street line, of the premises upon which such wall is situated.

“Selling agent” means any person who offers property for sale on his own behalf or on behalf of another.

[Definition of “Selling agent” inserted by r. 1 (2) of PN 344 of 1985.]

“Sign” means any signboard, structure, device or thing intended or adapted for the display of any advertisement and includes that portion of a building on or onto which an advertisement is painted, written or projected.

“Sky sign” means a sign erected or placed on or above the parapet or any portion of the roof of a building and a sign any portion of which extends above such parapet or portion of roof but excludes a sign painted on the roof of a building.

“Street” excludes an arcade which is wholly within one or more buildings.

“Thickness” means the horizontal dimension measured through a sign at right angles to the length.

“Under-canopy sign” means a sign suspended or attached under a canopy or verandah.

“Wall sign” means a sign, other than a projecting sign which is directly attached to an external wall of a building, or on a wall external to and not part of a building.

[Definition of “Wall sign” amended by r. 1 (6) of PN 221 of 1986.]

Administration and General

2. Advertisements and signs for which approval is required.—Subject to the provisions of this Chapter no person shall erect, alter, display or maintain or cause or permit to be erected, altered, displayed or maintained any advertisement or sign which is visible from or which in the case of an advertisement can be heard in, any street or public place except under and in accordance with the written permission of the City Engineer.

3. Exempted advertisements and signs.—The provisions of section 2 shall not apply to—

- (a) any advertisement or sign which is displayed or erected—
 - (i) outside the registered office and every office or place of business of a company as required by section 50 (1) (a) of the Companies Act, 1973 (Act 61 of 1973), and which bears the name only of such company;
 - (ii) on the outside door of the office or place of business of a co-operative society or company, in terms of section 104 of the Co-operative Societies Act, 1939 (Act 29 of 1939), and which bears only the name of such society or company and a statement that it is registered in terms of the said Act;
 - (iii) at or over or near to the main entrance to any premises in respect of which a licence to carry on any business has been issued, and which bears only the name under which the business is carried on; or
 - (iv) outside the offices of accountants, actuaries, advocates, architects, attorneys, consulting engineers, conveyancers, dentists, medical practitioners, notaries, surveyors, veterinarians or other persons rendering services of a professional nature, one of a person or partnership and the nature of the profession is reflected;provided that—
 - (aa) no such advertisement or sign shall exceed 0,3m² in area or project more than 50 mm from the building or beyond the street line at the point at which it is fixed;
 - (bb) any two or more such advertisements or signs outside the office or place of business of a company shall be collectively placed and neatly arranged at the entrance to the premises; and
 - (cc) any two or more such advertisements or signs outside premises occupied by persons carrying on any of the professions referred to in subparagraph (iv) above shall be collectively placed and neatly arranged at the entrance to the premises,
- (b) any advertisement or sign (other than an illuminated advertisement or sign), displayed in or erected in the interior of a building or displayed on a vehicle other than an advertising vehicle, book newspaper, magazine or similar publication or which relates solely to the sale of any such publication.

[Para. (b) substituted by r. 2 (1) of PN 221 of 1986 and amended by r. 2 of PN 220 of 1987.]

- (c) any advertisement which is displayed on the inside or outside surface of a display window, other than an illuminated advertisement.

[Para. (c) inserted by r. 2 (2) of PN 221 of 1986.]

- (d) any advertisement not exceeding 2 m by 1,5 m in size advertising the sale or lease of premises which is displayed within the curtilage of the

premises to be sold or leased or which does not project beyond the boundary of such premises by more than 100 mm and is parallel to the street frontage; provided that such advertisement is limited to one per street frontage of the premises and is not displayed above or on the top of a canopy; and further provided that the dimensions of any such advertisement which relates to a dwelling house do not exceed 1,5 m by 1 m.

[Para. (d) previously para. (c) substituted by r. 2 (3) of PN 221 of 1986.]

- (e) any builder's board not exceeding 5 m² in area which is displayed on or within the curtilage of premises where building work, excavation work or pile-driving is in progress; provided that not more than four such boards are displayed simultaneously on such premises.

[Para. (e) previously para. (d) amended by r. 2 (4) of PN 221 of 1986.]

- (f) any advertisement relating to an election, unless displayed in a street or public place or on other property of the Council, whether movable or immovable, other than leased property, provided that the person who displays or causes or suffers such advertisement to be displayed shall comply with the requirements of section 12 (4) (iv), (vii) and (viii) where applicable and section 12 (6) to (9) shall mutatis mutandis apply;

[Para. (f) previously para. (e) amended by r. 2 (4) of PN 221 of 1986.]

- (g) any advertisement relating to any meeting, event or function for religious, educational, cultural, charitable, social, sporting or civic purposes unless displayed in a street or public place or on other property of the Council, whether movable or immovable excluding leased property; provided that the person who displays or causes or suffers such advertisement to be displayed shall comply with the requirements of section 12 (4) (iv), (vii) and (viii) where applicable and section 12 (6) to (9) shall mutatis mutandis apply;

[Para. (g) previously para. (f) amended by r. 2 (4) of PN 221 of 1986.]

- (h)

[Para. (h) previously para. (g) amended by r. 2 (4) of PN 221 of 1986 and deleted by r. 2 (5) of PN 221 of 1986.]

- (i) any advertisement displayed on a portable board, which does not exceed one metre by 600 mm in size, and stands within the curtilage of premises, provided that no such advertisement shall be displayed between the hours of 18h00 and 06h00.

[Para. (i) amended by r. 3 (a) of PN 243 of 1986.]

- (j) any non-illuminated notice not exceeding 0,5 m² in area over a maximum length of 2,0 m which does not project over a public street or place and which serves solely to convey a warning or direction in relation to the premises or to identify the use for which portion of the premises is reserved, and the only advertising content on which notice serves merely to identify the person or body for which such portion is reserved in relation to that use; and

[Para. (j) substituted by r. 2 (6) of PN 221 of 1986 and amended by r. 3 (b) of PN 243 of 1986.]

- (k) a flagpole used solely for the display of the national flag of a country on a building wholly or partly occupied by the consulate or embassy of that country.

[Para. (k) inserted by r. 3 (c) of PN 243 of 1986.]

4. Application Procedure.—(1) Every person intending to display, erect, alter or maintain any advertisement or sign for which the prior written permission of the City Engineer is required other than a sign to which section 12 applies, shall apply for such permission on forms obtainable from the office of the City Engineer. Such forms shall be completed in every particular in duplicate, and shall be dated and signed by the applicant, who shall be the occupier of the premises upon which such advertisement or sign is or is to be located.

[Sub-r. (1) amended by r. 3 (1) of PN 221 of 1986.]

(2) Save as is provided in subsection (3) every such application shall be accompanied by—

- (a) full particulars of the dimensions of such advertisement or sign and its location on a building or of any other supporting structure, the materials of construction, the name and address of the person or contractor displaying or erecting the advertisement or sign, the name and address of the manufacturer and where applicable, full electrical details in regard thereto;
- (b) drawings either in original form in ink on linen or other approved durable material, or in the form of legible prints on a durable material provided that in either case the size of the sheets shall be A0, A1, A2, or A3 and shall comprise—
 - (i) a block plan indicating the position of such advertisement or sign on the premises, drawn to a minimum scale of 1:500;
 - (ii) full detailed dimensioned drawings, drawn to a scale of not less than 1:20, showing the full text, lettering detail, colour, material, construction and method of attachment or suspension of the advertisement or sign;
 - (iii) a plan with elevations and sections to a scale of 1:100 showing the position of such advertisement or sign and its relationship to the premises and architectural features of any building, as well as to any existing advertisements or signs on the premises or any premises adjoining thereto;

provided that—

- (aa) in the case of a large building, the City Engineer may, in his discretion, accept a drawing which shows only the portion of the elevation of the building on which such advertisement or sign is to be displayed nor erected, in which case the entire elevation shall be indicated diagrammatically thereon, and a photograph of such elevation not less in size than 110 mm x 85 mm, shall be supplied showing clearly all existing signs thereon;

[Sub-para. (aa) corrected by r. 1 of PN 281 of 1984.]

- (bb) in the case where due to some special circumstance, a drawing of the elevation may be difficult to provide, the City Engineer may, in his discretion, accept a large photograph clearly showing the elevation with all existing signs in relation to the proposed advertisement and sign, and including details of same as required under (a);
- (cc) in the case of a painted or non-illuminated advertisement on a wall sign or on a fascia sign whose superficial area does not exceed 1,0m², the City Engineer may, in his discretion, accept an application which complies with the requirements of

subsection (1) and paragraphs (a) and (f) of this subsection and which is accompanied by a photograph measuring not less than 200 mm x 250 mm which clearly shows the elevation of the building with all existing signs in relation to the proposed advertisement and sign as indicated thereon, together with a sketch of such advertisement and sign indicating their dimensions, colours and the advertising content thereof;

[Sub-para. (cc) inserted by r. 3 (2) of PN 221 of 1986.]

- (c) a clear photograph of the premises with the proposed advertisement or sign sketched thereon;
- (d) such other drawings or photographs as are necessary, in the opinion of the City Engineer, to explain the true nature and scope of the application;
- (e) in the case of a projecting sign, sky sign or ground sign, details regarding the size and material of all members of the supporting framework and of the anchorages and, if required by the City Engineer, full details of the basic assumptions used and the calculations made in the design of such sign and its supporting structure for the purpose of ensuring its stability as a whole; and
- (f) the prescribed fee.

[Para. (f) amended by r. 3 (3) of PN 221 of 1986.]

- (g)

[Para. (g) deleted by r. 3 (3) of PN 221 of 1986.]

(3) The provisions of subsection (2) shall not apply to applications for permission to display advertisements or erect signs made in terms of section 12 and to display aerial advertisements made in terms of section 4A.

[Sub-r. (3) amended by r. 1 of PN 293 of 1985.]

(4) (a) The City Engineer may refuse an application made in terms of subsection (1) or may grant it subject to such conditions, not inconsistent with the provisions of these By-laws, as he may deem proper.

(b) Every advertisement or sign displayed or erected under these By-laws shall be deemed to be at the pleasure of the Council, and the owner or person having possession or control thereof shall remove any advertisement or sign within thirty days after receiving from the City Engineer a written notice requiring him to do so provided that, unless the City Engineer's permission in terms of paragraph (a) of this subsection is granted for a specified lesser period, and subject to the provisions of paragraph (g) below, no such notice shall be given until the expiry of one year from the date of permission, in the case of a ground sign, two and a half years in the case of an advertisement applied to any surface by means of paint and of five years in the case of any illuminated advertisement or sign.

(c) Any application which has been referred back to the applicant for amendment, shall be resubmitted within two months of the referral notice, failing which the application shall lapse.

[Para. (c) amended by r. 3 (4) of PN 221 of 1986.]

(d) Permission granted in terms of paragraph (a) is granted to the applicant only and shall lapse if he ceases to occupy the premises or to conduct the industry, trade, business, undertaking or activity to which the advertisement or sign relates; provided that the permission may on application to the City Engineer be transferred to a person who becomes the occupier of the premises concerned and succeeds the applicant as the person conducting the said industry, trade, business, undertaking or activity if such application is made within thirty days from the date of occupation.

[Para. (d) substituted by r. 3 (5) of PN 221 of 1986.]

(e) A permission granted in terms of paragraph (a) shall lapse if the advertisement or sign is not displayed or erected within six months from the date of such permission, which period may be extended by the City Engineer for a period not exceeding six months, on the written application of the applicant.

(f) The applicant shall, within seven days after the erection of a sign give notice thereof to the City Engineer on a form obtainable from him.

(g) Notwithstanding the provisions of paragraph (b) an electric or illuminated advertisement which, after erection, in the opinion of the City Engineer, disturbs the occupants of any other premises shall, on the written order of the City Engineer, be altered in such manner, or limited to such hours of operation as may be specified in such order, or removed by the applicant or if he fails to do so, by the owner of the premises within such period as the City Engineer may specify.

(h) The City Engineer shall, if so requested in writing by an applicant whose application has been refused, or whose application has been granted subject to conditions, or a person on whom an order has been served in terms of paragraphs (b) or (g), forward the relevant documents, together with a report thereon, to the Town Clerk for consideration by the Council or any Committee of the Council to which it may have delegated its powers to review the decision of the City Engineer. Such request shall be made within fourteen days from the date on which the applicant receives the notice advising him of the City Engineer's decision or the order, as the case may be. The notice or the order shall be deemed to have been received on the third day after its despatch to the applicant or person concerned until the contrary is proved.

4A. Aerial Advertisements: Applications.—Every application for permission to display, alter or maintain an aerial advertisement shall be accompanied by—

- (a) particulars of the aerial advertisement, including its content, dimensions, the means of display and materials of construction;
- (b) full particulars of the balloon, kite or other device by means of which the advertisement is to be displayed (in this section referred to as 'the aerial device', which device shall be deemed to be a sign for the purposes of these By-laws), including the materials of which it is made and the manner of construction and dimensions, as well as the method of anchorage or tethering;
- (c) the intended location with a description of the premises to which the aerial device will be anchored or tethered;
- (d) the name and address of the person or contractor displaying the aerial advertisement and the name and address of the manufacturer of the aerial device and of its owner;
- (e) the period and times of display;
- (f) drawings in ink on approved, durable material, in original form or in the form of legible prints and in either case in A0, A1, A2 or A3 size, comprising—
 - (i) dimensioned drawings to a scale of not less than 1:50 of the proposed advertisement, showing the full text and content, lettering detail, colour, method of reproduction, material and manner of attachment to the aerial device;
 - (ii) a block plan indicating the position of the aerial device on which the advertisement is to be displayed in relation to the premises to which it is to be anchored or tethered drawn to a minimum scale of 1:500, showing all buildings on such premises and the adjoining premises and buildings thereon, as well as electricity and telephone poles and

cables and all other structures within 30 m of the proposed anchoring or tethering point;

- (g) such other details, drawings or photographs as are necessary, in the opinion of the City Engineer, to explain the true nature and scope of the application;
- (h) full details of the method of anchoring or tethering the aerial device, which shall be certified by a registered professional engineer, together with specifications of the size and materials of construction of all members of the tethering system and anchorage and, if required by the City Engineer, full details of the basic assumptions used and the calculations made in the design of such aerial device and its tethering or anchoring structure for the purpose of ensuring their stability and strength;
- (i) the prescribed fee;
- (j) where the applicant is not the owner of the premises within the boundaries of which the aerial device is to be anchored or tethered, the written consent of the owner to such anchoring or tethering;
- (k) a written indemnity by the owner of the aerial device or his duly authorised agent, indemnifying the Council and its employees and the owners and occupants of the premises to which the device is to be anchored or tethered and of any adjoining premises as well as all other persons against damage to property and personal injury or loss of life resulting from any act or omission on the part of such owner or agent and their agents and employees, which indemnity shall be to the satisfaction of the City Engineer.

[R. 4A inserted by r. 2 of PN 293 of 1985.]

4B. Advertising Vehicles.—Every application for permission to erect a sign on an advertising vehicle shall be accompanied by—

- (a) full particulars of the sign including the materials of which it is made and the manner of its construction and dimensions;
- (b) the full names, addresses and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside Durban, of the person having control of the vehicle at all times;
- (c) drawings either in original form in ink on linen or other approved durable material, or in the form of legible prints on a durable material; provided that in either case the size of the sheets shall be A0, A1, A2 or A3 and shall comprise a plan with elevations and sections to a scale of 1:50 showing the advertising vehicle, the supporting structure of the sign, its material and the method by which it is secured to such structure;
- (d) one or more clear photographs of the advertising vehicle, if such vehicle exists, without and with the advertising sign secured thereto;
- (e) a copy of the current vehicle licence and of a road-worthiness certificate (if applicable) issued in respect of such vehicle by the Natal Provincial Administration; and
- (f) the prescribed fee.

[R. 4B inserted by r. 3 of PN 220 of 1987.]

5. Existing advertisements and signs.—Subject to the provisions of section 4 (4) (b), 4 (4) (g), 9 and 10, the provisions of this Chapter shall not apply to any advertisement or sign lawfully in existence before 28 July 1983 if such advertisement or sign is continuously displayed or kept in position without any alteration other than a minor alteration which the City Engineer in his sole discretion allows.

[R. 5 substituted by r. 4 of PN 221 of 1986.]

6. Alterations to Advertisements or Signs.—The permission granted in respect of any advertisement or sign shall lapse when any alteration or addition is made to such advertisement or sign; provided that the provisions of this section shall not apply to any advertisement referred to in section 11 (2) (c) (v) (bb) and (cc); provided, further, that minor alterations or changes of text may be approved by the City Engineer by an endorsement on the original application.

[R. 6 corrected by r. 2 of PN 281 of 1984 and amended by r. 5 of PN 221 of 1986.]

7. Contravention of the provisions of this chapter.—(1) Any person who displays an advertisement or erects a sign which does not comply with or conform to the requirements of this Chapter or who otherwise contravenes or fails to comply with any provision thereof shall be guilty of an offence.

(2) Whether or not a prosecution for an offence under subsection (1) has been instituted, when any advertisement or sign is being displayed or has been erected—

- (i) for which no permission has been granted by the City Engineer; or
- (ii) for which the permission has expired lapsed or been withdrawn; or
- (iii) which does not conform to the particulars supplied in terms of section 4 (2) (a); or
- (iv) which does not comply with the conditions under which the City Engineer's permission was granted; or
- (v) which does not comply with or is contrary to any other provision of these By-laws:

the City Engineer may by notice in writing served on the person who is displaying the advertisement or who has erected the sign as the case may be or who is causing or permitting such advertisement or sign to be displayed or erected or the owner of the premises upon which it is being displayed or has been erected or upon both such person and such owner, direct him or them as the case may be within a time to be specified in such notice, which shall not be less than fourteen days from the date on which the notice was given to remove such advertisement or sign or to do such other things as may be set forth in such notice so as to bring the advertisement or sign into conformity or compliance, as the case may be.

(3) If a person to whom notice has been given in terms of subsection (2) fails to comply with a direction contained in that notice within the period therein specified the City Engineer may, at any time after the expiration of that period through the agency of any person authorised thereto by him enter upon the land upon which the advertisement or sign to which the notice relates, is being displayed or has been erected and remove the advertisement or sign or effect the alterations prescribed in the notice.

(4) The Council may recover the expenses which have been incurred by any action taken under subsection (3) from any person to whom the notice in question was given, unless he proves—

- (a) that he did not at the time when he received the notice nor at any time thereafter display the advertisement or erect the sign, as the case may be; or
- (b) that he did not take any active part in displaying the advertisement or erecting the sign and did not grant any person permission to display or erect it and did not receive any valuable consideration in connection with the displaying of the advertisement or the erection of the sign, and that he does not manufacture an article or own, control or manage a business or undertaking to which the advertisement relates.

(5) No compensation shall be payable by the Council to any person in consequence of any removal or other work required to be effected in terms of subsection (2).

(6) For all purposes of these By-laws the owner of any premises on which an advertisement or sign is displayed or has been erected, as the case may be, or, where the owner does not occupy such premises, the occupier thereof and the manufacturer of any article or proprietor of any industry, trade business, undertaking or activity to which the advertisement relates and the promoter of any entertainment or function to which an advertisement relates or any agent of such manufacturer, proprietor or promoter shall, unless the contrary is proved, be deemed to have displayed erected or maintained such advertisement or sign or to have caused or permitted any such advertisement or sign to be displayed, erected or maintained, as the case may be.

8. Damage or defacement due to removal of Advertisements or Signs.—Any damage to or defacement of any premises caused by or resulting from the removal of any advertisement or sign shall forthwith be made good to the satisfaction of the City Engineer by the owner of the premises.

[R. 8 amended by r. 6 of PN 221 of 1986.]

9. Construction of Signs.—The person erecting or causing the erection of any sign shall ensure compliance with the following provisions—

- (a) Resistance to loads. The sign and its supports and anchorage shall be able to sustain the dead load to which they may be subjected together with a wind loading equivalent to a horizontal static pressure of 1,9kN/m².
- (b) Drainage. Adequate provision shall be made to drain every sign to prevent the accumulation of water.
- (c) Glass.
 - (i) All glass used in advertisements and signs other than glass tubing used for gas discharge illumination or similar appliances shall be of an approved type of safety glass having a thickness of not less than 4 mm.
 - (ii) No pane shall have an area greater than 1m².
 - (iii) No pane shall be secured in such a way that its stability is dependent upon any other pane.
 - (iv) An approved form of protection shall be provided to minimise the possibility of damage to the glass by falling objects.

10. Maintenance of Advertisements or Signs.—(1) (a) The owner of premises on which an advertisement or sign which is exempted in terms of section 3 from the provisions of section 2 has been displayed or erected, as the case may be, and

(b) the owner of the premises on which an advertisement or sign which is not so exempted has been displayed or erected, as the case may be, and the applicant who has been granted permission in terms of section 4 (4) (a) in respect thereof, jointly and severally,

shall maintain such advertisement or sign (together with its supports, braces guys and anchors) in a state of good repair, both structurally and aesthetically.

[Sub-r. (1) substituted by r. 7 (1) of PN 221 of 1986.]

(2) Whenever any alteration is made to the ground level below or adjacent to any advertisement or sign the person or persons who are liable to maintain the advertisement or sign in terms of subsection (1) shall alter the height of such advertisement or sign so as to bring it into conformity with the provisions of this chapter, if practicable.

[Sub-r. (2) substituted by r. 7 (2) of PN 221 of 1986.]

(3) Should any advertisement or sign become dangerous, unsightly or in any way constitute a nuisance, the person or persons who are liable to maintain the advertisement or sign in terms of subsection (1) shall forthwith remove the source of danger, the cause of the unsightliness or the nuisance and failure to do so will constitute an offence. Should such person fail to comply with the terms of a notice from the City Engineer requiring him to remove such source of danger, the cause of the unsightliness or nuisance, the City Engineer may remove the advertisement or sign concerned and recover the cost of doing so in terms of section 7 (4) and no compensation shall be payable by the Council in consequence of such removal.

[Sub-r. (3) substituted by r. 7 (3) of PN 221 of 1986.]

(4) The owner and any occupier of any premises upon which any advertisement or sign is displayed or erected within the public view shall permit the City Engineer or a member of his staff duly authorised by him, to inspect such advertisement or sign and to execute any work in relation thereto or to remove the same, and shall furnish the City Engineer or such member, as the case may be, with any information that may be required regarding the display, erection or maintenance of such advertisement or sign.

11. Prohibited advertisements and signs.—(1) No person shall display any of the following advertisements or erect any of the following signs—

(a) any advertisement which, in the opinion of the City Engineer is of an indecent, obscene or objectionable character or of a nature calculated to produce a pernicious or injurious effect on the public or any particular class of persons, or is displayed in any place, in such manner or by such means as, in the opinion of the City Engineer, is likely injuriously to effect the amenities of, or to disfigure any neighbourhood when the City Engineer has by notice served on such person conveyed his opinion to that effect;

(b) any advertisement that is painted onto or attached in any manner to a tree or other plant or to any rock, cliff or other natural feature;

[Para. (b) substituted by r. 8 (1) of PN 221 of 1986.]

(c) any advertisement or sign which obstructs any street, fire escape, exitway or any window or door or other opening used as a means of egress from premises or for ventilation or for fire fighting purposes or which prevents free passage from one part of a roof to another;

(d) any advertisement or sign which is prohibited in terms of any town planning scheme;

(e) any advertisement on a portable board displayed on a street pavement;

[Para. (e) amended by r. 8 (2) of PN 221 of 1986.]

(f) any advertisement or sign that is painted on or in any way affixed to the inside or outside surface of any window of a residential building other than a display window.

[Para. (f) inserted by r. 8 (2) of PN 221 of 1986.]

(2) (a) Advertisements painted on roofs. No advertisement shall be painted on a roof of a building which is not situated in an industrial zone or an airport zone.

(b) Advertisements or signs interfering with traffic or shipping control. No advertisement or sign shall be displayed or erected—

(i) which interferes with or is likely to interfere with any sign or signal for the control of traffic or with any marine or air navigational light or which is in any way likely to constitute a danger to traffic or shipping or aircraft;

(ii) which is so placed as to obstruct the view of traffic whether at any street intersection or elsewhere.

(c) Advertisements or signs in certain places or of certain materials. No advertisement or sign shall be displayed or erected—

(i) on top of a canopy or verandah unless it consists solely of individual letters not exceeding 750 mm in height to which may be added not more than two symbols, provided that—

(aa) the letters and symbols shall be of the cut-out type or be individually boxed, and

(bb) a symbol shall not exceed 1 m in height, and shall be mounted separately to the letters;

(ii) as a sky sign except in an industrial or harbour zone (other than the industrial zones fronting onto Umgeni Road and North Coast Road) unless it is, in the opinion of the City Engineer, or such size or so backed by a portion of the building, or so constructed, as not to detract from the amenities of the neighbourhood or the appearance of the building;

(iii) in any area other than an industrial or general business zone unless such advertisement or sign is of an exclusively directional nature or is erected on an accommodation establishment as defined in section 1 of the Hotels Act, 1965 (Act 70 of 1965) or retail business premises;

(iv) on a sign made of cloth, paper, plastic, paper-mache or other material of a like nature unless such advertisement—

(aa) is displayed on a sale banner which is erected, parallel to and on the face of the premises fronting a street, not more than six times annually for periods not exceeding two weeks and which does not exceed 0,3m² in area for each linear metre of building frontage;

(bb) relates to current or forthcoming programmes and is displayed on or within the curtilage of premises used for public entertainment upon a sign and in a position approved by the City Engineer;

(cc) is displayed on an approved ground sign or on a flag which is affixed to a flagpole attached to a building in a manner approved in writing by the City Engineer, subject, at his discretion, to certification by a registered professional engineer;

[Sub-para. (cc) substituted by r. 4 (a) of PN 243 of 1986.]

(dd) is displayed during public celebrations or festive occasions;

(ee) is on any portion of a sunblind or awning;

(ff) is displayed as an advertisement in accordance with the provisions of section 12 of this Chapter.

(gg) is either a flag referred to in the proviso to section 1 (1) of Chapter III or the registered flag of a shipping company or a company's house flag displayed at its main office or factory in the City.

[Sub-para. (gg) inserted by r. 4 (b) of PN 243 of 1986.]

(d)

[Para. (d) deleted by r. 4 of PN 220 of 1987.]

(e) Extent of advertising matter permitted on signs. Not more than 50% of the area of any face of any advertisement or sign painted, affixed to or erected on any cantilever or verandah or on the street facade of any building shall contain advertising matter other than of an exclusively directional nature; provided that in the case of any

advertisement or sign on the street facade of a building the City Engineer may grant relaxation of this provision as long as the total area covered by advertising matter on such building does not exceed 50% of the sum of the area of all faces of advertisements or signs on such building.

12. Advertisements and Signs on Council Property.—(1) No person shall in any street or public place or on Council property display or cause or permit to be displayed any advertisement relating to an election or advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable or political or other similar character unless he shall have first obtained the written permission of the City Engineer; provided that—

- (i) no permission shall be given for the display of any advertisement which contains advertising matter unconnected with the meeting, function or event advertised and which occupies more than 10% of the surface area of the advertisement; and
- (ii) no permission shall be given for the display of any advertisement which in the opinion of the City Engineer, is primarily of a commercial character.

(2) Every application for permission in terms of subsection (1) shall be accompanied—

- (i) by a deposit which, in the case of election advertisements, shall be R308,00 in respect of each candidate in each ward or constituency as the case may be, and in the case of other advertisements shall be R155,00 for every fifty copies or part thereof to be displayed;

[Sub-para. (i) amended by r. 4 of MN 435 of 1985, by r. 5 of MN 181 of 1986, by r. 2 (a) (i) of MN 88 of 1987, by para. (a) (i) of MN 55 of 1988, by r. 1 (1) of MN 98 of 1989, by r. 2 (1) of MN 111 of 1990 and by r. 2 (i) of MN 190 of 1991.]

- (ii) where any advertisement is to be displayed on any property the written consent of the head of the municipal department in which control of the said property vests.

(3) A deposit paid in terms of subsection (2) shall, subject to the provisions of subsections (6) and (10), be refunded when all the advertisements to which it relates have been removed to the satisfaction of the City Engineer

(4) Any person who, in the exercise of permission granted in terms of subsection (1), displays or causes or suffers an advertisement to be displayed shall comply with the following requirements—

- (i) No advertisement and no board or material to which an advertisement is attached shall be placed in such a situation or fastened in such a manner as is likely in the opinion of the City Engineer, to constitute a danger to any vehicular traffic or pedestrian or to any other person or any property in any street or public place or to Council property.
- (ii) No advertisements relating to the same meeting, function, event or election candidate shall be placed within 100m of each other
- (iii) No advertisements on the boards or material to which they are attached shall be so placed that the content of separate advertisements when read in succession, forms a continuous legend relating to the same meeting, function or event.
- (iv) No advertisement relating to a meeting, function or event other than an election, shall be displayed for longer than 14 days before the day on which it begins or longer than 3 days after the day on which it ends, unless such advertisement relates to meetings, functions or events of an international nature occurring in Durban, in which case no such

advertisements shall be displayed for longer than 21 days before the day on which it begins or longer than 3 days after the day on which it ends.

[Sub-para. (iv) substituted by MN 128 of 1995.]

- (v) Save with the special consent of the City Engineer, not more than 100 advertisements or copies of an advertisement shall be displayed at any one time relating to any meeting, function or event other than an election.
 - (vi) In respect of each candidate not more than 200 election advertisements or copies of an election advertisement shall be displayed in the places referred to in subsection (1).
 - (vii) No election advertisement shall be displayed for longer than the period extending from the beginning of the day of nomination to the end of the third day after the day of the election.
 - (viii) Any cloth, paper, papier-mache or other similar material which may be used for the display of the advertisement shall be securely fixed to a portable board.
- (5) Nothing in this section shall apply to an advertisement which—
- (i) is displayed in or on a private motor vehicle parked or being driven in a street or public place in the course of its normal use as such a vehicle;
 - (ii) is affixed to a ground sign approved in terms of these By-laws for the display of advertisements.

(6) Any person who, having displayed or caused to be displayed any advertisement in respect of which approval has been given under subsection (1), fails to remove it or cause it to be removed within the relevant period in terms of subsection (4) shall be guilty of an offence and the City Engineer shall be entitled to remove any such advertisement and deduct from any deposit made in terms of subsection (2) the sum of R8,50 in respect of each and every advertisement so removed by him; provided that if the amount of money which is arrived at by multiplying the number of advertisements so removed by the sum of R8,50 exceeds the amount of any deposit made in terms of subsection (2), the Council shall be entitled to recover such excess amount from such person and such amount shall be a civil debt due to the Council; provided further that when any advertisement is so removed in terms of these By-laws, the City Engineer shall be entitled to destroy any such advertisement, without giving notice to anyone, after a period of fourteen days from the date of such removal.

[Sub-r. (6) amended by r. 5 of MN 435 of 1985, by r. 6 of MN 181 of 1986, by r.

2 (a) (ii) of MN 88 of 1987, by para. (a) (ii) of MN 55 of 1988, by r. 1 (2) of MN 98 of 1989, by r. 2 (2) of MN 111 of 1990 and by r. 2 (ii) of MN 190 of 1991.]

(7) Any person who displays or causes, permits or suffers to be displayed in any place referred to in subsection (1) any advertisement and any person, other than a police officer or other person charged with the enforcement of these By-laws, who is authorised by the person responsible for the display of the advertisement to remove it shall be deemed to be the displayer thereof so long as it is displayed.

(8) Any person who is either alone or jointly with any other person responsible for organising or is in control of any meeting, function or event to which an advertisement relates shall until the contrary is proved, be deemed to have displayed or have caused permitted or suffered to be displayed every advertisement relating to that meeting, function or event.

(9) In any legal proceedings relating to an advertisement displayed either in accordance with or in contravention of any provision of this subsection, it shall be presumed that such advertisement was displayed by the person or persons, club or other body of persons sponsoring, promoting or organising or in control of the meeting, function or event to which it relates or by the candidate to whom an election

advertisement relates or that any such person, club or body caused or permitted such advertisement to be displayed, as the case may be, until it is proved to be contrary.

(10) The City Engineer shall be entitled, without giving notice to anyone, to remove or to cause to be removed any advertisement displayed without his permission in terms of subsection (1) or in contravention of any provision of this section or which constitutes in any respect a contravention of this section and the person who displayed any such advertisement or caused or permitted it to be displayed or is deemed under subsection (7) or (68) to have done so shall be liable to pay to the Council the sum of R8,50 in respect of each advertisement removed by the City Engineer and the total amount due in respect of the said removal may be deducted by the Council from any deposit made in terms of subsection (2) (i); provided that where the amount of money arrived at by multiplying the number of advertisements so removed by the sum of R8,50 exceeds the amount by any deposit made in terms of subsection (2) (i) the Council shall be entitled to recover such excess amount from such person and such amount shall be a civil debt due to the Council; provided further that when any advertisement is so removed in terms of these By-laws, the City Engineer shall be entitled to destroy any such advertisement, without giving notice to anyone, after a period of fourteen days from the date of such removal.

[Sub-r. (10) amended by r. 6 of MN 435 of 1985, by r. 7 of MN 181 of 1986, by r. 2 (a) (iii) of MN 88 of 1987, by para. (a) (iii) of MN 55 of 1988, by r. 1 (3) of MN 98 of 1989, by r. 2 (3) of MN 111 of 1990 and by r. 2 (iii) of MN 190 of 1991.]

(11) For the purposes of this section—

- (i) an advertisement displayed upon the exterior wall or fence constituting the apparent boundary of any premises and fronting a street or public place shall be deemed to be displayed in a street or public place;
- (ii) 'Council property' includes all property, whether movable or immovable, which is owned by, vests in or is under the control of the Council other than property leased from the Council;
- (iii) 'election advertisement' means the advertisement used in connection with any parliamentary, provincial council or municipal election or by-election or referendum.

12A. Granting of Approval to Display of Pointer Boards.—(1) The City Engineer may grant approval to the display of pointer boards, subject to compliance with the following requirements—

- (a) Each selling agent shall submit to the City Engineer a written application, in the form approved by him, and pay the prescribed fee, for permission to erect and display the number of pointer boards specified in such application form.

[Para. (a) substituted by r. 2 (a) of PN 55 of 1987.]

- (b) On the City Engineer's approval of the application referred to in paragraph (a) and receipt of the prescribed fee the City Engineer shall issue to the selling agent permit disc the number of which shall be equivalent to the number of pointer boards referred to in paragraph (a). On such disc shall be securely affixed by such agent in a prominent position to each such pointer board and shall remain thereon at all times during which such pointer board is erected and displayed on Council property and for the period approved by the City Engineer which shall not be more than twelve months.

[Para. (b) substituted by r. 2 (b) of PN 55 of 1987.]

- (c) Prior to the end of the year imprinted on the permit disc, but not later than ten working days prior to the last day thereof, the selling agent shall

follow the application procedure laid down in paragraph (a) hereof whereupon the City Engineer may issue the relevant number of permit discs, in respect of the year applied for, to such agent who shall affix and display such disc on the pointer boards during the year imprinted on such disc.

[Para. (c) inserted by r. 2 (c) of PN 55 of 1987.]

- (d) Failure by the person to whom a current permit disc is issued to display such disc on a pointer board which is erected and displayed on Council property will constitute an offence.

[Para. (d) inserted by r. 2 (c) of PN 55 of 1987.]

- (e) Not more than four such pointer boards shall be displayed in respect of each show or open house or flat on any one day as prescribed in subsection (2) (g) and no such board shall be displayed within 30 m of another such board.

[Para. (e) previously para. (c) amended by r. 2 (c) of PN 55 of 1987.]

(2) No person shall display a pointer board or cause a pointer board to be displayed—

- (a) save to indicate the route to the property to be sold or a change in the direction of such route from any point;
- (b) on a sign which exceeds 0,3 m² in area;
- (c) on any Council property as defined in section 12 (11) other than a road reserve;
- (cA) on any Council property unless approval has been granted in terms of sub-law(1) for such display;

[Para. (cA) inserted by r. 3 of PN 55 of 1987.]

- (d) on a sign which is fixed to the soil and supported by any means other than not more than two poles driven into unpaved ground between a road frontage boundary and the nearest edge of a public footpath, or if there is no such footpath, in a position not nearer than 1,8 m from the edge of the roadway as defined in the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966), and at such height that its lower edge does not exceed 400mm above the ground immediately beneath such lower edge, provided that where there is no such unpaved ground, the board shall be attached to a street lighting standard of the Council by a method which has been approved in writing by the City Engineer;
- (e) nearer than 10,0 m from any road intersection or 10,0 m from an entrance or exit to or from a dual carriageway or a freeway as defined in the said Road Traffic Ordinance;
- (f) so as to obstruct the view from any portion of a roadway as defined in the said Ordinance, of any road traffic sign or any street name sign; and
- (g) except between the hours of 10h00 on any Saturday and 17h00 on the Sunday immediately following such Saturday, provided that when one or more public holidays immediately precede or following a Saturday or a Sunday, a pointer board may be displayed between 10h00 on the first day of the period comprised by the Saturday and Sunday and the public holiday or public holidays and 17h00 on the last day of such period, provided further that a pointer board may be displayed between the hours of 10h00 and 17h00 on any other public holiday.

(3) Any selling agent who, having displayed or caused to be displayed any pointer board in respect of which approval has been given under this subsection, fails to remove it or cause it to be removed within two hours of the end of the time stated in subsection (2) (g) shall be guilty of an offence and the City Engineer shall be entitled to remove any such pointer board and to recover from such agent for each and every such pointer board the fee prescribed in item 3A of the First Schedule; provided that when any pointer board is so removed by the City Engineer, he shall be entitled to destroy any such pointer board which has not been claimed within a period of fourteen days from the date of such removal, without giving notice to anyone.

[R. 12A inserted by PN 344 of 1985.]

13. Signs attached to buildings.—(1) Any sign which is attached to or suspended from a building shall unless the City Engineer otherwise approves, have not less than four supports—

- (i) any two of which shall be capable of carrying the mass of sign;
- (ii) the designed strength of which acting together shall be calculated on a mass equal to twice the dead load of the sign with the addition of any other loads to which such sign may be subjected; and
- (iii) which shall be neatly constructed as an integral part of the design of such sign or otherwise concealed from view.

(2) Where directed by the City Engineer in writing, the stability and safety of any sign referred to in subsection (1) and its fixings shall be certified in writing, by a suitably qualified registered professional engineer.

Detailed Requirements For Signs

14. Electric and illuminated advertisements.—(1) Every electric advertisement and the sign on which it is displayed shall be constructed of non-combustible materials or other material approved by the City Engineer, and shall be installed in accordance with the provisions of the Electricity Supply By-laws and the Code of Practice for the Wiring of Premises SABS 0142-81 as issued by the Bureau of Standards and published on 9 July 1982 under General Notice 463.

(2) Where boxes or housing for electrical equipment are essential as part of an electric or illuminated advertisement, such boxes or housing shall be screened from view, provided that, if in the opinion of the City Engineer this is impracticable, such boxes or housing shall be painted to match the adjoining working and safety to the satisfaction of the City Engineer.

(3) No person shall display any advertisement which is of such intense illumination as to disturb the occupants of residential buildings.

(4) No flashing or animated advertisement, the periodicity of which exceeds 60 flashes to the minute, shall be so displayed that the lowest point of such advertisement or the sign on which it is displayed is less than 2,45 m above the ground.

[Sub-r. (4) amended by r. 9 (1) of PN 221 of 1986.]

(5) No flashing, oscillating or animated advertisement which is totally unilluminated for intervals of more than two seconds during the period of operation shall be situated at a height of less than two storeys or 2,45 m whichever is the greater height, above the ground level or footpath.

[Sub-r. (5) amended by r. 9 (2) of PN 221 of 1986.]

15. Ground Signs.—(1) No ground sign other than a single support sign shall have an overall height in excess of 7 m above the ground at any point and no such sign shall have dimensions which exceed 12,65 m in length and 3,65 m height, provided that a ground sign which has a length of 6,65 m or greater shall not be erected unless, in the opinion of the City Engineer, such sign screens premises which detract or likely to detract

from the amenities of the neighbourhood by reason of their appearance or the use to which they are put. Any area between such ground signs and the street line shall be grassed or otherwise ornamented at the expense of the applicant to the satisfaction of the City Engineer.

[Sub-r. (1) substituted by r. 1 of PN 453 of 1983 and amended by r. 10 (1) of PN 221 of 1986.]

(2) Unless otherwise permitted by the City Engineer, no single support sign shall—

- (a) be longer than 1,55 m where the lower edge of such sign is less than 2,45 m above the ground surface;
[Para. (a) amended by r. 10 (2) of PN 221 of 1986.]
- (b) be longer than 1,85 m where the lower edge thereof is 2,45 m or more but less than 3,25 m above the ground surface;
[Para. (b) amended by r. 10 (2) of PN 221 of 1986.]
- (c) be longer than 2,13 m where the lower edge thereof is 3,25 m or more but less than 4,05 m above the ground surface;
- (d) be longer than 2,43 m where the lower edge thereof is, 4,05 m or more but less than 4,85 m above the ground surface;
- (e) project beyond a point which is 450 mm back from the nearest kerbline if the lower edge of the said sign is less than 5,5 m above the ground surface;
- (f) contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

(3) Every ground sign shall be firmly supported by and anchored to the ground. Supports and anchors may be of suitably treated timber or of corrosion-resistant or corrosion-proofed metal or of masonry or concrete.

(4)

[Sub-r. (4) deleted by r. 2 of PN 453 of 1983.]

16. Projecting Signs.—(1) Every illuminated projecting sign and its supports and framework shall be constructed entirely of non-combustible materials or polycarbonate, acrylic polymer sheeting or any other material approved by the City Engineer.

[Sub-r. (1) amended by r. 11 (1) of PN 221 of 1986.]

(2) No projecting sign or any of its supports or framework shall—

- (a) have the lower edge thereof less than 2,45 m above the surface of the footpath or, if there is no footpath, above the street or ground surface;
- (b) exceed 1 250 mm in depth or project more than 950 mm from the visual surface of the building, where any portion of such sign is less than 3,7 m above the surface of the footpath or, if there is no footpath, above the street or ground surface;
[Para. (b) substituted by r. 11 (2) (a) of PN 221 of 1986.]
- (c) project more than 1250 mm from the surface of the building or any architectural feature thereof where no portion of such sign is less than 3,7 m above the surface of the footpath or, if there is no footpath, above the street or ground surface;
[Para. (c) substituted by r. 11 (2) (a) of PN 221 of 1986.]

- (d) project more than 1 850 mm from the surface of the building or any architectural feature thereof where no portion of such sign is less than 7 m above the surface of the footpath or, if there is no footpath, above the street or ground surface;

[Para. (d) substituted by r. 11 (2) (a) of PN 221 of 1986.]

- (e) project beyond a point which is 450 mm back from the nearest kerbline if the said sign is less than 5,5 m above the footpath or, if there is no footpath above the street or ground surface.

- (f) be located below a canopy or verandah that faces a street, or can be seen from a street, if such canopy or verandah has its underside located at or below a level of 5 m above the footpath immediately beneath it;

[Para. (f) previously para. (g) amended by r. 11 (2) (b) of PN 221 of 1986.]

- (g) contains advertising matter other than exclusively directional on more than 50% of its area, provided that, at the discretion of the City Engineer, this requirement may be relaxed in the case of an advertisement or sign on any one street elevation of a building as long as the total area covered by advertising matter on such elevation does not exceed 50% of the sum of the areas all faces of advertisements and signs on such elevation.

[Para. (g) previously para. (h) amended by r. 11 (2) (b) of PN 221 of 1986.]

(3) Every projecting sign shall be at right angles to the overall face of a building fronting a street; provided that such face shall be deemed to include any splayed section of the external wall of such building which exceeds 1,5 m in length at the intersection of two streets.

(4) Any projecting sign which is attached to a building of the height set out in Column 1 of Table 1, shall be so situated that no part of such sign has a depth greater than that set out in Column 2. For the purpose of such Table the height of the building shall be measured as its vertical height above the ground at the point where the sign is to be erected.

TABLE I

Column 1 Height of building	Column 2 Maximum depth of sign
Not exceeding 17 m	9 m
Exceeding 17 m but not exceeding 34 m	12 m
Exceeding 34 m but not exceeding 43 m	14 m
Exceeding 43 m	15 m

In calculating the depth of any sign in accordance with the above Table, signs placed one above the other in the same vertical plane on the same building, or tier of that building, shall be deemed to be one sign, whether or not such signs belong to different owners or are displayed under separate permits.

17. Sky Signs.—(1) Every illuminated sky sign and its supports and framework shall be constructed entirely of non-combustible materials or polycarbonate, acrylic polymer sheeting or other material approved by the City Engineer.

[Sub-r. (1) amended by r. 12 (1) of PN 221 of 1986.]

(2) No sky sign when erected on a building of the height specified in Column 1 of Table 11 shall exceed the depth given in Column 2 of the said Table. For the purpose of such Table the height of the building shall be measured as the vertical height of the building above the ground at the point where the sign is to be erected.

TABLE II

Column 1	Column 2
Height of building	Maximum depth of sign
Not exceeding 17 m	2 m
Exceeding 17 m but not exceeding 34 m	3 m
Exceeding 34 m but not exceeding 43 m	3.5 m
Exceeding 43 m	4 m

(3) (a) No sky sign on which an electric or illuminated advertisement is displayed shall be placed on or over the roof of any building unless the entire roof construction is of non-combustible material or such sign is in metal boxes with faces of poly-carbonate, acrylic polymer sheeting or any other material approved by the City Engineer.

(b) No sky sign shall be placed on or over the roof of any building in such a way that it will interfere with the run-off of rainwater from the roof of such building.

(4) No sky sign shall project beyond any existing building line.

[Sub-r. (4) amended by r. 12 (2) of PN 221 of 1986.]

(5) No sky sign shall be affixed to any pitched roof, provided that in the case of a double pitched roof a sign may be positioned above the parallel to the ridge thereof, provided further that a revolving sign in such a position may also be allowed.

(6) Every sky sign shall be thoroughly secured and anchored to the building on or over which it is erected. All loads shall be safely distributed to the structural members of the building. All structural members of the sign shall be concealed or integrated with the design of the sign to the satisfaction of the City Engineer.

18. Under-canopy signs.—(1) Every illuminated under-canopy sign and its supports and framework shall be constructed entirely of non-combustible materials or polycarbonate, acrylic polymer sheeting or other material approved by the City Engineer.

[Sub-r. (1) amended by r. 13 (1) of PN 221 of 1986.]

(2) No suspended under-canopy sign shall exceed 1,85 m in length, 600 mm in depth and 300 mm in thickness with a minimum thickness of 100 mm.

[Sub-r. (2) amended by r. 13 (2) of PN 221 of 1986.]

(3) Every under-canopy sign suspended under a canopy or verandah shall be set with its main axis at right angles to the building line and shall be fixed in such a manner that the lowest part of such sign is not less than 2,45 m above the footpath or, if there is no footpath, above the street or ground surface.

[Sub-r. (3) corrected by r. 3 of PN 281 of 1984.]

(4) The distance between any two under-canopy signs centre-to-centre, shall not be less than 3 m, provided that the City Engineer may in special circumstances and in his absolute discretion permit a lesser distance.

[Sub-r. (4) substituted by r. 13 (3) of PN 221 of 1986.]

(5) No suspended under-canopy sign shall extend beyond the external edge of the canopy or verandah to which it is attached.

(6) Not more than 50% of the area of any face of an under-canopy sign shall contain advertising matter other than of an exclusively directional nature, provided that when licenced business premises have more than one under-canopy sign this restriction shall be deemed to have been complied with if the total area covered by such advertising matter on such premises does not exceed 50% of the sum of the area of all faces of such signs.

19. Wall Signs and Fascia Signs.—(1) **Materials.**—Every illuminated wall sign, other than a sign on a blank wall which has no openings and every illuminated fascia

sign, shall be constructed of non-combustible materials except that paints and varnishes may be used and ornamental mouldings, cappings, decorative trim and battens or framing may be constructed of combustible materials, provided that the space (if any) between the sign and the wall is fire-stopped to the satisfaction of the City Engineer.

[Sub-r. (1) amended by r. 14 (2) of PN 221 of 1986.]

(2) **Projection.**—No wall sign or any advertisement displayed thereon shall extend beyond the ends of the wall to which it is attached. At any place where pedestrians may pass by a wall a wall sign attached thereto shall not project more than 100 mm therefrom up to a height of 2,5 m measured from the ground level at such places or project more than 225 mm above such height and any such sign which is below a height of 2,5 m shall be provided with rounded arrises.

[Sub-r. (2) amended by r. 14 (3) of PN 221 of 1986.]

(3) **Supports.**—Every wall sign attached to walls of masonry or concrete shall be securely anchored thereto by means of corrosion resistant metal anchors, screws or expansion bolts of at least 6 mm diameter, embedded to a depth of at least 100 mm. No wooden blocks or anchorage with wood used in connection with screws, staples, or nails shall be considered proper anchorage.

(4) Not more than 50% of the area if any face of a fascia sign shall contain advertising matter other than of an exclusively directional nature, provided that when licensed business premises have more than one fascia sign this restriction shall be deemed to have been complied with if the total area covered by such advertising matter on such premises does not exceed 50% of the sum of the area of all faces of such signs.

[Sub-r. (4) amended by r. 14 (4) of PN 221 of 1986.]

[R. 19 amended by r. 14 (1) of PN 221 of 1986.]

19A. Aerial Advertisements.—No person shall display an aerial advertisement or cause or permit such an advertisement to be displayed—

- (a) at a height exceeding 30 m from the natural ground level nearest to its anchorage or tethering point;
- (b) on or from Council property, including a street or public place, and no person shall anchor or tether an aerial device by means of which such an advertisement is or is to be displayed to such property; provided that the City Engineer may in his sole discretion permit such display and anchorage or tethering for the duration of an exhibition, show or event during national or civic festivals or other functions, subject to such conditions as he may deem fit to impose; and
- (c) on an aerial device unless that device is at all times of display constantly attended by an approved competent person, nor shall any person cause or permit such a device to fly or be tethered unless it is so attended.

[R. 19A inserted by r. 3 of PN 293 of 1985.]

19B. Rental for Encroaching Signs.—The person to whom permission has been granted in terms of section 4 (4) (a) or transferred in terms of section 4 (4) (d) in respect of a sign which extends beyond, into or over the boundaries of any street or any street line (whether under or above any verandah, balcony or canopy or not) shall pay therefore for the annual rental prescribed in section 140 (v) 5 of the General By-laws.

[R. 19B inserted by r. 15 of PN 221 of 1986.]

19C. Advertising Vehicles.—No person shall display an advertisement on an advertising vehicle or cause or allow such advertisement to be displayed so that the advertisement is visible whilst such vehicle is in motion in a street or public place or place the vehicle or cause it to be placed so that it is visible from a street or public place—

- (a) unless the vehicle and any sign thereon for the display of such advertisement has been approved for the purpose by the City Engineer;
- (b) unless the vehicle complies in all respect with the requirements of the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966) and the regulations thereunder;
- (c) unless the full names, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside Durban, of the person having control of the vehicle at the time of such display, are reflected in letters and figures not less than 40 mm high in a conspicuous position approved by the City Engineer and are maintained in a legible condition;
- (d) unless the prescribed fee has been paid; and
- (e) if the advertisement or the sign on which it is displayed exceeds 6,0mm in its horizontal dimension or 3,0 m in its vertical dimension.

[R. 19C inserted by r. 5 of PN 220 of 1987.]

19D. Notwithstanding anything to the contrary contained in section 19C.—No person shall place an advertising vehicle or cause or allow it to be placed on Council property including any demarcated parking bay or cause or allow such vehicle to be parked in a public road; provided that such vehicle may be placed within leased Council property subject to compliance with the requirements of this chapter.

[R. 19D inserted by r. 5 of PN 220 of 1987.]

20. Presumptions.—For the purposes of this Chapter—

- (a) a person who has displayed an advertisement or who has renovated or repaired it or a sign on which an advertisement has been displayed and any person who is entitled to remove it, shall be deemed to display that advertisement while and whenever it is visible from a street or public place;
- (b) a person who owns or occupies premises whereon an advertisement which is visible from a street or place, is being displayed, or wherever a sign has been erected whereon is situate such an advertisement or sign which has been maintained, renovated or repaired, and the manufacturer of any article or the proprietor of any business or undertaking to which such an advertisement relates and any agent of such a manufacturer or proprietor shall, unless the contrary is proved, be deemed to have displayed that advertisement or erected that sign, as the case may be, or otherwise to have caused it to be displayed or to have erected, maintained, renovated, restored or repaired it, as the case may be, or to have permitted its erection, maintenance, renovation, restoration or repair;
- (c) any place at or near a street or public place shall be deemed to be in or on that street or public place unless it is proved to be outside it;
- (d) any person who purports to exercise any right in connection with premises to which the public has no access as a matter of right, or who is from time to time upon any such premises, shall be deemed to occupy those premises, unless the contrary is proved.

CHAPTER V

LOADS AND FORCES, FOUNDATIONS, PLAIN AND REINFORCED CONCRETE,
STRUCTURAL STEELWORK AND STRUCTURAL TIMBER

[Chapter. V inserted by PN 192 of 1973, amended by PN 385 of 1974, by PN 469 of 1982 and repealed by r. 4 of PN 173 of 1987.]

CHAPTER *Vbis*
GENERAL CONSTRUCTION OF BUILDINGS

[Chapter. *Vbis* previously chapter V amended by PN 94 of 1934, by PN 444 of 1934, by PN 273 of 1935, by PN 12 of 1937, by PN 115 of 1940, by PN 286 of 1941, by PN 112 of 1944, by PN 275 of 1944, by PN 191 of 1945, by PN 105 of 1946, by PN 13 of 1947, by PN 166 of 1947, by PN 154 of 1949, by PN 340 of 1950, by PN 10 of 1951, by PN 580 of 1951, by PN 489 of 1952, by PN 73 of 1953, by PN 174 of 1953, by PN 55 of 1954, by PN 111 of 1955, by PN 413 of 1955, by PN 187 of 1956, by PN 226 of 1956, by PN 198 of 1958, by PN 371 of 1958, by PN 79 of 1959, by PN 63 of 1960, by PN 228 of 1962, by PN 265 of 1965, by PN 289 of 1967, by PN 18 of 1969, by PN 194 of 1969, by PN 450 of 1969, by PN 118 of 1970, by PN 425 of 1970, by PN 352 of 1971, by PN 376 of 1971, by PN 388 of 1971, by PN 409 of 1971, by PN 536 of 1972, by PN 190 of 1973, by PN 192 of 1973, by PN 208 of 1973, by PN 110 of 1975, by PN 455 of 1975, by PN 484 of 1975, by PN 7 of 1976, by PN 296 of 1976, by PN 523 of 1976, by PN 519 of 1977, by PN 2 of 1979, by PN 184 of 1979, by PN 502 of 1980, by PN 623 of 1980, by PN 625 of 1980, by PN 251 of 1984 and by PN 392 of 1984 and repealed by r. 4 of PN 173 of 1987.]

CHAPTER VI
COVERAGE

[Chapter. VI amended by PN 49 of 1933, by PN 94 of 1934, by PN 273 of 1935, by PN 406 of 1935, by PN 273 of 1936, by PN 12 of 1937, by PN 318 of 1937, by PN 89 of 1939, by PN 493 of 1939, by PN 67 of 1941, by PN 400 of 1941, by PN 309 of 1942, by PN 246 of 1943, by PN 268 of 1944, by PN 275 of 1944, by PN 144 of 1945, by PN 191 of 1945, by PN 296 of 1946, by PN 14 of 1948, by PN 466 of 1950, by PN 489 of 1952, by PN 161 of 1953, by PN 413 of 1955, by PN 586 of 1956, by PN 198 of 1958, by PN 198 of 1958, by PN 79 of 1959, by PN 63 of 1960, by PN 635 of 1961, by PN 360 of 1963, by PN 91 of 1964, by PN 232 of 1965, by PN 304 of 1966, by PN 488 of 1966, by PN 383 of 1969, by PN 450 of 1969, by PN 118 of 1970, by PN 425 of 1970, by PN 388 of 1971, by PN 738 of 1971, by PN 141 of 1972, by PN 177 of 1973, by PN 190 of 1973, by PN 196 of 1973. by PN 208 of 1973, by PN 212 of 1974, by PN 13 of 1975, by PN 159 of 1975, by PN 7 of 1976, by PN 519 of 1977, by PN 241 of 1978, by PN 185 of 1980, by PN 502 of 1980, by PN 622 of 1980, by PN 506 of 1981, by PN 130 of 1982, by PN 441 of 1983, by PN 630 of 1983 and by PN 282 of 1984 and repealed by r. 4 of PN 173 of 1987.]

CHAPTER VII
FIRE PREVENTION AND PRECAUTIONS AND FIRE-PROOF CONSTRUCTION

[Chapter. VII amended by PN 94 of 1934, by PN 24 of 1941, by PN 112 of 1944, by PN 198 of 1958, by PN 79 of 1959, by PN 240 of 1965, by PN 289 of 1967, by PN 425 of 1970, by PN 190 of 1973, by PN 159 of 1975, by PN 519 of 1977, by PN 584 of 1983 and repealed by r. 4 of PN 173 of 1987.]

CHAPTER VIII
FIRE PROTECTION

[Chapter. VIII amended by PN 366 of 1950, by PN 73 of 1953, by PN 198 of 1958, by PN 265 of 1963 and by PN 425 of 1970, substituted by PN 519 of 1977, amended by PN 346 of 1979 and repealed by r. 4 of PN 173 of 1987.]

CHAPTER IX
BUILDINGS USED FOR PUBLIC PURPOSES AND ENTERTAINMENTS

[Chapter. IX amended by PN 396 of 1939, by PN 166 of 1943, by PN 112 of 1944, by PN 31 of 1945, by PN 366 of 1950, by PN 73 of 1953, by PN 405 of 1953, by PN 198 of 1958, by PN 79 of 1959, by PN 632 of 1959, by PN 240 of 1965, by PN 118 of 1970, by PN 425 of 1970, by PN 459 of 1970, by PN 376 of 1971, by PN 738 of 1971, by PN 36 of 1973, by PN 212 of 1974, by PN 715 of 1975, by PN 153 of 1977 and by PN 519 of 1977 and repealed by r. 4 of PN 173 of 1987.]

CHAPTER IX *bis*
CHANNEL CROSSINGS

[Chapter. IX *bis* inserted by PN 236 of 1939.]

1. No Person Shall Construct.—No person shall construct or attempt to construct or put into position or attempt to put into position any channel crossing over any channel in or upon any public or private road within the City. Save as is provided in Section 4 hereof, every such channel crossing shall be constructed by the Council through the City Engineer's Department. Should any person construct or attempt to construct such a crossing or to put it into position, the City Engineer shall serve a written notice on such person ordering him to remove the crossing within a specified time, and should such person fail to remove the crossing within that time he shall be guilty of an offence and the crossing may be removed by the City Engineer at that person's expense.

[R. 1 amended by para. (a) of PN 372 of 1967.]

2. Any person wishing to obtain.—Any person wishing to obtain access to his property by means of a channel crossing shall make written application to the City Engineer for the construction of such channel crossing by the City Engineer's Department on his behalf. Full details of the size and exact locality of the crossing desired by such person shall be given in the application and with the application there shall be deposited the cost of the crossing as laid down in Section 6 hereof.

[R. 2 amended by para. (b) of PN 372 of 1967.]

3. Where drainage works or road works.—Where drainage works or road works anticipated to effect channels are about to be undertaken by the Council in any part of the City notice of such undertaking may be given by the City Engineer to the owners or occupiers of properties abutting on the proposed works. Application in terms of Section 2 hereof may then be made by such owners or occupiers within the time specified in the City Engineer's notice for the making of such applications.

[R. 3 amended by para. (c) of PN 372 of 1967.]

4. Where a private road.—Where a private road is to be improved by a private owner in terms of Ordinance 19, 1924, as amended, such owner may construct channel crossings to serve the properties abutting on that road. The type of such crossing, however, shall first be approved by the City Engineer in writing and the crossing shall be constructed to such standards of design and of such materials as are required by Section 5 of these By-laws. Should such owner fail to construct any crossing in the manner hereinbefore laid down, he shall be guilty of an offence, and the City Engineer may order him to remove the crossing, and upon his failure to do so the City Engineer may have the crossing removed at such owner's expense.

[R. 4 amended by para. (d) of PN 372 of 1967.]

5. Application may be made in terms of.—Application may be made in terms of these By-laws for the construction of one of the following three standard types of channel crossing, namely—

- (a) Bridge crossing;
- (b) Scoop crossing;
- (c) Ramp crossing;

and drawings and specifications of such standard types shall be available for inspection at the office of the City Engineer together with schedules specifying the materials to be used in their construction.

The City Engineer shall, however, in his discretion decide on what particular type of crossing is to be adopted in any instance if he considers that the type in respect of which application is made is unsuitable for the locality in which it is to be erected.

The City Engineer may alter the length or design of any channel crossing for which application is made.

[R. 5 amended by para. (e) of PN 372 of 1967.]

6. A charge of R270,00 per metre or part thereof shall be payable for any of the standard types of channel crossing referred to in Section 5 constructed by the Council in terms of these By-laws; Provided that no charge shall be payable when such crossings are constructed simultaneously with new kerb and channel construction or during the complete reconstruction of kerbing and channelling past the property to be served by such crossing.

[R. 6 amended by PN 396 of 1939, substituted by PN 286 of 1941, amended by PN 190 of 1942, substituted by PN 247 of 1949, by para. (D) of MN 12 of 1962, amended by PN 316 of 1966, by r. 138 of PN 425 of 1970, by PN 195 of 1973, by r. 3 of PN 354 of 1975, by r. 2 (a) of MN 96 of 1976, by r. (1) of MN 125 of 1977, by para. (B) (5) of MN 161 of 1979, by para. (B) r. 2 of MN 80 of 1981, by para. (B) r. 4 of MN 156 of 1982, by para. (B) r. 3 of MN 84 of 1983, by r. 7 of MN 435 of 1985, by r. 8 of MN 181 of 1986, by r. 2 (b) (i) of MN 88 of 1987, by para. (b) (i) of MN 55 of 1988, by r. 2 (1) of MN 98 of 1989, by r. 3 (1) of MN 111 of 1990 and by r. 3 (i) of MN 190 of 1991.]

7. If the City Engineer decides that none of the types of channel crossings specified in By-laws 5 hereof is suited to any locality he may prepare designs for industrial channel crossings in that locality and a charge of R352,00 per metre or part thereof for any such crossing constructed to serve any particular property shall be borne by the person for whom it is erected, provided that the charges in By-laws 6 and 7 hereof shall be increased by 30 per centum if the work is executed over a weekend if deemed necessary by the City Engineer or at the request of the applicant.

[R. 7 amended by PN 247 of 1949, substituted by para. (D) of MN 12 of 1962 and by r. 9 of MN 181 of 1986, amended by r. 2 (b) (ii) of MN 88 of 1987, by para. (b) (ii) of MN 55 of 1988, by r. 2 (2) of MN 98 of 1989, by r. 3 (1) of MN 111 of 1990 and by r. 3 (ii) of MN 190 of 1991.]

8. Where any person wishes to erect a temporary crossing in order to obtain access to his property, he may apply to the City Engineer for a written permit authorized the erection of such crossing. A written permit under this section shall be granted subject to the following conditions—

- (a) The crossing shall be of a type approved by the City Engineer.
- (b) An amount of R107,00 per metre shall be deposited by the applicant. This deposit shall cover any damage which may be caused to the road, channel or footpath as a result of the erection and use of such temporary crossing. Any damage so caused shall be repaired by the Corporation at the expense of the applicant, the cost of repairs being deducted from the deposit and the balance being refunded to the applicant at the expiry of the period of the permit.

[Para. (b) amended by r. 3 of PN 268 of 1975, by r. 2 (b) of MN 96 of 1976, by para. (B) r. (6) of MN 161 of 1979, by para. (B) r. 2 of MN 80 of 1981, by para. (B) r. 5 of MN 156 of 1982, by para. (B) r. 4 of MN 84 of 1983, by para. (B) r. 2 of MN 98 of 1984, by r. 8 of MN 435 of 1985, by r. 10 of MN 181 of 1986, by r. 2 (b) (iii) of MN 88 of 1987, by para. (c) of MN 55 of 1988 and amended by r. 2 (3) of MN 98 of 1989.]

- (c) The permit shall be for a period of three months. Such permit may, however, be renewed by the City Engineer on written application for further consecutive three-monthly periods, provided that no permit with renewals shall be in force for more than nine months, and provided that no further deposit shall be necessary in respect of the renewals.

9. Notwithstanding anything hereinbefore contained, where in the opinion of the City Engineer, it is necessary to do so in order to carry out road improvements, or to obviate or minimise interference or obstruction of traffic or damage to any person or property, the City Engineer may, after giving 14 days' written notice of his intention to do so to the owner or occupier of the property to which an existing channel crossing affords access, remove any such crossing or alter its situation, design or extent: provided that save in the case of a temporary crossing authorized in terms of Section 8, he shall not remove any existing crossing where the effect of doing so would be to deprive the property concerned of vehicular access to a road.

In the case of a temporary crossing authorised in terms of Section 8, he may serve written notice requiring the holder of the permit to remove such temporary crossing or to alter its situation nature or extent within such period as he may stipulate in such notice.

[R. 9 substituted by para. (f) of PN 372 of 1967.]

10. Should any person fail to remove.—Should any person fail to remove any crossing within a week of receiving a written notice from the City Engineer in terms of Section 9 ordering its removal, or should any person fail to remove any temporary crossing upon the expiry of any permit issued in respect thereof in terms of Section 8, he shall be guilty of an offence. In addition, the City Engineer may cause the crossing to be removed and may deduct the cost of such removal from the amount deposited in terms of Section 8 before making any refund of such deposit to the owner or occupier.

[R. 10 amended by para. (g) of PN 372 of 1967 and by amended by r. (2) of MN 125 of 1977.]

CHAPTER IX *ter*

CLEANSING AND MAINTENANCE OF BUILDINGS—SAFE PERFORMANCE OF WORKS

[Chapter. IX *ter* inserted by PN 257 of 1963.]

1. Permanent equipment for window cleaning.—In buildings in which the top of any window is at a greater height than 7,5m above the adjacent ground level or above a permanent flat roof on which a ladder may be erected, permanent or retractable outrigger beams shall be provided to which suspended scaffolds may be attached, or permanent anchors for safety belts shall be provided at every window which—

- (a) is not so constructed that the whole window can be and is cleaned entirely from inside in such a way that only one arm of the cleaner needs to project beyond the window frame, or
- (b) does not open on to a balcony, fire escape or other platform having a width of not less than 900 mm and which is not more than 2,75 m below the top of the window frame, and which is provided with a railing or parapet in accordance with the requirements of the Engineer, or on to a roof which is at least 1,8 m wide and has a slope not exceeding 1 vertical in 6 horizontal and is capable of safely sustaining the cleaner and his equipment provided that the Engineer in his discretion may be empowered to vary the above requirements.

[Para. (b) amended by r. 139 of PN 425 of 1970.]

[R. 1 amended by r. 139 of PN 425 of 1970.]

2. Responsibility of Employer.—The person employing, directing, or permitting another to clean windows, or decorate or renovate buildings, in positions such that the danger may be caused to the employee, servant of the employer or the public, shall furnish or cause to be furnished the means for the safe performance of such work.

3. Responsibility of Employee.—Persons cleaning windows, renovating, decorating or maintaining buildings in positions such that danger may be caused to

themselves or the public, shall use the safety devices provided and shall not pass from one window to another on the outside of a building unless scaffolding is provided.

4. Safety Belts and Anchors: Limitations on Use.—Anchors for safety belts shall be deemed adequate safety devices only where the window and its approaches are so constructed and maintained that the cleaner can safely reach the sill and attach one belt terminal to an anchor before stepping out on to the sill, and can step back into the building while one belt terminal remains attached to an anchor. Such anchors which shall at all times be properly maintained shall be used only for securing the safety belt for one person at a time.

Safety belts attached to anchors shall not be used in any cleaning of windows within a distance of 30 m from any plant manufacturing acid or any other corrosive chemical, whether in the same building or in an adjacent building, or within a distance of 15 m from the outlet of any duct, flue or stack emitting corrosive fumes; where such windows cannot be cleaned from inside the building, suspended scaffolds shall be provided. The steel ropes supporting such scaffolds shall be kept well greased.

[R. 4 amended by r. 139 (ii) of PN 425 of 1970.]

5. Materials and Installation of Safety Belts and Anchors.—(1) Anchors for safety belts shall—

- (i) be of non-corrosive metal;
- (ii) not be of cast metal;
- (iii) be not less than 12 mm diameter;
[Sub-para. (iii) amended by r. 139 (iii) of PN 425 of 1970.]
- (iv) be attached to the structure of the building;
- (v) be capable of sustaining without damage test-loads applied by one of the following methods—
 - (i) a rigid weight of 228 kg shall be attached by means of two belts to an anchor fixed in a wall, and allowed to fall freely through a height of 1,2m or
[Sub-para. (i) amended by r. 139 (iii) of PN 425 of 1970.]
 - (ii) a rigid weight of 114 kg shall be attached by a rope of adequate strength to an anchor fixed in a wall, and allowed to fall freely through a height of 2,45 m.
[Sub-para. (ii) amended by r. 139 (iii) of PN 425 of 1970.]

(2) Safety belts shall—

- (i) be of suitable material, which shall be resistant to mildew or treated against mildew by a non-corrosive anti-mildew agent;
- (ii) not be used until a sample belt representative of the lot has been tested by means of a rigid 114kg weight, having a girth of 1,15 m around which the safety belt shall be fastened by means of the buckle in the same manner as it is fastened around a man, the safety belt being connected to a rigid anchor in a wall by one of the belt terminals and the weight then being allowed to fall freely through a height of 1,2 m the safety, belt shall suffer no damage as a result of the test;
[Sub-para. (ii) amended by r. 139 (iii) of PN 425 of 1970.]
- (iii) be discarded without again being used as a safety belt, either as a whole or in part, after having been used for testing purposes.

(3) Any safety belt which is in compliance with a standard prepared by the South African Bureau of Standards shall be deemed to comply with the regulations in subsection (2) hereof.

CHAPTER X PENALTIES

270. (1) Any person who—

- (a) contravenes any provisions of these By-laws; or
- (b) contravenes any conditions imposed upon the granting of any application, consent, approval, concession relaxation, permit or authority in terms of these By-laws; or
- (c) fails to comply with the terms of any notice served upon him in terms of these By-laws;

shall be guilty of an offence and liable, upon conviction, to the maximum penalty prescribed or the offence by section 266 (7) (a) of the Local Authorities Ordinance, No.25 of 1974.

[R. (1) substituted by PN 370 of 1983.]

(2) Failure to comply with the terms of any condition or notice referred to in subsection (1) (b) or (c) above shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms.

[R. (2) substituted by PN 370 of 1983.]

(3) Upon failure to carry out the terms of any notice issued under any provision of these By-laws on the part of the person on whom such notice was served, the City Engineer may himself cause such terms to be carried out and the cost of his so doing shall be payable by such person.

[R. 270 amended by PN 488 of 1966 and by PN 141 of 1972 and substituted by PN 513 of 1980.]

(Editorial Note: Chapter X makes reference to section 270, however same needs to be read as section 1 as the Chapters have been replaced and renumbered.)

FIRST SCHEDULE

CHAPTER 1, SECTION 3 OF THE BUILDING BY-LAWS UNDERTAKING AND INDEMNITY

[First Schedule inserted by PN 173 of 1987.]

1. I/We record that this undertaking and indemnity is given in respect of work to be executed in connection with the erection or demolition of a building to be executed on the property described as such work being more particularly described as

2. I/We undertake that I/We shall—

- (a) take or cause to be taken such precautions as may be directed by the City Engineer and, independently of an such directions, such other precautions as may be reasonable to protect from damage all property or services vested in or under the control of the Council including, without derogating from the foregoing, any street, pavement, kerbing, channeling, scoops, entrance driveways, street, lighting, traffic signal or sign, street furniture and any drainage, sewerage, electricity, water or other pipes, conduits and equipment, which may in the opinion of the City Engineer be damaged or affected by the carrying out of the said work;

- (b) when called upon to do so pay to the Council the difference between any deposits made by me/us in terms of section 3 (1) and (2) of the Building By-laws and the actual costs of repairing and making good of any of the said property or services, as certified by the City Engineer.

3. I/We hereby indemnify and hold harmless the Council and all officers and servants thereof against any claim of whatsoever nature arising out of or the cause of which is connected with the execution of the said work or any damage to or affecting the said property or services.

4. In paragraphs 1 and 2 hereof—

- (a) “City Engineer” shall mean the City Engineer or his authorised representative; and
- (b) “work” shall include any excavation, demolition, pile driving, the depositing or leaving of any equipment or other thing or any material on any street or public place or the erection of any structure therein and the making of foundations, as well as all other acts and activities incidental to such acts and activities, and all transport of goods or material of whatsoever nature to or from the site in connection with the work shall be deemed to be part of the work.

5. This undertaking and indemnity shall be of full force and effect in respect of all work referred to in paragraph 1 hereof and any act or omission arising therefrom or in connection therewith, whether executed, performed or omitted by the undersigned, or by any other person on his/their behalf, whether as an employee, agent, subcontractor, supplier or otherwise.

Signature

Registered owner of property/

Authorised representative

Designation.....

For and on behalf R2

Date Revenue

Stamp

Authority to sign. _____

..... 59.....

(1) Where the owner is a company, the indemnity must be accompanied by a signed resolution of directors authorising the signatory to sign the indemnity on behalf of the company.

(2) Where the signatory is not the owner, the indemnity must be accompanied by a signed power of attorney authorising the signatory to sign on his/her behalf.

SECOND SCHEDULE

[Second Schedule previously First Schedule amended by PN 94 of 1934, by PN 493 of 1939, by PN 7 of 1946, by PN 247 of 1949, by PN 489 of 1952, by PN 174 of 1953, by PN 405 of 1953, by PN 79 of 1959, by PN 632 of 1959 and by PN 75 of 1962, substituted by PN 488 of 1964, amended by PN 265 of 1965, by PN 223 of 1966, by PN 280 of 1966 and by PN 310 of 1966, substituted by PN 238 of 1969, amended by PN 425 of 1970, by PN 353 of 1971, by PN 369 of 1971, by PN 208 of 1973 and by PN 332 of 1973, substituted by PN 385 of 1974, amended by PN 7 of 1976 and substituted by r. 5 of PN 173 of 1987.]

SCHEDULE OF FORMS

FORM A

DURBAN CORPORATION

NOTICE OF INTENTION TO COMMENCE FOUL-WATER DRAINAGE WORK

Plan No

Subdivision Lot

Farm Block

Postal Address

To the City Engineer

I hereby give you notice that I shall commence foul-water drainage work, in accordance with the plans approved by the City Council, on the above described property on (date):

Trained plumber's signature

Full names of trained plumber

Date

Address

[NOTE: Any person who commences foul-water drainage work without giving TWO CLEAR DAYS' NOTICE to the City Engineer shall commit an offence and be liable to the penalties referred to in section 270 of the Building By-laws. If this notice is given to the City Engineer by post, it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post]

INSPECTOR'S REPORT:

Signature

Date

FORM B

DURBAN CORPORATION

NOTICE THAT FOUL-WATER DRAINAGE WORK IS READY FOR TESTING

Lapsed in terms of section 29 of Act 103 of 1977.

FORM C

DURBAN CORPORATION

NOTICE OF COMPLETION OF FOUL-WATER DRAINAGE WORK

Plan No

Subdivision Lot

Farm Block

Postal Address

To the City Engineer

I hereby give you notice that I have completed the foul-water drainage work, in accordance with the plans approved by the City Council, on the above-described property on

date):

Statement of work done:

OUTSIDE WORK

INTERCEPTOR TRAPS	FRESH AIR INLET	RODDING EYES INSPECTION CHAMBERS AND MANHOLES	GULLEY TRAPS AND GREASE TRAPS
VENT PIPES	DIAMETER OF DRAIN		SEPTIC TANK
W.C.S		URINALS	
BATHS	WASH-HAND BASINS		SINKS

THIRD SCHEDULE

CLASSIFICATION AND TESTING OF REINFORCED CONCRETE MANHOLE COVERS AND FRAMES

[Third Schedule substituted by PN 94 of 1934, amended by PN 396 of 1939, repealed by PN 498 of 1940 and substituted by r. 5 of PN 173 of 1987.]

1. All covers and frames shall be classified as being either “heavy duty” or “light duty”.
2. The cover and frame shall be tested together as one unit and the force that it shall withstand shall be applied over a square measuring 200 mm and situated symmetrically about the centre point of the cover.
3. Heavy duty covers and frames shall withstand a force of 70kN and light duty covers and frames a force 20kN.
4. The test procedure shall be as follows—
 - (a) The reinforced concrete frame shall be supported on a rigid section having an opening whose internal dimensions are equal to those of the structure for which the frame is intended. By using a bedding layer of cement and gypsum mortar the frame shall be uniformly supported on the section.
 - (b) The test load shall be applied, through a 200 mm x 200 mm x 20 mm thick steel plate faced on its underside with a 25 mm thick rubber pad, at a rate of 20kN per minute and the load shall be maintained at the maximum test load for at least one minute,

The 200 mm x 200 mm steel plate shall be positioned so that its centre is above the centre of the cover.

- (c) Should the cover of the frame crack under the test load, the cracked item shall be regarded as having failed the test.

FOURTH SCHEDULE

[Fourth Schedule inserted by PN 94 of 1934, amended by PN 12 of 1937, by PN 89 of 1939, by PN 421 of 1939, by PN 191 of 1945, by PN 297 of 1946, by PN 73 of 1953, by PN 413 of 1955 and by PN 198 of 1958 and deleted by PN 63 of 1960.]

FIFTH SCHEDULE

[Fifth Schedule inserted by PN 94 of 1934, amended by PN 113 of 1941, by PN 286 of 1941, by PN 248 of 1942, by PN 439 of 1944, by PN 233 of 1945, by r. (iv) of PN 7 of 1946, by PN 105 of 1946, by PN 297 of 1946, by PN 165 of 1948, by PN 296 of 1948, by PN 506 of 1949, by PN 342 of 1950, by PN 75 of 1952, by PN 489 of 1952 and by PN 534 of 1952, substituted by PN 73 of 1953, amended by PN 307 of 1959, by PN 311 of 1959, by PN 57 of 1960 and by PN 425 of 1970 and deleted by PN 13 of 1975.]

SIXTH SCHEDULE

[Sixth Schedule inserted by PN 273 of 1936, amended by PN 73 of 1953, by PN 425 of 1970 and deleted by r. 5 of PN 173 of 1987.]

SEVENTH SCHEDULE

[Seventh Schedule inserted by PN 53 of 1939, deleted by PN 425 of 1970, inserted by PN 199 of 1984 and deleted by r. 5 of PN 173 of 1987.]

SCHEDULE VIII

[Schedule VIII inserted by PN 314 of 1955 and deleted by PN 385 of 1974.]

EIGHTH SCHEDULE

TARIFF OF FEES PAYABLE IN RESPECT OF THE ERECTION OF BUILDINGS, AND OTHER WORKS

[Eighth Schedule previously First Schedule inserted by PN 385 of 1974, amended by PN 159 of 1975, by PN 354 of 1975, by PN 399 of 1975, by MN 96 of 1976, by MN 125 of 1977, by MN 184 of 1977, by MN 196 of 1977, by MN 2 of 1978, by MN 37 of 1978, by MN 44 of 1978, by MN 45 of 1978, by MN 90 of 1979, by MN 161 of 1979, by MN 199 of 1979, corrected by MN 15 of 1980, by PN 512 of 1980, by para. (B) r. 4 of MN 80 of 1981, by MN 49 of 1982, by MN 156 of 1982, corrected by MN 184 of 1982, by para. (B) r. 5 of MN 84 of 1983, by MN 38 of 1984, by para. (B) r. 3 of MN 98 of 1984, by MN 142 of 1984, corrected by MN 154 of 1984, by MN 15 of 1985, by MN 45 of 1985, by MN 77 of 1985, by MN 173 of 1985, by MN 435 of 1985, by MN 181 of 1986, by MN 36 of 1987, by MN 52 of 1987, by MN 76 of 1987, substituted by MN 84 of 1987, amended by MN 88 of 1987, by MN 125 of 1987, corrected by MN 142 of 1987, by MN 60 of 1988, by MN 75 of 1988, by MN 90 of 1989, by MN 91 of 1990, by MN 111 of 1990, by MN 190 of 1991, by MN 99 of 1993, by MN 96 of 1993, by MN 218 of 1993, by MN 14 of 1994, by MN 35 of 1994, renumbered and amended by MN 129 of 1995, by MN 16 of 1996, by MN 19 of 1997 and by MN 109 of 1997.]

1. In these tariffs, unless the context indicates otherwise—

“City Engineer” means the person appointed as such by the Council from time to time or authorised to act in that capacity, and includes any Deputy City Engineer, the Director: Development and any other officer of the Council nominated by the City Engineer to discharge all or part of the functions of the City Engineer under these By-laws to the extent of such nomination;

“City Treasurer” means the person who from time to time holds the position as such either substantively or in an acting capacity from the Council and includes any Deputy City Treasurer;

“Council” means the City Council for the City of Durban;

“floor area” means the total covered plan area of all floors contained within the outer extremities of a building;

[Definition of “floor area” substituted by r. 1 of MN 16 of 1996.]

“the Act” means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and

“the Regulations” means the National Building Regulations made under and in terms of the Act.

2. The following fees shall be payable to the Council:

A Erection of buildings:

- (1) (a) Application for approval in terms of section 4 of the Act—

- (i) when the total floor area of a new buildings or buildings depicted on a plan does not exceed 20 m² ... R425,00

[Sub-item. (a) (i) amended by para. (a) (i) of MN 88 of 1987, by MN 60 of 1988, by r. 1 of MN 90 of 1989, by r. 1 (1) of MN 111 of 1990, by r. 1 (i) of MN 190 of 1991, substituted by r. 1 (1) of MN 99 of 1993, substituted by MN 14 of 1994 and amended by r. 2 (1) of MN 129 of 1995.]

- (ii) for each additional 10m² or part thereof by which such floor area exceeds 20m² R52,00

[Sub-item. (a) (ii) amended by para. (a) (ii) of MN 88 of 1987, by r. 2 of MN 90 of 1989, by r. 1 (2) of MN 111 of 1990, by r. 1 (ii) of MN 190 of 1991, substituted by r. 1 (1) of MN 99 of 1993 and amended by r. 2 (2) of MN 129 of 1995.]

- (iii) for additions to a building when the floor area is increased as in (i) and (ii) above

[Sub-item. (a) (iii) substituted by r. 1 (1) of MN 99 of 1993.]

- (iv) for alterations to a building when the floor area is not increased 0,3% of estimated cost as shown on application, subject to revision on completion in terms of a valuation by Council valuator, subject to a minimum fee of R425,00;

[Sub-item. (a) (iv) amended by para. (a) (iii) of MN 88 of 1987, by MN 60 of 1988, by MN 60 of 1988, by r. 3 of MN 90 of 1989, by r. 1 (3) of MN 111 of 1990, by r. 1 (iii) of MN 190 of 1991, substituted by r. 1 (1) of MN 99 of 1993 and amended by r. 2 (3) of MN 129 of 1995.]

- (v) For dwellings in areas identified by Council for low cost housing 25% of fee as calculated in (i) to (iv)

[Sub-item. (a) (v) inserted by MN 19 of 1997.]

- (vi) For applications involving replication of dwelling types in multiple housing developments Full fee as (i) to (ii) above the first ten proto type buildings and 25% of fee for each replication or mirror image thereof

[Sub-item. (a) (vi) inserted by MN 19 of 1997.]

- (b) The floor areas shown on the layout drawings submitted in terms of regulation A2 (1) of the Regulations shall form the basis of the initial assessment of the fees in those instances in which such fees are based on the total floor area of a proposed new building, or of proposed additions to an existing building.
- (c) Should the examination of the application disclose the total floor area to be larger than that shown on the drawings referred to in paragraph (a), the City Engineer shall forthwith advise the applicant or his duly authorised representative of the revised floor area and the additional fees payable and may suspend further examination of the plans until any additional fees

required in respect thereof have been paid.

- (d) In any case in which the City Engineer considers the, prescribed fee to be unreasonable having regard to the fact that the building which it is proposed to erect is in his opinion of light construction or is to cover a large area, he may authorise such reduction in the fees as he may deem equitable; provided that—

[Sub-item. (d) amended by r. 1 of MN 109 of 1997.]

- (i) in case of buildings considered to be of light construction, the reduced fee shall be not less than R425,00 and

[Sub-item. (d) (i) previously sub-item (a) amended by para. (a) (iv) of MN 88 of 1987, by MN 60 of 1988, by r. 4 of MN 90 of 1989, by r. 1 (4) of MN 111 of 1990, by r. 1 (iv) of MN 190 of 1991, by r. 2 (4) of MN 129 of 1995, by r. 2 of MN 108 of 1997 and by r. 2 of MN 109 of 1997.]

- (ii) in case of buildings covering a large area, such reduction shall not exceed fifty per cent of the prescribed fee applicable to the area covered in excess of 1 500 m²

[Sub-item. (d) (ii) previously sub-item. (b) amended by r. 2, r. 3 and r. 4 of MN 109 of 1997.]

- (e) Whenever an application in respect of which the full assessed fees shall have been paid has been refused or an approval is abandoned by the applicant by notice in writing to the City Engineer or if, in the opinion of the City Engineer. such a course is deemed appropriate in the special circumstances of the case, the City Engineer may subject to the outcome of any appeal in terms of section 9 of the Act, authorise a refund of such portion of the fees paid, but not exceeding three-fourths thereof, as he may deem equitable, having regard to the amount of any building work which may have already been executed in accordance with the approval; provided that—

- (i) not less than the minimum fee prescribed in item (1) (a) above at the time of application shall be retained by the Council;

- (ii)

[Sub-item. (e) (ii) deleted by r. 2 of MN 16 of 1996.]

- (iii)

[Sub-item. (e) (iii) deleted by para. (b) of MN 88 of 1987.]

- (2) Applications for authorisation for the erection of minor building works in terms of section 13 of the Act:

- (a) In respect of rented dwellings in the Council's housing schemes when the undermentioned works are carried out:
plastering of wall internally, fitting pelmets or burglar guards,
adding internal doors to existing openings, fitting floor tiles or
wood blocks and fitting glazed wall tiles No charge

- (b) In all other cases R220,00

[Sub-item. (b) amended by para. (a) (v) of MN 88 of 1987, by MN 60 of 1988, by r. 5 of MN 90 of 1989, by r. 1 (5) of MN 111 of 1990, by r. 1 (v) of MN 190 of 1991 and by r. 2 (5) of MN 129 of 1995.]

- (3) Examination of preliminary sketch plans and comments thereon or on particular features thereof in terms of regulation A3. (1) (a) of the Regulations One quarter of fees specified in item (1) (a) above assessed on floor area shown on sketch plan or R425,00 whichever is the greater.

[Item. (3) amended by para. (a) (vi) of MN 88 of 1987, by MN 60 of 1988, by r. 6 of MN 90 of 1989, by r. 1 (6) of MN 111 of 1990, by r. 1 (vi) of MN 190 of 1991 and by r. 2 (6) of MN 129 of 1995.]

(4) The furnishing of an opinion in respect of a material, method or form of construction in terms of regulation A3. (1) (b) of the Regulations .. R235,00

[Sub-item. (4) amended by para. (a) (vii) of MN 88 of 1987, by MN 60 of 1988, by r. 7 of MN 90 of 1989, by r. 1 (7) of MN 111 of 1990, by r. 1 (vii) of MN 190 of 1991 and by r. 2 (7) of MN 129 of 1995.]

(5) Consideration of request for permission to deviate from or for exemption from one or more provisions of the Regulations in terms of section 18 of the Act At the discretion of the City Engineer having regard to the amount of work involved.

(6) Application for consent to depart or deviate from an approval in terms of section 7 (1) (a) of Chapter I of the Building By-laws:

(i) Where the floor area is increased In accordance with items (1) (a) (i) and (ii) above

(ii) Where the floor area is not increased R425,00

[Sub-item. (ii) amended by para. (a) (viii) of MN 88 of 1987, by MN 60 of 1988, by r. 8 of MN 90 of 1989, by r. 1 (8) of MN 111 of 1990, by r. 1 (viii) of MN 190 of 1991 and by r. 2 (8) of MN 129 of 1995.]

(7) Application for town planning authority to develop or use land in terms of clause 24 of the Town Planning Scheme Regulations One 10th of the fees assessed in terms of (1) (a) above or R425,00 whichever is greater

[Sub-item. (7) amended by para. (a) (ix) of MN 88 of 1987, by MN 60 of 1988, by r. 9 of MN 90 of 1989, by r. 1 (9) of MN 111 of 1990, by r. 1 (ix) of MN 190 of 1991 and by r. 2 (9) of MN 129 of 1995.]

(8) In the event of the applicant being required by section 4 (3) of Chapter I of the Building By-laws to enclose a portion of a street or public place he shall be liable to pay to the Council a fee at the rate of R6,50 per week or part of a week for every square metre of the enclosed area during the period that it remains enclosed and shall, before commencing the work, deposit with the City Treasurer an amount equal to the fee payable in respect of the period of validity of the permit; provided that should the work be completed and the enclosure and the use of the street or public place be terminated before the expiry of the permit a proportionate refund shall be made to the applicant.

[Sub-item. (8) amended by para. (a) (x) of MN 88 of 1987, by MN 60 of 1988, by r. 10 of MN 90 of 1989, by r. 1 (10) of MN 111 of 1990, by r. 1 (x) of MN 190 of 1991 and by r. 2 (10) of MN 129 of 1995.]

(9) (a) Whenever by reason of any work to be carried out on any premises, the City Engineer is of the opinion that it is necessary or desirable that a parking meter on the street abutting such premises be removed either for the protection of such meter or because the parking of vehicles in the parking bay controlled thereby would be impossible or inconvenient or dangerous to persons or property or in order to enable access to be given to the premises during the execution of the work or for any other reason, such parking meter shall be removed for such period as the City Engineer deems fit.

(b) The person responsible for the execution of the work concerned shall be liable to pay to the Council the following charges for the removal of a parking meter in terms of paragraph (a)—

(i) per application R35,00

[Sub-item. (b) (i) amended by r. 1 (xi) of MN 190 of 1991.]

- (ii) per meter in the area bounded by and including both sides of Victoria Embankment, Alexandra Street, Smith Street, Warwick Avenue, Centenary Road, Dartnell Crescent, Epsom Road, Umgeni Road, Old Fort Road, Walnut Road, Commercial Road, Pine Street, Brickhill Road, Point Road and Cato Street R50,00 for the first week or part thereof, thereafter R15,00 per week or part thereof;

[Sub-item. (b) (ii) amended by r. 1 (xii) of MN 190 of 1991 and by MN 96 of 1993.]

- (iii) per meter in all other metered areas R45,00 for the first week or part thereof, thereafter R10,00 per week or part thereof;

[Sub-item. (b) (iii) amended by r. 1 (xiii) of MN 190 of 1991.]

[Sub-item. (b) amended by para. (a) (xi) of MN 88 of 1987, by MN 60 of 1988, substituted by r. 11 of MN 90 of 1989 and by r. 1 (11) of MN 111 of 1990.]

- (c) The person referred to in paragraph (b) shall not commence the work or cause it to be commenced until he has deposited with the City Treasurer an amount equal to the charge payable in respect of the parking meters removed or to be removed for the estimated duration of the work as assessed by the City Engineer; provided that should the work be completed before the end of the period for which payment has been made or should any parking meter be replaced before such completion a proportionate refund shall be made.

- (10) Application for permission to commence work before approval has been granted in terms of section 7 or the Act 10% of fee prescribed in sub-item (1) (a) above subject to a maximum of R500,00 (Non-refundable)

[Sub-item. (10) inserted by r. 2 of MN 99 of 1993.]

B DRAINAGE

- (1) The fees set out below shall be paid to the Council in respect of drainage work reflected in an application made in terms of section 4 (1) of the Act, read with regulation A2 (1) (c) and A8 and Part P of the Regulations or an application contemplated by section 21 (1) of Part 3 of Chapter I of the Building By-laws.
- (2) The owner of any premises upon which drainage work is to be carried out shall be liable for the payment of the said fees.
- (3) Fees shall be paid by the owner of the premises referred to in paragraph (2) to the City Treasurer. The City Engineer shall assess the fees payable in each particular case and in the event of any difference arising in regard thereto the matter shall be referred to and decided by the Council.
- (4) Fees shall be paid on the making of any application under the Regulations, unless the City Engineer shall, in writing, permit payment to be deferred until the approval of the application, in which case the owner shall pay such fees as soon as he is called upon to do so by the City Engineer.
- (5) Whenever any work is required to be executed by the Council which in the opinion of the City Engineer is of an abnormal nature or is to be executed under exceptional circumstances the Council shall be entitled to recover the full cost in terms of section

25 of Chapter 1 of the Building By-laws.

- (6) In the event of any application being refused or in any other case where the City Engineer may deem it appropriate the City Engineer may, at his discretion, order the refund of the whole or any portion of any sums paid in terms of paragraph (1) above.
- (7) No person shall commence any work referred to in paragraph (1) until the fees payable hereunder have been received by the City Treasurer. Such fees may be recovered by the Council under the ordinary process of law.

(8) Inspection Fees

The following fees will be raised only where drainage work unconnected with the erection of a building is carried out and will be payable when plans are submitted to the City Engineer for approval, for the inspection of plans and of drainage works, or for the inspection and testing of an existing drainage system or any section thereof:

- (a) For any alteration to or reconstruction of any existing drainage system R300,00

[Sub-item. (a) amended by para. (a) (xii) of MN 88 of 1987, by MN 60 of 1988, by r. 12 of MN 90 of 1989, by r. 1 (12) of MN 111 of 1990, by r. 1 (xiv) of MN 190 of 1991 and by r. 3 (1) of MN 129 of 1995.]

- (b) For the disconnection and removal of any sanitary fixture R155,00

[Sub-item. (b) amended by para. (a) (xiii) of MN 88 of 1987, by MN 60 of 1988, by r. 13 of MN 90 of 1989, by r. 1 (13) of MN 111 of 1990, by r. 1 (xv) of MN 190 of 1991 and by r. 3 (2) of MN 129 of 1995.]

- (c) For the inspection and testing of any existing drainage system or any section thereof, per hour or part thereof R185,00

[Sub-item. (c) amended by para. (a) (xiv) of MN 88 of 1987, by MN 60 of 1988, by r. 14 of MN 90 of 1989, by r. 1 (14) of MN 111 of 1990, by r. 1 (xvi) of MN 190 of 1991 and by r. 3 (3) of MN 129 of 1995.]

(9) Connection Fees

Payable by applicant in respect of the premises concerned when plans are submitted to the City Engineer for approval to cover cost of connection to a sewer in accordance with regulation A8 of the Regulations:

- (a) For first connecting foul-water sewer to the foul-water sewer:
 - (i) 100 mm nominal diameter connection R1 053,00

[Sub-item. (a) (i) amended by para. (a) (xv) of MN 88 of 1987, by MN 60 of 1988, by r. 15 of MN 90 of 1989, by r. 1 (15) of MN 111 of 1990 and by r. 1 (xvii) of MN 190 of 1991.]

- (ii) 150 mm nominal diameter connection R1 194,00

[Sub-item. (a) (ii) amended by para. (a) (xvi) of MN 88 of 1987, by MN 60 of 1988, by r. 16 of MN 90 of 1989, by r. 1 (16) of MN 111 of 1990 and by r. 1 (xviii) of MN 190 of 1991.]

- (b) For a second or subsequent connecting foul-water sewer to the foul-water sewer:

- (i) 100 mm nominal diameter connection R2 697,00

[Sub-item. (b) (i) amended by para. (a) (xvii) of MN 88 of 1987, by MN 60 of 1988, by r. 17 of MN 90 of 1989, by r. 1 (10) of MN 111 of 1990 and by r. 1 (xix) of MN 190 of 1991.]

- (ii) 150 mm nominal diameter connection R2 993,00

[Sub-item. (b) (ii) amended by para. (a) (xviii) of MN 88 of 1987, by MN 60 of 1988, by r. 18 of MN 90 of 1989, by r. 1 (18) of MN 111 of 1990 and by r. 1 (xx) of MN 190 of 1991.]

- (c) For connecting foul-water sewers having diameter greater than 150 mm nominal diameter Full cost in terms of section 25 of Chapter I of the Building By-laws

- (10) When a connection to be charged at full cost under paragraph (9) (c) is required the estimated cost shall be payable by the applicant before plans are approved. Where the actual cost is greater or less than the estimated cost, any excess shall be recoverable from him and any balance shall be refunded to him: provided that in any municipal housing scheme, the first connection may, at the discretion of the City Engineer, be charged at full cost and the fees payable for any second or subsequent connection shall be the fees prescribed in paragraph (9) (a).

(11) Removal of connection

For the removal of each connection together with all reinstatement of roads, footpaths, kerbs and channels rendered necessary thereby R229,00 provided that such charge shall be increased by 30 per centum if the work is executed over a weekend if deemed necessary by the City Engineer or at the request of the applicant.

[Proviso inserted by para. (c) of MN 88 of 1987, amended by MN 60 of 1988, by r. 19 of MN 90 of 1989, by r. 1 (19) of MN 111 of 1990 and by r. 1 (xxi) of MN 190 of 1991.]

[Sub-item. (11) amended by para. (a) (xix) of MN 88 of 1987.]

(12) Trade effluent

- (a) All trade effluent discharged into the Council's sewers shall be paid for on a monthly basis and shall be paid within 21 days from the date of account.
- (b) The fees payable in terms of (a) shall be assessed in the following manner:
 - (i) The rate to be charged, in cents per kilolitre, shall be assessed by the City Engineer at half-yearly intervals or quarterly where he exercises his powers under the proviso to paragraph (g) in accordance with the formula prescribed in paragraph (g) on the basis of the average of the results of not less than ten analyses of the strength and quality of such effluent carried out by the City Engineer at any time during the preceding twelve months. The analyses may, in the discretion of the City Engineer, be based upon individual random samples or on composite samples collected in a manner and under conditions approved of by him from time to time.
 - (ii) Where direct measurements of the volume of effluent discharged are taken, the volume to be charged for shall be determined from such direct measurements.
 - (iii) Where no direct measurements of the volume of effluent discharged are taken, the volume to be charged for shall be a percentage of the quantity of water consumed on the premises concerned, as recorded by the Council's water meter serving the premises.

Such percentage shall be estimated and determined by the City Engineer and shall take into account water that may be used on the premises that is obtained from sources other than the Council's water supply, water used for domestic purposes, water lost by reaction or evaporation during the process of manufacture, and water present in the final products manufactured.

- (c) The rate, in cents per kilolitre, and the percentage, where applicable as determined under paragraph (b), shall be notified to the owner or occupier of the premises not later than 31 December and 30 June in each year and these values shall be applied in the determination of the charges to be paid during the ensuing six months with effect from the first reading of the trade effluent or water meter, as the case may be, after the 1st January or the 1st July in each year, provided that where the City Engineer has re-assessed the estimated flows in accordance with the proviso to paragraph (g) hereof, the owner or occupier of the premises shall be notified of the adjusted rate, in cents per kilolitre, not later than 31 December, 31 March, 30 June or 30 September, as the case may be, in any year.
- (d) In cases where the charges depend upon readings of the water supply meter, the account rendered in any month during which the meter is not read shall be a provisional sum as assessed by the City Treasurer based upon the average previous water consumption.
- (e) In those months in which the water meter is read the City Treasurer shall render an account based upon the water consumed during the period since the meter was last read and shall deduct therefrom the total amount of the provisional sums, if any, which have been charged since such previous meter reading and which have been paid.
- (f) In the case of trade premises from which trade effluent is discharged into the Council's sewers for the first time, charges shall be payable in respect of the interim period between the date of the first discharge and 31 December or 30

June, as the case may be, provided that where the City Engineer has re-assessed the estimated flows in accordance with the proviso to paragraph (g) hereof, charges shall be payable in respect of the interim period between the date of the first discharge and 31 December or 31 March or 30 June or 30 September as the case may be. Such charges shall be determined as follows:

- (i) The rate to be charged, in cents per kilolitre, shall be assessed by the City Engineer in accordance with the provisions of paragraph (b) (i), except that only six samples shall be analysed from the date of first discharge;
 - (ii) the percentage, as provided for in paragraph (b) (iii), shall, where applicable, be determined by the City Engineer;
 - (iii) the City Treasurer, in applying the provisions of paragraph (d), may determine the amount of any provisional sum by reference to such consumption on other similar premises as he considers would constitute a reasonable guide.
- (g) The rate to be charged in cents per kilolitre in terms of paragraph (b) (i) hereof, shall be assessed in accordance with the following formula:

$$\text{Rate, in cents per kilolitre} = X + Y \frac{A}{30} + Z \frac{B}{9}$$

where—

‘A’ is the permanganate value being the oxygen absorbed, as expressed in parts per million, from acidic N/80 potassium permanganate in four hours at 27°C of settled trade effluent;

‘B’ is the volume to the nearest millilitre of settleable matter in one litre of trade effluent, measured after settlement in the laboratory for one hour;

and ‘A’ and ‘B’ are determined by the City Engineer in accordance with such methods of chemical analysis as he may deem proper, having regard to the nature of the trade effluent to be analysed. Details of such methods and the results obtained shall be kept available for a period of twelve months for inspection by the owner or occupier of the premises from which the effluent emanated;

‘X’ is the cost to the City, per kilolitre, as calculated jointly by the City Engineer and the City Treasurer, of the conveyance through the reticulation system and of primary treatment including all operational, repair, maintenance and annual capital costs, less a rebate, calculated jointly by the City Engineer and the City Treasurer, in respect of the contribution through the City rates made by the contributors of trade effluent to the sewerage account of the Borough Fund;

‘Y’ is the cost to the City, per kilolitre, as calculated jointly by the City Engineer and the City Treasurer, of the treatment in the treatment works of the City of an effluent having a permanganate value of 30 (thirty) parts per million, including all operational, repair, maintenance and annual capital costs; and

‘Z’ is the cost to the City, per kilolitre, as calculated jointly by the City Engineer and the City Treasurer of the treatment in the treatment works of the City of an effluent, having a settleable solids value of 9 (nine) ml/l, including all operational, repair, maintenance and annual capital costs.

The above costs shall be calculated on the estimated flows and estimated sewerage costs of the City obtained annually from the estimates and shall apply for a twelve month period commencing on the 1st October of the year for which the estimates were prepared, provided that where in the opinion of the City Engineer the estimated flows require more frequent assessment for any reason, he may cause the said estimate to be re-assessed quarterly, in which event the above costs shall be recalculated accordingly and shall apply with effect from 1 January, 1 April, 1 July or 1 October, as the case may be, of the year

in question.

- (h) A minimum monthly charge, equivalent to 100 kl of trade effluent at the rate calculated in (g) assuming a strength of permanganate value of 30 parts per million and a settleable solids value of 9 ml/l where no chemical analysis is carried out, shall be payable by the owner or occupier of any trade premises in respect of any trade effluent found to be discharging into the Council's sewers.
- (i) The monthly charge payable by the owner or occupier of trade premises, in respect of any trade effluent which is acceptable for discharge into a sea outfall, in terms of section 32 of Chapter I of the Building By-laws, shall be at the rate in cents per kilolitre discharged of 20 % of the value of 'X' as given in (g) above, provided that—
 - (i) where such effluent is delivered to the point of acceptance by means of a tanker the rate shall be 15 times the value of 'X' per delivery; and
 - (ii) the tariff payable by any consumer of treated effluent from the Council's treatment works for trade effluent for discharge into a sea outfall shall be subject to a rebate of 50 % of the tariff in respect of each kilolitre of treated effluent supplied to the consumer.

(13) (a) Fees for non-rateable properties

The owners of all premises which are connected with the Council's sewerage system but who do not pay rates in respect of such premises shall pay to the Council the following charges; provided that where proportionate rates have been levied in terms of proviso (iii) to section 153 (1) (b) of Ordinance 25 of 1974, as amended, a proportionate rebate on the proportionate rates calculated at the same percentage as that which the rates levied bear to the rates which would have been payable had the property been fully rateable shall be allowed:

- (i) For every water-closet or pan installed in such premises, per quarter R42,50

[Sub-item. (a) (i) amended by MN 75 of 1988, by r. 20 of MN 90 of 1989 and by MN 91 of 1990.]

- (ii) For every urinal, stall or compartment installed in such premises, per quarter R37,00

[Sub-item. (a) (ii) amended by MN 75 of 1988 and by r. 20 of MN 90 of 1989.]

- (b) Where urinal stalls are fixed in ranges or where trough closets are used, each 610 mm or part thereof in length of such urinal range or trough closet shall be reckoned as one urinal stall or compartment or closet.

(14) Clearance of obstructions

The cost of clearing drains and connections of obstructions shall be as follows and these charges shall be payable immediately the service is rendered:

- (a) Per clearance R80,00

[Sub-item. (a) amended by para. (a) (xx) of MN 88 of 1987, by MN 60 of 1988, by r. 21 of MN 90 of 1989, by r. 1 (20) of MN 111 of 1990 and by r. 1 (xxii) of MN 190 of 1991.]

- (b) In cases where it is necessary to cut the pipes, and to reinstate roads, footpaths, kerbs and channels rendered necessary thereby Full cost

(15) Storage tanks

- (a)

[Sub-item. (a) amended by para. (a) (xxi) of MN 88 of 1987, by MN 60 of 1988, by r. 22 of MN 90 of 1989 and deleted by r. 1 (42) (a) of MN 111 of 1990.]

- (b) When storage tanks are emptied by means of vacuum tank wagons not in the ownership or under the control of the Council, the fee for discharging material so extracted into the foul-water sewers shall be 20 times the value of 'X' as defined in paragraph (12) (g) above, per delivery.

[Sub-item. (b) amended by r. 1 (21) of MN 111 of 1990.]

(16)

[Sub-item. (16) amended by para. (a) (xxii) of MN 88 of 1987, by MN 60 of 1988, by r. 23 of MN 90 of

1989 and deleted by r. 1 (42) (b) of MN 111 of 1990.]

C. Stormwater disposal

(1) Applications for the connection of stormwater drains and channels of 15 metres or less in length from private property to the Council's stormwater system in terms of section 16 of Chapter I of the Building By-laws or of Part R of the Regulations all pipes used being supplied by the Council; provided that if any municipal housing scheme, the connection of a storm water drain and channel to the Council's stormwater system may, at the discretion of the City Engineer, be charged at full cost.

(i) Up to and including a nominal 100 mm connection to road surface
(a) For one pipeline R220,00/m or part thereof

[Sub-item. (a) amended by para. (a) (xxiii) of MN 88 of 1987, by MN 60 of 1988, by r. 24 of MN 90 of 1989, by r. 1 (22) of MN 111 of 1990, by r. 1 (xxiii) of MN 190 of 1991 and by r. 4 (1) of MN 129 of 1995.]

(b) For each additional pipeline at the same point of discharge R160,00/m or part thereof

[Sub-item. (b) amended by para. (a) (xxiv) of MN 88 of 1987, by MN 60 of 1988, by r. 25 of MN 90 of 1989, by r. 1 (23) of MN 111 of 1990, by r. 1 (xxiv) of MN 190 of 1991 and by r. 4 (2) of MN 129 of 1995.]

(ii) 100 mm diameter pipe connection to a stormwater sewer R390,00/m or part thereof

[Sub-item. (b) (ii) amended by para. (a) (xxv) of MN 88 of 1987, by MN 60 of 1988, by r. 26 of MN 90 of 1989, by r. 1 (24) of MN 111 of 1990, by r. 1 (xxv) of MN 190 of 1991 and by r. 4 (3) of MN 129 of 1995.]

(iii) 150 mm diameter pipe connection to a stormwater sewer R420,00/m or part thereof

[Sub-item. (b) (iii) amended by para. (a) (xxvi) of MN 88 of 1987, by MN 60 of 1988, by r. 27 of MN 90 of 1989, by r. 1 (25) of MN 111 of 1990, by r. 1 (xxvi) of MN 190 of 1991 and by r. 4 (4) of MN 129 of 1995.]

(iv) 225 mm diameter pipe connection to a stormwater sewer R530,00/m or part thereof

[Sub-item. (b) (iv) amended by para. (a) (xxvii) of MN 88 of 1987, by MN 60 of 1988, by r. 28 of MN 90 of 1989, by r. 1 (26) of MN 111 of 1990, by r. 1 (xxvii) of MN 190 of 1991 and by r. 4 (5) of MN 129 of 1995.]

(v) 300 mm diameter pipe connection to a stormwater sewer R630,00/m or part thereof

[Sub-item. (b) (v) amended by para. (a) (xxviii) of MN 88 of 1987, by MN 60 of 1988, by r. 29 of MN 90 of 1989, by r. 1 (27) of MN 111 of 1990, by r. 1 (xxviii) of MN 190 of 1991 and by r. 4 (6) of MN 129 of 1995.]

(vi) 375 mm diameter pipe connection to a stormwater sewer R790,00/m or part thereof

[Sub-item. (b) (vi) amended by para. (a) (xxix) of MN 88 of 1987, by MN 60 of 1988, by r. 30 of MN 90 of 1989, by r. 1 (28) of MN 111 of 1990, by r. 1 (xxix) of MN 190 of 1991 and by r. 4 (7) of MN 129 of 1995.]

(vii) 450 mm diameter pipe connection to a stormwater sewer R940,00/m or part thereof

[Sub-item. (b) (vii) amended by para. (a) (xxx) of MN 88 of 1987, by MN 60 of 1988, by r. 31 of MN 90 of 1989, by r. 1 (29) of MN 111 of 1990, by r. 1 (xxx) of MN 190 of 1991 and by r. 4 (8) of MN 129 of 1995.]

(viii) All other connections together with all reinstatement of roads, footpaths, kerbs and channels rendered necessary thereby and any inspection necessitated Full cost

[Sub-item. (b) (viii) amended by MN 35 of 1994.]

(2) Applications for the connection of stormwater drains and channels of more than 15 metres in length, from private property to Council's storm water systems together with all reinstatement of roads, footpaths, kerbs and channels rendered necessary thereby, all pipes used being supplied by the Council Full cost

D. Applications in terms of Chapter III of the Building By-laws

(1) Application in terms of section 1 (2) R260,00

[Sub-item. (1) amended by para. (a) (xxxix) of MN 88 of 1987, by MN 60 of 1988, by r. 32 of MN 90 of 1989, by r. 1 (30) of MN 111 of 1990, by r. 1 (xxxix) of MN 190 of 1991 and by r. 5 (1) of MN 129 of 1995.]

(2) Fee for permit issued in terms of section 1 (5) (b) R220,00

[Sub-item. (2) amended by para. (a) (xxxii) of MN 88 of 1987, by MN 60 of 1988, by r. 33 of MN 90 of 1989, by r. 1 (31) of MN 111 of 1990, by r. 1 (xxxii) of MN 190 of 1991 and by r. 5 (2) of MN 129 of 1995.]

(3) Rental to be paid in terms of section 3 (iii) in respect of all encroachments other than those covered by section 12 and those referred to in (4) hereunder:

For each encroachment for which a permit has been issued, per year, of part thereof, during which the encroachment is in existence provided that for the purpose of this paragraph the term 'year' shall mean a calendar year ending on 31 December R35,00

[Sub-item. (3) amended by para. (a) (xxxiii) of MN 88 of 1987, by MN 60 of 1988, by r. 34 of MN 90 of 1989, by r. 1 (32) of MN 111 of 1990, by r. 1 (xxxiii) of MN 190 of 1991 and by r. 5 (30) of MN 129 of 1995.]

(4) Rental to be paid in respect of balconies which encroach over a street or public place or beyond a street line for which permission was granted in terms of section 1 (1) of Chapter II prior to the date of commencement of section 8 (2) of that Chapter In accordance with section 140 (v) of the General By-laws

E. Applications in terms of Chapter IV

(1) (a) Application for permission in terms of section 4 provided that the fee for an application relating only to a change in the advertising content of an existing approved advertisement shall be R20,00 R150,00

[Sub-item. (a) amended by para. (a) (xxxiv) of MN 88 of 1987, by MN 60 of 1988, by r. 35 of MN 90 of 1989, by r. 1 (33) of MN 111 of 1990, by r. 1 (xxxiv) of MN 190 of 1991, substituted by r. 2 of MN 99 of 1993 and by MN 218 of 1993.]

(b) Application for permission under section 4 (1) when the City Engineer exercises his discretion under section 4 (2) (b) (cc) .. R53,00

[Sub-item. (b) amended by para. (a) (xxxv) of MN 88 of 1987, by MN 60 of 1988, by r. 36 of MN 90 of 1989, by r. 1 (34) of MN 111 of 1990, by r. 1 (xxxv) of MN 190 of 1991 and by r. 2 (2) of MN 99 of 1993.]

1A (a) Application fee for permission in terms of section 12 (1), provided that a fund-raising organisation registered in terms of the Fundraising Act, 1978 (Act 107 of 1978) shall be exempt R25,00

(b) Deposit to be lodged with an application referred to in (a) above in respect of—

(i) election advertisements, in respect of each candidate in each ward or constituency as the case may be, or in respect of each advertisement relating to a referendum R550,00

(ii) other advertisements, per 50 copies or part thereof R275,00

(c) Fee for removal of advertisements in terms of the Advertising By-laws, per advertisement R20,00

[Sub-item. (1A) inserted by r. 2 (3) of MN 99 of 1993.]

(2) Application for permission in terms of section 12A: either—

(i)

[Sub-item. (i) amended by r. 37 of MN 90 of 1989 and deleted by r. 1 (42) (c) of MN 111 of 1990.]

(ii) Application for permission in terms of section 12A: per pointer board per annum or part thereof R9,00

Provided that the fee for the issue of a duplicate permit disc shall be R3,50 per pointer board per annum.

[Sub-item. (ii) substituted by para. (d) of MN 88 of 1987, amended by MN 60 of 1988, by r. 38 of MN 90 of 1989, by r. 1 (35) of MN 111 of 1990 and by r. 1 (xxxiv) of MN 190 of 1991.]

- (3) Fee for removal of each pointer board in terms of section 12A (3) of Chapter IV R5,40

[Sub-item. (3) amended by MN 60 of 1988, by r. 39 of MN 90 of 1989, by r. 1 (36) of MN 111 of 1990 and by r. 1 (xxxvii) of MN 190 of 1991.]

- (4) Fees payable in terms of section 19 C R195,00 per advertising sign per calendar year or part thereof.

[Sub-item. (4) inserted by MN 125 of 1987, corrected by MN 142 of 1987, amended by MN 60 of 1988, by r. 40 of MN 90 of 1989, by r. 1 (37) of MN 111 of 1990 and by r. 1 (xxxviii) of MN 190 of 1991.]

- F. (1) Fee for the time spent by Council employees in conducting a search in its building plan records, per property:

- (i) for the first half-hour or part thereof R20,00
- (ii) for every subsequent quarter-hour or part thereof R8,00

[Sub-item. (i) amended by para. (a) (xxxvi) of MN 88 of 1987, by MN 60 of 1988, by r. 41 of MN 90 of 1989, by r. 1 (38) of MN 111 of 1990, by r. 1 (xxxix) of MN 190 of 1991 and substituted by r. 3 of MN 99 of 1993.]

- (ii) for every subsequent quarter-hour or part thereof R3,30

[Sub-item. (ii) amended by para. (a) (xxxvii) of MN 88 of 1987, by MN 60 of 1988/amended by r. 42 of MN 90 of 1989/amended by r. 1 (39) of MN 111 of 1990/amended by r. 1 (xL) of MN 190 of 1991.]

- (2)

[Sub-item. (2) deleted by para. (e) of MN 88 of 1987.]

- (3) Application for approval of the installation of fuel-burning appliances in or on any premises in terms of the Smoke Control Regulations:

A fee of 0,5 % of the estimated cost of the fuel-burning appliances for which approval is sought, subject to a maximum fee of R230,00 for each application, provided that no fee shall be payable in respect of an application for the installation of gas-fired appliances or for the installation in a dwelling house, maisonnette or block of flats or duplex flats of any fuel-burning appliance.

[Sub-item. (3) amended by para. (a) (xxxviii) of MN 88 of 1987, by MN 60 of 1988, by r. 43 of MN 90 of 1989, by r. 1 (40) of MN 111 of 1990, by r. 1 (xLi) of MN 190 of 1991.]

- (4) Application for approval of site development works in terms of section 114 *bis* of the General By-laws R84,00

[Sub-item. (4) amended by para. (a) (xxxix) of MN 88 of 1987, by MN 60 of 1988, by r. 44 of MN 90 of 1989, by r. 1 (41) of MN 111 of 1990 and by r. 1 (xLii) of MN 190 of 1991.]

(Editorial Note: Amendment before MN 129 of 1995 to the Eighth Schedule is missing as the amounts to be amended do not match.)

SCHEDULE IX

[Schedule IX inserted by PN 314 of 1955 and deleted by PN 385 of 1974.]

SCHEDULE X

[Schedule X inserted by PN 289 of 1967 and deleted by PN 385 of 1974.]
