Mbizana, South Africa

Building

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Mbizana
South Africa

Building By-law, 2009

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It is notified in accordance with Section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), that the Mbizana Municipality publishes the Building By-laws supplementary and consistent to the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and the Regulations, which have been approved by the Municipal Municipality, as set out below.

1. Definitions

1.1 In these By-laws, unless the context otherwise indicates-

"**balcony**" means any erection similar to a veranda in front of any storey at a higher level, whether roofed or not;

"**basement storey**" or "cellar" means any storey of a building which is under the ground storey;

"**building of the domestic class**" means any building for human occupation or domestic purposes, including outbuildings of dwellings, hospitals, schools, studios and stables;

"**building of the factory class**" or "factory" has the same meaning as defined in the Factories Act;

"**building of the office class**" means any building used for offices;

"**building of the warehouse class**" includes any building used for the sale, storage or manufacture of merchandise, including pumping stations, light power houses, markets and any other building exceeding 4 500m^3 in cubic content and which is neither a public nor a domestic building;

"**Municipality**" means the Mbizana Municipal Municipality;

"**cubic content**" as applied to the measurements of a building, means the space contained within the external surface of the floor of its lowest storey;

"**engineer**" and "Municipality's engineer" means the person from time to holding the said appointment or acting in the said capacity in connection with the municipality;

"**external wall**" means the outer wall or vertical enclosure of any building, not being a party wall, even though adjoining a wall of another building;

"**fire resisting**" used with reference to any material means the following-

(a) Iron and steel columns, girders or wall framing when cased in cement, concrete or other declared fire-resisting material;

(b) approval concrete, composed or cement, broken stone, brick pumice stone, chippings or ballast, reinforced concrete and asbestos sheets;

(c) in the case of staircases, unless otherwise prescribed, approved hardwood with treads and stringers not less than 50mm thick, the underside being protected by declared fire-resisting material;

(d) approved hardwood, unless otherwise prescribed, when used for beams or posts or in combination with iron or steel, the iron or steel (if any) being protected by plastering or other non-conducting external coating, not less than 50mm in thickness;

(e) in the case of floors, bricks, tiles, terra-cotta or concrete, not less than 102mm thick in combination with iron or steel, reinforced concrete not less than 100mm thick;

(f) in the case of roofs, bricks, concrete, terra-cotta or reinforced concrete and sheet metals;

(g) in the case of internal walls, concrete, terra-cotta, brickwork, reinforced concrete of other similar approved non-combustible material not less than 102mm thick;

(h) in the case of glazing for draught-and-smoke-excluding doors as well as in the case of glazing to internal windows, fanlights or partitions and openings into lift shafts or stairs enclosure described in or required by the National Building Regulations, one thickness or wired glass of not less than 6mm in wood beading fixed with metal screws to styles and rails of doors and in panels not exceeding 750mm by 600mm;

(i) in the case of doors-

(i) doors of wrought iron or steel plate not less than 6mm thick, with styles and rails on face of plate not less than 75mm by 6mm, dividing door in panels not exceeding 750mm by 1 050mm hung, on wrought iron staple hinges or pivots built into the wall and fitted with bolts at top and bottom; or

(ii) metal covered doors composed of dressed tongued and grooved boards crossed at right angels, nailed with clinched wrought iron nails, without sunk panels, and completely covered with tinned steel of iron sheets of not less than 0,5mm, not more than 350mm by 500mm in size. With proper welt joints, not less than 10mm in width the edges of the doors being covered with the sheets turned around at least 50mm on each face. The sheets must be fastened closely to the door with screws or barbed nails at least 20mm in length. The thickness of such doors must not be less than the following:-

For openings-

Up to 2,5m²: 45mm

Up to 3,25: 65mm

Over 3,25m²: 90mm

All fastenings, hinges or bolts must be bolted right through the door.

All hinges staples or wall fastenings must be built into the brickwork;

Or

(ii) doors with iron or steel framing filled in with 75mm thickness of concrete reinforced in the centre with 10mm steel bars secured to rails and styles of doors. Fire resisting doors, if on hinges, must, if without tap, be fitted into prepared wrought iron frames with 50mm rebate built or fastened directly into the brickwork. In no case must any holders, blocks, frames or other contrivances of combustible or easily fusible material be used in connection with a fire resisting door (except a fusible link);

(j) any other material which complies with the SABS No. 476 together with any additions or amendments thereto;

(k) the term "mill construction" will apply to floors and ceilings of buildings or portions of buildings, used in the erection of mills. The structural members supporting such floors and

ceilings must be of fire resisting material on which must be laid planking not less than 75mm thick with tongued and grooved or other similar jointing;

"**first storey**" means the storey immediately above the ground storey;

"**front**" as applied to a domestic building means that portion facing the street, or, in the case of any building at the rear or side attached or detached, means the major dimension of the building on which the windows are situated, save that this must not apply to rooms not exceeding three in number, attached to and at the rear of the main building in front thereof, and forming or intended to form part of such building;

"**ground storey**" means that the storey of a building in which there is an entrance from the outside or near the ground level, and, where there are two such storeys, then the lower of the two: provided that no storey of which the upper surface of the floor is more than 1,2m below the level of the adjoining pavement, must be deemed to be the ground storey;

"**heights**" as applied to buildings, must be measured from the kerb level, or if there is no kerb, level from the natural ground level in front of the centre of such building at the junction of the wall. In case of buildings provided with the rooms in the roof, the height must be measured to the ceiling of such rooms, the measurement terms, unless other wise expressly stated means such terms according to metric S.I. units;

"**new building**" means-

(a) any building or any structural alterations or additions to any existing building;

(b) any building which has been taken down, burnt or destroyed for more than half its cubic content and re-erected or where a commencement with the re-erection thereof has been made after such date;

(c) any building of which the cubic content has been increased, after such date, by an amount equal to the cubic content of the building as existing before such increase;

(d) any building to which an upper storey has been added;

(e) any building which is structurally converted to any purpose different from that for which it was originally intended;

"**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 subdivided and let to the lodgers or various tenants, the person receiving the rent payable by lodgers or tenants, whether on his account or as agent for any person entitled thereto or interested therein;

"**owner**" as used in connection with any land or premises, includes any person receiving the rents or profits of such land or premises from any tenant or occupier thereof, or who would receive such rents or profits if such land or premises were let, whether on his own account, or as agent for any person entitled thereto or interested therein;

"**owner or occupier**" or other words denoting the person owning or occupying any property, as well as the word "person" for the purpose of enforcing the penalties in terms of these By-laws, means in case of a firm or partnership, all or any one or more members of such firm or partnership, and in case of any company, anybody not being a firm or a partnership in the ordinary meaning of these terms, the secretary or manager of such company or body, or should there be no secretary or manager, then any member of the board of directors or managing board or committee of such company or body;

"**public building**" means a building used or constructed, adapted, suitable for or a intended to be used, either ordinarily or occasionally and wholly or in part as a public place of congregation or assembly, for persons admitted thereto by ticket or otherwise, whether a charge is made for such ticket or not. "Halls" incorporated in and forming part of a hotel or a club, must not be classed as

"public buildings" provided they are not used for the purpose stated in paragraphs (a) and (b). Public buildings include-

(a) a theatre, including an opera house, playhouse or any building used or designed to be used for the entertainment of spectators, and having a stage on which scenery and theatrical apparatus are used, as well as a proscenium and a fire curtain as required and described in these By-laws. A theatre may be used for all purposes to which a public building may be put;

(b) a cinematograph hall which may be used for all purposes to which a public building may be put, except as mentioned in paragraph (a), unless suitably designed as constructed as such, as required and described in these By-laws;

(c) a concert room, ballroom, lecture hall, exhibition room, church, chapel or other place of public worship, which may be used for all purposes to which a public building may be put, except as mentioned in paragraphs (a) and (b) unless suitably designed and constructed as such, as required and prescribed in these By-laws;

(c) halls incorporated in a hospital, college or school, which may be used for any purpose in terms of paragraphs (a), (b) and (c);

(d) a tent, shooting gallery, circus and a stand or enclosure for public assembly all of which may only be used for the purpose stated;

"**storey**" means a height of not more than 6m on ground storey and 4,5m on any storey above that;

"**street**" includes any street, square, road, lane, sub-way, avenue, bridge, thoroughfare or public passage;

"**tariff**" the tariff of charges as determined from time to time by the Municipality in terms of Section 74 of the Local Government: Municipal Systems Act, Act 32 of 2000;

"**topmost storey**" means the uppermost storey in a building whether constructed wholly or partly in the roof or not, and whether used or constructed or adapted for human habitation or not;

"**verandah**" means any roofed erection with sides and front entirely open except where supported in front of the ground storey of a building and over the street footpath;

"**width**" as applied to a street, means the measurement at right angles to and between the boundaries of the stands abutting on such street and on opposite sides thereof.

Part I – Projection from buildings, verandas, balconies, signs and payment light

2. Permission required

(1) No colonnades, verandas, balconies, bay windows, pavement lights, showcases or other projections into or over any part of any street, and no pavement opening in or under any street must be made or constructed without the written permission of the Municipality.

(2) The Municipality in its discretion may refuse such permission or may grant the same either unconditionally or on such conditions and subject to the payment of such annual or other sum or the performance of such works or service as the Municipality must in each case first and determine in accordance with the tariff of charges.

(3) Such charges must be paid in advance at the beginning of each year or period fixed by the Municipality and the owner of the building or projection is liable for the payment of deposits, fees and rent in terms of these By-laws for such projections.

3. Rules for the construction of projections

(1) The design, arrangement and construction of verandas, balconies, bay windows and other projections over public streets, must be to the satisfaction of and the levels given by the Municipality.

(2) All such verandas, balconies, bay windows and other projections must be constructed entirely of fire resting material, and must be neatly celled with plaster, cement, asbestos or steel sheeting fixed flat or in regular vaulted, covered, coffered or panelled arrangements and must be supported by cantilevers of reinforced concrete, masonry or steel statically secure.

(3) If corrugated iron is used for covering a veranda, the exposed surfaces thereof must be painted.

(4) Unless there must be shown to the satisfaction of the Municipality, good reason to the contrary, a veranda over a public street must conform as nearly as practicable in line, height detail with existing adjoining verandas.

4. Columns

(1) Except in that portion of the municipality as defined by the Municipality from time to time, no veranda columns must be permitted in or on any street or pavement.

(2) In no case must any column be permitted where the pavement is less than 2,6m wide.

(3) In no case must columns be placed more than 3m from the building measured to the outside of the column nor be placed at less than 3m centre to centre.

(4) No column must be placed on any pavement at the corner of streets beyond the alignment of the building lines, and no portion of any veranda must be placed at a lesser distance than 600mm back from the front edge of any kerb.

(5) No twin or double columns must be permitted.

(6) Where verandas are supported on columns, such columns must have no square arries and no base must project more than 50mm beyond the bottom diameter, nor must the maximum horizontal axial dimension of such base exceed 350mm.

(7) Where the form of a column is classic in character, the shaft must have suitable entasis and must have cap and base in due proportion.

(8) Columns, including cap and base must not be less than 3m nor more than 3,6m in height nor more than 405m including plinth.

(9) No posts or columns must, except as hereinafter provided, be permitted in streets where reason of the footway or sidewalk being or likely to be so occupied by cables, pipes or other public services, the placing of columns or posts must be deemed inadvisable.

(10) In such streets, verandas, balconies or other projections permitted over the streets must be supported by means of cantilevers of reinforced concrete or steel.

(11) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia gender must be 3m.

(12) The Municipality may permit the erection of veranda columns ion streets upon registration of a notarial deed of servitude against the title of the abutting property, whereby the owner of such abutting property undertakes to bear the costs of any work on connection with cables, pipes, or other municipal works or services necessitated by the construction, presence, maintenance or removal of such veranda columns, the cost of such deed of servitude must be borne by the owner of the abutting property.

(13) Except in the case of monolithic stone columns, steel or wrought iron pipes or other vertical reinforcement of sufficient strength must be properly embedded in all columns of concrete, stone

or brickwork, and must be securely fixed at the top of the superstructure and at the bottom of the foundations, by means of bolts, dowels or similar method of fixing.

(14) In the case of monolithic stone columns, bolts or dowels at least 15mm in diameter must be inserted at least 150mm into the shaft of the column and satisfactorily secured thereto.

(15) Such bolts or dowels must be fixed right through the cap and base and secured at the top of the foundations.

(16) Plain piping or tubing must not be used for columns over or on street veranda and balconies unless architecturally treated.

(17) The depth and width of beans placed on columns must visibly be equal at least to the top diameter of the column.

(18) The coping, blocking course or balustrade, if any must extend above the floor of the balcony not less than 750mm no more than 1,05m.

(19) Nothing in these By-laws must prohibit the erection and use of a party column common to two adjoining verandas whether such column stands partly on the extended boundary lines of two properties or adjoins the same, nor in the case of adjoining verandas must it be prohibited to place any column upon a plinth, provided that this is necessary for alignment and that other provisions of these By-laws are observed.

5. Balconies and bay windows

(1) Balconies, bay windows, or similar projections must not overhang a public street if at a height of less than 3m above the pavement and all such projections must be constructed of fire resisting material and supported by cantilevers of reinforced concrete or by masonry or steel.

(2) Balconies must not project more than 1,35 over any street.

(3) Bay windows must not project more than 900mm over any street.

(4) The aggregate horizontal length of bay windows at any level over a street must not exceed one third of the length of the building frontage to that street.

(5) No part of any window in any bay must be less than 900mm from any party wall of the building to which it belongs and neither any boundary separating stands in separate ownership nor any extension of such boundary.

(6) Any balcony superimposed upon any veranda must be set back at least 1,2m from the line of such veranda.

(7) No part of any balcony attached to any veranda must be carried up to a greater height than two storeys above the pavement level, except that, where the top portion of such balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1m in height and constructed as prescribed by these By-laws must be allowed above the level of such concrete floor or flat roof.

(8) Dividing walls across balconies over public streets must not exceed 1m in height or 225mm in thickness.

(9) No balcony over any street must be the sole means of access to any room or apartment.

(10) No erection of any kind must be allowed on a balcony, except balustrade and light columns not exceeding 150mm in diameter, of good architectural design and supporting the roof and upper balcony sufficiently.

(11) No person must place or permit or cause to be placed any article upon any balcony over a public street, except ornamental plants, tables, chairs, canvas blinds and awnings, the later not to be used signs or advertisements.

(12) Where any floor or a building is used solely for the parking of motor vehicles, bay windows at the level of such floor may project over any street for not more than 1,35m for the full length of the building frontage to that street.

6. Plinths, pilasters, corbels and cornices

(1) No plinths, pilasters or other projections beyond building lines carried upon from ground level must be permitted to encroach on a street.

(2) Pilasters, cornices, corbels or similar architectural features which are at least 3m above the ground must not project over the street more than the following-

(a) Pilasters: 450mm. The total aggregate frontage length of pilasters must not exceed one fifth of the building frontage and bay windows in the same storey must be included in the calculation of maximum aggregate length for bay windows;

(b) fire resting ornamental hoods or pediments over doors: 600mm and in any part not less than 2,75m in length above the footway or pavement; and

(c) cornices: 1,05m where not exceeding 10,5m above the footway or pavement, and one tenth of the height from the footway or pavement if exceeding 10,5m with a maximum of 1,8m.

7. Verandas and corners

Where verandas are carried around corners of streets, they must be properly displayed or rounded to follow the curves of the kerb to a radius approved by the Municipality.

8. Pavement openings

(1) No pavement opening must be the sole means of access to any vault or cellar.

(2) Every such opening must be formed of thick glasses set in iron or reinforced concrete frames flush with the sidewalk and no piece of such glass must exceed 160cm^2 in area.

(3) No pavement opening in any street must extend more than 1,2m beyond the building line.

(4) Where flaps are permitted in pavement openings each flap not exceed 0,75m in an area and must open upwards and whilst open must be provided with stout iron guardrails and stanchions.

(5) Flap openings must be opened and used only for the purpose of lowering and raising goods and be kept closed except when such operations are in progress.

(6) The front wall or wall parallel to the kerb in every opening must be built with a suitable batter from the light margin to the building line below.

(7) No pavement opening must be covered with metal bar grating or with metal plates or with wood.

9. Maintenance, removal and tenancy of street projections

(1) The owner of any veranda, balcony, pavement opening and covering must maintain such in good order and repair and is responsible for any accidents or damage arising there from.

(2) Pavement openings and pavement lights and walls thereof and basement walls must be made and kept water-tight and the owner must be responsible for so doing.

(3) Any person erecting or possessing projections or encroachments on, under or any street or pavement, such as mentioned in these By-laws, or signs of other fixtures on or over any street or pavement, must be regarded as tenant at will of the Municipality in respect of such projections, encroachments or fixtures and, if called upon by the Municipality to remove any or all of them must do so within 14 days without compensation either for direct, indirect or consequential damages.

(4) The Municipality may remove such projections, encroachments or fixtures in the event of non-compliance with such notice, or if they are not in accordance with these By-laws and the expenses of such removal must be recoverable in the ordinary process of law from the owner of the building or from the person to whom the projections or encroachments belong.

10. Cat-heads, cranes and platforms

(1) Cat-heads, lifting cranes, platforms and other such contrivances must not overhang any sidewalk or street.

(2) The Municipality may specially sanction lifting cranes and travellers under balconies and above the first floor level, but such machinery must be capable of being housed in the building to which it belongs, and must only lift goods from outside the line of kerb.

11. Slab footways or pavements

(1) No person must lay asphalt, tar macadam, concrete, granolithic or any other type of paving in any pavement or street sidewalk or footway unless given permission by the Municipality to do so.

(2) If any person desires to construct a paving of any material upon a public footway or pavement he or she must first submit a sample to the Municipality for testing and approval in writing before any such materials are deposited on a public footway or pavement.

(3) All work must be done to the satisfaction of the Municipality.

12. Planting of footway and sideways

(1) The owner or occupier of an erf adjoining a street may, with the written permission of the Municipality previously obtained and given under the hand of the engineer, grade and plant with grass any land laying between the erf and that part of the street intended, laid out or made up for the use of vehicular traffic.

(2) Any permission in terms of subsection (1) may be granted or refused by the Municipality in its absolute discretion and, if granted, must be revocable and must contain such conditions as the Municipality may think fit to impose regard being had to public safety, the preservation of municipal property and all other relevant circumstances.

(3) The Municipality may include in a permission given in terms of subsection (1), permission to plant with flowers or must shrubs a strip of land in question not exceeding 500mm in width immediately adjoining the applicant's erf.

(4) The Municipality may, on receipt of a written request signed by the owner or occupier of any such erf and upon payment of the charges prescribed in the tariff of charges grade and plant with grass any part of the land referred to in subsection (1).

13. Street gutter bridges

No person must bridge over or enclose any gutter of storm water drain under the control of the Municipality without special sanction from the Municipality.

Part II – Sings and hoardings

1. Definitions

(1) "**signs**" means any advertisement or advertising device of any kind which is visible from any street but does not include an advertisement placed inside a building or any advertisement of an ecclesiastical, amateur sporting, educational, political or charitable meeting, event or function or

of the candidature of any person nominated for election to Parliament or the Municipality, and "advertising sign" has the same meaning.

(2) "**hoardings**" means any screen or fence which is used or capable of being used for posting exhibition or display of any advertisement or advertising device on or near or in view of any street, and includes a screen or fence enclosing a building or materials while builders are at work, or enclosing an excavation.

2. Application for signs

No person must paint, fix, post or erect a sign without-

(a) making an application in writing to the Municipality;

(b) submitting detailed drawings of such sign to a scale of not less than 1:20 and a block plan indicating the position of the sign on the site, to a scale of not less than 1:500; and

(c) obtaining the written consent of the Municipality.

3. Fixing of signs and hoardings

(1) All signs and hoardings must be properly constructed of the requisite strength and must be satisfactorily fixed to the approval of the Municipality.

(2) The person by whom such signs and hoardings are erected and the owner fixture on which or to which they are attached must assume all liability and responsibility in connection therewith, including maintenance, and must undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof.

(3) All glass used in signs other than glass rubbing used in neon or similar signs must be wired glass at least 6mm thick or approved safety glass at least 3mm thick.

(4) Every sign for which electric current is used must if necessary be provided with suitable condensers which must give a power factor of not less than 0,90 lagging and not more than 0,98 lagging.

(5) Every sign and hoardings must be repainted and cleaned regularly in order to prevent them from becoming unsightly.

4. Advertising signs and hoardings to be licensed

(1) No person must except upon a hoarding duly licensed in terms of the By-laws for the licensing of hoardings, advertised or placed or exhibit or display or caused to be advertised, placed or displayed any advertising sign, whether or not the consent of the engineer has been obtained in terms of Section 14, unless he is the holder of the current license issued by the Municipality in respect of such advertising signs

(2) No such license is required by any person who advertises his or her business by means of an approved advertising sign, other than a sky sign, on any premises or, where only part of the premises are used for the applicant’s business upon such portion of such premises in which his business is actually conducted.

(3) No person must advertise, place, exhibit or display or cause to be advertised, placed, exhibited or displayed, any advertising devise of any kind upon any hoardings unless he or she is the holder of a current license issued by the Municipality in respect of such hoarding.

(4) The Municipality may refuse to permit the erection of hoardings for bill posting or other purposes in localities where it deems them likely to be prejudicial to the surrounding neighbourhood or to be a disfigurement of a residential or other street.

(5) Where any alteration is made in an advertising sign, despite the fact that it was displayed and the consent of the Municipality was obtained in terms of Section 14 and the prescribed tariff was paid,

another consent must be obtained and another fee be paid before any alterations are made to the electrical wiring or system of the sign as a result of which the message conveyed by it is changed.

5. Prohibited signs

(1) No person must erect or cause or permit to be erected or maintained any of the following signs-

(a) Any sing, which is painted on, or fixed on to or between the columns of a street veranda;

(b) (i) any sign which projects above or below any fascia, bearer, beam or balustrade of a street veranda or balcony;

(ii) any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street veranda or balcony;

(c) any streamer sign across any street;

(d) any sign or calico, papier mache, woven or similar material or of any kind whatsoever;

(e) any swinging signs;

(f) any signs which interferes with or which is likely to interfere with any sign or signal for the control of traffic but-

(i) no sign in red, amber or green colours must be erected, maintained or used within 6m of any traffic sign;

(ii) all signs reflected or illuminated by light other than a cream light at a height of less than two storeys or 6m above the footway, whichever be the greater height, must be suitably screened as to satisfactorily prevent any interference with any sign or signal for the control of traffic;

(g) flashing, occulting or animated signs within 9m of the ground, and the periodicity of which exceeds 30 flashes to the minute;

(h) any sign or signs, the total area of which exceeds 30m, painted or fixed on a wall of a building not being a front wall of such building;

(i) Any sign painted on any fence, not being a licensed hoarding;

(j) any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm by 450mm in size, affixed to the fence or entrance door or gate of a dwelling and in case of a block of flats affixed to the wall of the entrance hall or entrance door of a flat;

(k) any sign which is objectionable, unsightly or determined to the neighbourhood or of such intense illumination as to disturb residents in adjacent buildings directly or generally to be a source of disturbance to the public;

(l) any sign which does not comply with the requirements of or which is not permitted by these By-laws;

(m) any form or type of sign not specifically permitted by these By-laws;

(n) no person must operate or cause or permit to be operated any electrically illuminated sign otherwise than between the hours of sunrise to midnight.

6. Hanging signs under veranda over a street

(1) Every sign hanging under a veranda over a street must-

(a) be fixed at right angles to the building line;

(b) have a clearance of less than 2,5m between the surface of the pavement and the lowest portions of the sign;

(c) not exceed 600mm in depth, and 2,5mm in length and 230mm in thickness between the outside faces thereof.

(2) A box sign must be constructed entirely of metal or metal and wired glass which must be at least 6mm thick or other approved safety glass at least 3mm thick.

7. Signs on verandas over street

(1) Save as hereinbefore provided with regard to hanging signs, every sign affixed to or onto a veranda over a street must be set parallel to the building line.

(2) Such signs must not exceed 600mm in depth and must be fixed immediately above the eaves of the veranda roof in such manner as not to project beyond the rear of the roof gutter or must be fixed against but not above or below the veranda parapet or balustrade in such manner as not to project more than 230mm from the outside face of such parapet or balustrade, but-

(a) a sign on a public building fixed to or on a veranda over a street and which displays only the features or programme on an entertainment to be given in such public building must-

(i) have a maximum area of $1m^2$ in aggregate for every 1,5m or part thereof the frontage of such building to the street over which the sign is erected;

(ii) not exceed 1,2m in height;

(b) nothing in this section contained must be taken to prohibit the painting of signs not exceeding 600mm in depth or beams over veranda columns, or on parapets of verandas.

8. Projecting signs

(1) All projecting signs must be set at right angles to the building line and must be fixed at a height of not less than 2,75m above the pavement.

(2) Save as is provided in subsection (3), no projecting signs must exceed 600mm in height, nor project more than 900mm from the building to which they are attached-

(a) despite the provisions of subsection (2), larger projecting signs may be erected but-

(i) the owner of the building or the person for whom the sign is being erected must make application for, and assume all responsibility in connection with such signs, including maintenance, an annual inspection to satisfy himself regarding its safety and liability for all loss or damage caused to any person or property by reason of or in any way arising out of the erection, maintenance or existence of such sign;

(ii) the design thereof must be to the satisfaction of the Municipality and it must comply in all aspects with these By-laws;

(iii) such signs must be fixed at the right angles to the street and the front of the building upon which it is erected;

(iv) such sign must be constructed of metal framing and covered with metal sheeting and must not exceed 300mm in depth from face to face;

(v) such sign must not exceed a mass of 450kg or 675kg in case of a sign consisting only of a name of a central public entertainment building as hereinafter defined;

(vi) such sign must not exceed 9m in height or 1,5m total projecting from the building, or in case of a sign consisting only of a name of a central public entertainment building as hereinafter defined, 14m in height and 1,8m in total projection from the building:

Provided this paragraph must not apply to any sign which has been erected prior to the date of the publication hereof;

(vii) the sign must be supported by at least four iron brackets properly fixed to the building, any two of which must be capable of carrying the whole mass of the sign, together with wind pressure, against which pressure the sign must be satisfactorily braced and stayed;

(viii) upon receipt of a notification by the Municipality under the hand of the engineer that such sign is unsafe, it must be removed forthwith without the payment by the Municipality of any compensation whatsoever; and

(ix) the owner of such sign must sign a form declaring himself to accept, and be bound by, the foregoing conditions.

9. Signs flat on buildings

(1) The total area of any sign placed flat or painted on a front wall of a building must not exceed 20m² for every 15m of the building frontage to the street which such sign faces with a maximum area of 200m².

(2) The maximum projection of such sign over the footway must be 75mm where such sign is less than 2,5m above footway or pavement and 230mm where such sign is more than 2,5m above the footway or pavement.

(3) In case of sign consisting only of the name of the public entertainment building, the maximum height and length must be 10m by 20m or alternatively 20m by 10m and the maximum projection thereof from the face of the wall must be 230mm.

(4) Despite the provisions of subsections (1) and (3), the Municipality may, where it considered it desirable in the interests of the aesthetic appearance of the building on which the sign is placed or painted or the neighbourhood of such building, permit or require the dimension of any such sign to be greater than those prescribed.

10. Sky-signs

(1) For the purpose of this section "sky signs" means any sign other than a revolving sign erected or placed on or above the topmost roof or roof parapet or eaves of a building but must not include any sign on the roof of the building.

(2) The whole of every sky sign must be placed against a peripheral screen or the other structure fixed on the building, which screen, which screen or structure in the opinion of the Municipality is satisfactory for the purpose in respect of the construction, strength, extent and appearance.

(3) Where any sky-sign rests upon a roof there must be interposed between the sign and the roof a layer of non-combustible material but if the sign rests upon a concrete slab the material so interposed must be waterproof.

(4) The vertical dimension of any sky-sign excluding the screen or other structure against which it is attached will be as follows-

(1) Table

(a)

Height of building	Vertical dimension
One or two storeys:	1,3m
Three or four storeys:	1,9m
Five or six storeys:	2,6m
Seven or eight storeys:	3,2m
Over eight storeys:	4,8m

But the vertical dimensions specified in the table may at the discretion of the Municipality be exceeded, regarding being the length and height of the building or to the necessary for screening lift houses, tanks or other structures of objections in the roof.

(1) For the purpose of subsection (4) sky-signs, where they are placed one above the other, whether or not in the same vertical plan must be deemed to be one sign irrespective of their ownership.

(2) No sky-sign must project horizontally beyond the limits of the screen or other structure against which it is placed in terms of subsection (2).

11. Hanging lamps and clocks

(1) Every hanging lamp and clock must be fixed at not less than 2,75m above the side walk.

(3) A clock must not be deemed to be included in the aggregate height of a sign.

(4) The owner of any building upon which it is proposed to erect any clock overhanging the street must-

(a) be a tenant at will of the Municipality, and must assume the liability and responsibility in connection with such clock;

(b) undertake liability for all loss or damage caused to persons or property by reasons of or in any way arising out of the erection, maintenance or existence of such clock;

(c) make an annual inspection of the clock to satisfy himself regarding its safety;

(d) maintain such clock in a good state of repair and in a presentable condition, and at his own expense cause it to be synchronised at least once a week by a competent person;

(e) on receipt of notice from the Municipality calling upon him or her to do so, remove such clock within the time stated in such notice, without the payment by the Municipality of any compensation whatsoever;

(f) comply with the provisions of these By-laws.

(5) The owner of or a person erecting such clock must sign a form declaring himself or herself or herself to accept and be bound by the foregoing conditions.

12. Sun-blinds

(1) All sun-blinds must be so made and fixed as to be incapable of being lowered to within 2m of the footway or pavement.

(2) Except at street intersections, sun-blinds must only be placed parallel to the building line.

(3) At street intersections sun blinds, both new and existing must be placed so that they must not cause any interference with vehicular or pedestrian traffic, traffic lights, street nameplates or other notices for the guidance of the public.

13. Bill postings and hoardings

(1) No sign or hoardings which are not placed on a building and no bill posting hoarding must exceed 5m in height above ground level.

(2) Drawing to scale of 1:20 showing structural details of the supports, framework etc. must be submitted to the Municipality together with other details specially required under By-laws dealing with signs.

(3) The design of such hoardings and signs must be to the satisfaction of the Municipality.

14. Decorations during public rejoicings

All decorations, illuminating and other devices erected on occasions of public rejoicing must be so erected, arranged and secured as to minimise the danger of fire, and secure the public against risk to the satisfaction of the Municipality in these respects.

15. Showcases

Show cases must not exceed 1,5m^2 in area and must not project more than 150mm beyond the building line.

16. Signs not to be fixed to veranda columns

No sign of any description must be fixed to street veranda posts or columns.

17. Signs regarded as tenancy at will

(1) Any person erecting or possessing signs on or over any street, footway or pavement must be regarded a tenant at will of the Municipality in respect of such signs, and, if instructed by the Municipality to remove any or all of them they must do so within 14 days without any compensation either for direct, indirect or consequential damages.

(2) The Municipality may remove such signs in the event of non compliance with such instruction or if they are not in accordance with these By-laws and the expenses of such removal must be recoverable in the ordinary process of law from the owner of the building or from the person to whom the sign belong.

Part III – Rentals, charges, deposits and penalties: general provisions

19. Payment of charge and deposits

(1) Except where otherwise provided by these By-laws, the charges specified in the tariff of the charges must be paid by the owner of the building or any other person who applies to the Municipality for approval of any proposal or who is seeking its consent thereto in terms of these By-laws.

(2) The charges must be payable on the making of any application in connection with the matter or operation to which they relate or on receipt of written demand from the Municipality but the Municipality may in its discretion require such payment to be made only on the granting of the application.

(3) If the Municipality refuses any application made in terms of these By-laws, any payment made in connection therewith may be refunded by the Municipality to the person by whom or on whose behalf the payment was made.

(4) In addition, the Municipality may in its discretion, refund in whole or in part any payment made in terms of these By-laws where in its opinion the circumstances warrant such a refund.

(5) No plan must be approved or be regarded as having been approved by the Municipality and no person must begin any building, demolition, renovation, excavation or any other operation on any site unless the Municipality has received the charges payable in terms of these By-laws.

(6) Despite anything to the contrary in this section contained, the rental payable in respect of the hoardings must be paid to the Municipality three calendar months in advance but if any hoardings are lawfully removed before the end of any period for which the rent has been paid in advance, the Municipality must make a pro form or on whose behalf it was paid.

(7) Despite anything to the contrary in this section contained, the rentals payable for projection over and encroachments on the side walks must be payable annually in advance before 1 January.

(8) Any person who fails to pay the charges or rentals or make the deposits required in terms of these By-laws is guilty of an offence, but the Municipality may in the event of default of any such charges, rentals or deposits proceeds to recover the same by ordinary process of law applicable to the recovery of a civil debt.

20. Charges for special services

The Municipality must have the right in case of any special services being required from the Municipality, including the attendance necessary in respect of a dangerous building to levy charges in regard thereto as well as a prepaid charge of at least a prescribed tariff for attending at a building at a request or to give advice as to the bearing of the By-laws on proportions put forward by architects, builders or owners.

21. Extra charges on new proposals

Where an owner, having submitted plans for a building having had such plans examined subsequently submits new proposals either in part or whole extra charges must be payable at the rate of half the ordinary charges applied to the part altered, expect when it is done in compliance with a definite written request from the Municipality.

22. General penalties

Any person who contravenes or commits a breach of any provision of these By-laws must be liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding one month and in case of continuing offence, a further prescribed fine or every day during the continuance of such offence after a written notice has been issued by the Municipality requiring the discontinuance of such offence and

for a second to subsequent offence he must be liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding three months.

23. Application of these By-laws

These By-laws apply within the area of jurisdiction of the Mbizana Local Municipality from the date of promulgation.

24. Short title

These By-laws are called the Building By-laws.