



KWAZULU-NATAL PROVINCE  
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ISIFUNDAZWE SAKWAZULU-NATALI

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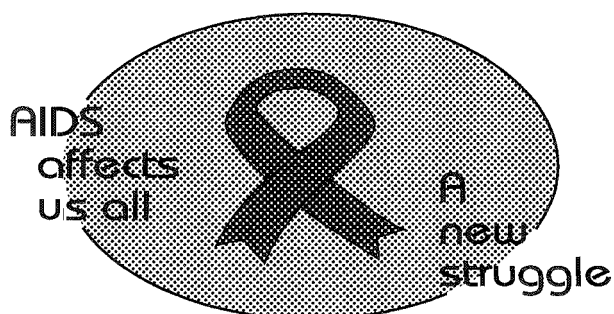
**Vol. 4**

**PIETERMARITZBURG,**

2 JULY 2010  
2 JULIE 2010  
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**No. 467**

**We all have the power to prevent AIDS**



**AIDS  
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DEPARTMENT OF HEALTH

**Prevention is the cure**

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**MUNICIPAL NOTICE**

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**No. 50****2 July 2010****BUILDING BY- LAWS: MTHONJANENI LOCAL MUNICIPALITY.**

**The council of Mthonjaneni Local Municipality has in terms of Section 156 of the Constitution, Act No. 108 of 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, No 32 of 2000, made the following bylaws.**

1. In these by-laws, unless the context otherwise indicates-

**“ architect”**, means a person registered as a member of the Institute of South Africa Architects in terms of the Architects’ Act, 1970 (Act No. 35 of 1970), or any amendment thereof;

**“area”**, as applied to a building, means the superficies of a horizontal section thereof, made at the plane of its greatest surface, inclusive of the external walls, and such portions of the party walls as belong to the building;

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

**“base”**, as applied to wall, means the underside of the part of the wall which immediately rests upon the footings of foundations or upon any bressomer or other structure by which such wall is carried;

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

**“Bressomer”** means and includes any wooden or reinforced concrete beam or any metallic girder which carries a wall;

**“builder”**, means the person who is employed to build or to execute work on a building or structure or, where no person is so employed, the owner of the building or structure;

**“building of the domestic class”** means any building or human occupation or domestic purpose, including outbuildings or 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”** means and includes any building used for the sale, storage or manufacture of merchandise, including pumping stations, lights and power houses, markets and any other building exceeding 4500m<sup>3</sup> in cubic content and which is neither a public building nor a domestic building;

**“charges”** means the tariff of charges as determined from time to time by the Council in terms of section 75A of the Local Government: Municipal Systems Act no. 32 of 2000, as amended;

**“civil engineer”** means a professional engineer registered as such in terms of the Professional Engineers Act, 1986 (Act No. 81 of 1968), or any amendment thereof, and who is a corporate member or has academic qualifications and practical experience necessary for corporate membership of the South African Institution of Civil Engineers or is a corporate member of the Institution of Civil Engineers (London) or the Institution of Structural Engineers (London);

**“Council”** means the Mthonjaneni Municipality.

**“Cross wall”** means a wall built into another wall to the full height thereof and at a horizontal angle of not less than 60 degrees therewith;

**“cubic content”** as applied to the measurement of a building, means the space contained within the external surface of its walls and not roof and upper surface of the floor of its lowest storey;

**“Cartilage”** means the whole of the area of the ground within the boundaries of the stand forming the site of any building or proposed building;

**“Draught-and-smoke-excluding door”** means a door constructed either of wood not less than 45mm in thickness or of any other approved material of at least equal fire-resisting qualities, and which is provided with self closing devices so that when released after it has been opened, the door shall automatically return to and remain in a closed position;

**“dwelling- unit”** means a room or a suit of two or more rooms designed or intended for use by an individual or family in which facilities are provided for cooking or the installation of cooking equipment;

**“Engineer”** and **“Council’s engineer”** means the person from time to time 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;

**“Factories Act”** means the Machinery and Occupational Safety Act, 1983(Act No. 6 of 1983), as amended;

**“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) Approved concrete, composed of Portland cement, broken stone brick, pumice stone, chippings or ballast, reinforced concrete and asbestos sheets;
- c) In the case of staircase, 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 plastic or other non- combustible or non- conducting external coating, not less than 50 mm thick;
- e) In the case of floors, bricks, tiles, terra-cotta or concrete not less than 102 mm 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 or other similar approved non-combustible material not less than 102 mm thick;
- h) In the case of glazing or 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 stair enclosure one thick-ness of wired glass of not less than 6 mm in wood beading fixed with metal screws to styles and rails of doors and in panels not exceeding 750 mm by 600mm;
  - (i) In the case of doors-

- i. Doors of wrought iron or steel plate not less than 6 mm thick, with styles and rails on face of plate not less than 75mm by 6mm, dividing door in panels not exceeding 750mm by 1050 mm 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 bards crossed at right angles, nailed with clinched wrought iron nails, without sunk panels, and completely covered with tinned steel or iron sheets of not less than 05mm, not more than 350 mm by 500 mm in size, with proper welt-joints, not less than 10 mm in width, the edges of the doors being covered with the sheets turned round at least 50 mm on each face. The sheets shall be fastened closely to the door with screws or barbed nails at least 20 mm in length. The thickness of such doors shall not be less than the following:

For openings-

Up to 2.5m<sup>2</sup>: 45mm;

Up to 3.25m<sup>2</sup>: 65mm;

Over 3.25m<sup>2</sup>: 90mm

All fastening hinges or bolts right through the door. All hinges, staples or wall fastenings shall be built into the brick wall; or

- iii. Doors with iron or steel framing filled in 75mm thickness of concrete reinforced in the centre with 10 mm steel bars secured to rails and styles of door. Fire- resisting doors, if on hinges, shall, if without lap, be fitted into prepared

wrought iron frames with 50 mm rebate built or fastened directly into brickwork. In no case shall 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) The terms “mill construction” shall 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 shall be of fire-resisting material on which shall be laid planking not less than 75mm thick with tongued and grooved or other similar jointing;

**“fire-wall”** means a wall provided primarily for the purpose of resisting the passage of fire from one structure to another, or from one area of a structure to another, and shall be constructed in stone, bricks, blocks, concrete or other approved similar hard and non-combustible material at least 215 mm thick;

**“First storey”** means the storey immediately above 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 dimensions of the building on which the windows are situated, save that this shall 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 storey of a building to which there is an entrance from the outside on 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 shall be deemed to be the ground storey;

**“habitable room”** or **“Habitable”**, as applied to a room, means a room used or designed, constructed, adapted or intended to be used for human occupation



and includes a living- room or workroom and shops, workshops and offices, but does not include a bathroom or compartments in a building of the factory class;

**“height”**, as applied to buildings, shall be measured from the kerb level, or if there be no kerb, 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 rooms in the roof, the height shall be measured to the ceiling of such rooms; the measurement terms, unless otherwise expressly stated, mean such terms according to metrics S.I. units;

**“Load bearing”** in relation to any part of a building (including the foundation), means any such part bearing a load other than that due to its own mass and to wind pressure on its own surface;

**“new building”** means –

- a) Any building or any structural alterations or additions to any existing building erected after the date of the publication of these by-laws;
- 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 occupation of land or premises without regard to the title under which he occupies, and in the case of premises subdivided and let to lodgers or various tenants, the person receiving the rent payable to lodgers or tenants, whether on his account or as agent for any person entitled thereto or interested therein;

**“open air”** or **“open space”** means space without covering or without aboveground structure;

**“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 the case of a firm, partnership or closed corporation, all or any one or more members of such firm, partnership or closed corporation, and in the case of any company, and of any body of persons not being a firm, partnership or closed corporation 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;

**“panel wall”** means a non – bearing external wall built between columns and wholly supported by beams, foundations or bearing structure;

**“partition”** means an internal vertical structure which is employed solely for the purpose of subdividing any storey of a building into sections, and which supports no load other than its own mass;

**“party wall”** means a wall forming part of building and being used or constructed to be used in any part of the height or length of such wall for the separation of adjoining buildings belonging to different owners or occupied by different persons;

**“person”** means any person or body of persons, whether corporate or not;

**“public building”** means a building used or constructed, adapted, suitable for or 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 shall not be classes as “public buildings”, provided they are not used for the purpose stated in paragraphs (a) and (b) below. Public buildings include-

- a) A theatre, including an opera house, play-house 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) Cinematograph hall which may be used for all purposes to which a public building may be put, except as mention in paragraph (a), unless suitable designed and constructed as such, as required and described in these by-laws;
- c) A concert hall, 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 described in these by- laws;

- d) Halls incorporated in a hospital, college or school, which may be used for any purpose in terms of paragraphs (a), (b) and (c);
- e) A tent, shooting gallery, circus and a stand or enclosure for public assembly, all of which may only be used for the specific purpose stated;

**“Standard Building Regulations”** means the regulations published under Government Notice No. R. 1830, dated 23 October 1970 (*Government Gazette* No. 2894 of 23 October 1970), or any other regulations as amended or replaced from time to time;

**“storey”** means height of not more than 6 m on ground storey and 4.5 m on any storey above that;

**“street”** includes any street, square, road, lane, subway, avenue, bridge, thoroughfare or public passage;

**“structural members”** or **“structural framework”** means any beams, slabs, or columns or assemblage of beams, slabs or columns, or both, provided for the purpose of supporting any portion of the load of the building or of resisting any forces imposed upon it;

**“tenement”** or **“apartment house”** or **“flats”** means a building at least two storeys in height above the ground wholly or partially containing rooms or suites of rooms having a common entrance or common entrances and occupied or intended to be occupied as dwellings. The term “dwelling” includes “tenement” or “apartment house” or “flats”;

**“tent”** means any building or erection constructed or covered wholly or partly with canvas, calico or other material of a similar nature;

**“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;

**“veranda”** means a 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 seat, means the measurement at right angles to and between the boundaries of the stand abutting on such street and on opposite sides thereof.

- 2 (1) Should the owner of a piece of land propose to divide this piece of land for any purpose of which it is necessary to have a diagrams approved in accordance with the provisions of the Land Survey Act, 1927 (Act No. 9 of 1927) as amended, such owner shall submit to the Council plans of such subdivision drawn to a scale prescribed in the Survey Regulations promulgated in accordance with the provisions of the said Act.
- (2) Such plans shall show, in respect of the land, the following details:
- (a) The approximate dimensions of the proposed subdivisions;
  - (b) The area of each subdivision;
  - (c ) The street or streets to which the proposed subdivisions will have access, as well as the width of such street or streets, and in the case of farm portions the gradient of any proposed street or streets;
  - (d) Any watercourse which may traverse the land;
  - (e) All existing buildings;
  - (f) Where existing buildings are situate within 3m of any boundary of a proposed subdivision, the distance between such buildings and such boundary;
  - (g) Contour line, drawn at vertical intervals of 2m except in the case of-
    - (i) the subdivision of any erf or even in a township where

the aggregate area does not exceed 4000m and where  
no change in streets is proposed or where no new  
streets will be laid out;

(ii) the subdivision of a farm or portion of a farm;

(h) any further information that may be necessary in order to show the location  
of the land and its connection with adjoining townships, agricultural  
holdings, streets and properties;

(i) all servitudes and other rights

(3) Such plans shall be signed as correct by a Land Surveyor and shall be  
submitted to the Council in the form of six copies which shall, as far as  
possible, be of a uniform A4 size.

#### **Frontage and area of subdivision**

3. Every erf, stand or lot brought about by any division as afore said, or by any  
consolidation of stands, erven or lots or portions thereof shall (except where in the  
opinion of the engineer, local topographical conditions make it impracticable)-

(a) have at least one side of not less than 16m as frontage  
abutting upon a street which is not less than 9m wide;

(b) have its main access as near as possible at right  
angles to such street;

(c) be not less than 500 m<sup>2</sup> except in any case where a  
town planning scheme permits of a lesser area.

#### **Access to subdivision**

4. Any subdivision of land shall be carried out in such a manner that each subdivision  
shall have access from a street to the satisfaction of the Council.

#### **New streets**

5. (1) Any new street shall be of such width as is determined by the Council, but in  
any event shall be not less than 13m in width.

(2) All angles at the junction of new streets shall be splayed for a distance from the intersection of the street boundaries according to the following formula;  
 $(6 \cotangent \leftarrow^A_{/2})$  metres, computed to the nearest even number of metres, where A is the angle of intersection of the street boundaries.

(3) All new streets shall preserve continuity of line, access and grade with street already shown on the general plan of the township or townships concerned, or with streets already laid out, as the case may be. Except with the consent of the Council, no new streets shall be laid out so as to have a gradient steeper than 1 in 15. On main roads gradients steeper than 1 in 30 shall not be laid out without the consent in writing of the Council.

#### **Drainage of street and subdivisions**

6. No proposed subdivision of any land shall be approved, unless the engineer is satisfied that the land and any street which may be thus created are capable of being efficiently drained to his satisfaction.

#### **Street names**

7. No name shall be ascribed to any new street or public place without the prior approval in writing of the Council.

#### **Drawings of new street layouts**

8. No person shall construct any new street, unless he shall have submitted to the Council in advance drawings showing proposed sidewalks, kerbing, carriageways, levels, longitudinal and transverse grades and intersections in such scales as the Council may require, together with specifications of the materials to be used and details of the work to be done in the construction of such street and shall have received the written approval of the Council to such plans and specifications

#### **Submission of approved diagrams**

9. Whenever the Surveyor –General has approved of any diagrams of the subdivision of any land within the municipality, the owner shall forthwith submit to the Council a tracing of such diagram, hand drawn, to the satisfaction of the Council,

duly certified by a Land Surveyor as being a true copy of the said approved diagram.

#### **Consent of division of land**

10. When any piece of land shall have been divided and a diagram of any portion shall have been approved by approved by the Surveyor – General as aforesaid, no transfer of any portion from the owner of the said piece of land shall be passed or registered in any Deeds registry, unless and until a certificate under the hand of the Municipal Manager or other duly authorized officer of the Council, shall be produced to the Registrar of Deeds to the effect that the Council has approved of the division of the said piece of land : Provided that this section shall not apply to the subdivision of property, for the purpose of creating a right of way or thoroughfare providing a new frontage or means of access to such subdivision of any erf in a township established before or after the coming into operation of the Townships and Town planning Ordinance, 1931 ( Ordinance No. 11 of 1931), as amended.

#### **Establishment of townships**

11. The provisions of these by-laws shall not apply to the division of land for the purpose of establishing a township thereon in accordance with the provisions of the Town- planning and Townships Ordinance, 1986 ( Ordinance No. 15 of 1986), as amended.

### **SUBMISSION AND APPROVAL OF PLANS FOR BUILDINGS, NOTICES AND CERTIFICATES**

#### **Authentication and service of notices**

12. (1) Notices, orders and other such documents in terms of these by- laws requiring authentication by the Council shall be sufficiently authenticated if signed by the engineer, his duly authorized deputy or the building surveyor.
- (2) Notices, orders and any other documents required or



authorized to be served in terms of these by- laws may be served by delivering the same either at the residence or place of business of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises or if there is no person on such premises who may so be served, then by fixing such notice, order or document on some conspicuous part of the premises; they may also be served by post by 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 the notice, order or other document was properly addressed and posted.

- (3) Any notice in terms of these by-laws required to be given to the owner or occupier of any premises, may be addressed by the description “the owner “or “the occupier “of the premises (naming them) in respect of which the notice is given, without further name or description.

### **Street projections**

13. (1) Any person wishing to erect or construct signs, sunblind's, verandas, bay windows, pavement lights or any other fixture or encroachment on or over any public street, shall make application to the engineer on forms supplied by the Council, Such application shall be accompanied by drawings to scale of 1:20 which, together with the application forms, shall be signed by the person for whom such fixture or encroachment is to be constructed, erected of fixed, and in addition, where required, by the owner of the building affected.
- (2) (a) Any person erecting, constructing or possessing any fixtures or encroachments on, under or over any street, shall be a tenant at will of the Council in respect thereof, and on receiving notice from the Council under the hand of the engineer to remove any such fixtures or encroachments shall do so within the period fixed in such notice, without the payment by the Council of any compensation whatsoever.

(b) In the event of non – compliance with such notice, or where such encroachments do not comply with the by- laws, or are deemed by the Council to be dangerous, the Council may itself remove any such fixtures or encroachments and the costs of such removal shall be recoverable in the ordinary process of law from the person to whom such fixtures or encroachments belong or from the owner of the building in connection with which they are used or to which they are attached.

(3) (a) The owner of the building in connection with which any fixture, projection or encroachment exists, or is proposed, shall –

(i) defray any cost which may be incurred in connection with wires or any other property of the Government or of the Council;

(ii) allow the Government or the Council to erect on, or attach to the building or protection, any fixings required in connection with telegraph, telephone, electrical or other activities;

(iii) be responsible for and pay to the Council or third parties concerned any loss or damage which may be caused to cables, wires, pipes, plant or other property by reason of or in any way arising out of the construction, maintenance or existence of such fixture, projection or encroachment;

(iv) be responsible for and pay to the Council or third parties concerned any loss or damage to persons caused by reason of or in any way arising out of the construction, maintenance or existence of such fixture, protection or encroachment;

(v) allow the Council forthwith to remove any street

projection erected by him on his premises which constitutes a breach of any law, by-law or regulation;

(vi) pay to the Council any expense incurred by it in effecting the aforesaid removal.

(b) Every such owner shall sign a form declaring himself to accept and to be bound by the above – mentioned conditions.

## HEIGHT, COVERAGE AND GENERAL STRUCTURE OF BUILDINGS

### **Height and coverage of buildings**

14. (1) The provisions of this section shall not apply to any piece of land in respect of which height and coverage are governed by an approved town-planning scheme.
- (2) No building shall be constructed to a height, hereinafter referred to as the permitted height, greater than one and two third times the width of the street adjacent to it: Provided that this prohibition shall not apply to any part of a building that is not in front of a line drawn from a point at the street level on the opposite boundary of the street at an angle of 59° above the horizontal.
- (3) Notwithstanding the provision of subsection (2), the permitted height of that part of a building to be erected on a site at the corner of two intersecting streets of unequal width shall, for a distance of 16 m, measuring along a narrower street from the said intersection be determined by reference to the width of the wider street.
- (4) Where a building or any portion of a building other than an architectural feature, exceeds a height of 42,5 m, the total cubic content of such a building not exceeding 42,5 m in height and complying with all other relevant requirements of these by-laws which could be erected on the same site.

- (5) Roof slopes shall be such that a line drawn from ground level at the opposite side of the street to the top of eaves, gutter or parapet of a building of the maximum permissible height, shall clear them.
- (6) Save as is elsewhere provided herein, no person shall erect or cause to be erected any building having a greater number of storeys above ground than that arrived at to the nearest integer by the application of the formula: Number of storeys = width of street in metres 0, 35: Provided that-
- (a) in the case of a building on a corner stand facing streets of unequal widths, the number of storeys facing the narrower street may be equal to that facing the wider street for a distance of 16 m back from the stand boundary in the wider street; and
  - (b) the number of storeys in a building derived from the formula contained in this subsection, may be increased, provided the total allowable “ coverage “, applied in this instance to a building, means the maximum percentage of the horizontal area of the site of the building permitted to be built on in terms of these by- laws at each floor level, and the total allowable coverage of the building of more than one storey in height shall be the sum of the allowable coverage’s of a building of more than one storey in height shall be the sum of the allowable coverage at all levels in respect of the class of building proposed at each floor level.

**Stair: from street to basement storey**

15. (1) No stairs giving access to basement storey from a public street shall have its top step within 1 m of the building line along such street.
- (2) Such staircase shall be protected on the street side by an

enclosure or gate along the building line to be kept in a closed position except when the staircase is being used.

#### **Screens under lift machinery**

16. A substantial grating of steel or wrought iron shall be fixed immediately below the sheaves, pulleys or other machinery at the top of each lift shaft.

#### **Lift shaft bottom and top clearance**

17. A clear space of not less than 1 m shall be provided between the bottom of the shaft and the lowest point of the underside of the cage floor of fitting when the cage is at the lowest landing and between the top of the crosshead of the cage and the underside of the overhead grating, when the cage is at the top landing:
- Provided that for a lift of greater speed than 105 m per minute, the clearance space in each case shall be increased to 1,5 m.

#### **Protection of skylights**

18. All skylights placed over rooms, corridors, arcades, markets or other places to which members of the public have access shall be protected by wire netting below, unless wired glass be used in the skylight.

#### **Notice re heating apparatus and ranges**

19. Where any heating apparatus is placed in any building where flues or fireplaces are altered or enlarged, where cooking ranges are fixed in hotels or restaurants, or where ranges, furnaces and boilers are put in for any purpose, due notice shall be given to the Council by the builder or contractor responsible.

#### **Stop cocks on supply pipes**

20. Every building to which the public have access or access or in which more than 50 persons are employed or accommodated, shall have the water and gas supply pipes leading from the street mains provided with a stop cock placed at least 2 m outside the building so that the supply may be cut off at the point.

**Gas brackets**

21. (1) No gas bracket shall be less than 1 m below any ceiling or wood work unless the latter is properly protected by a hood, in which case the distance shall not be less than 750 mm.
- (2) No swinging or folding gas brackets shall be fixed any stud, partition, window, architrave or other wood work.
- (3) No gas bracket on any such wood work shall be less than 150 mm in length measured from the burners.

**Access to open space**

22. (1) Access to the open rear or side space provided in terms of these by-laws shall be provided from some street adjacent to the building to admit of night – soil and refuse being removed, but buildings of the ware house, public buildings or office class and tenement, apartment or flat building shall not require this provision where a water- borne sewerage system is installed, and where suitable arrangements are made for the removal of dry rubbish.
- (2) Such access may consist, in the case of two adjoining buildings of a passage common to both, but such passage shall not pass through any building unless such building be over one storey in height, and such passage shall be properly arched or covered over in brick or concrete throughout its entire length and in the case of domestic, tenement, apartment, flat or office buildings, shall not afford any direct means of access to the interior of the building.

**Subdivision of property: Open space**

23. (1) No person shall subdivide or transfer any subdivision of existing buildings unless sufficient provision in accordance with these by-laws is made for open – air space and sanitary access to each portion of such subdivided buildings.

- (2) Where such provision shall not have been made for such subdivided building, the owner thereof shall provide such open – air space and sanitary passage as may be necessary to comply with these by – laws.

#### **Change of use of rooms**

24. No part of any building not specifically shown as a habitable room on the plan submitted to any approved by the Council in terms of these by- laws, shall be used as a habitable room.

#### **Paving of yards and sanitary passages**

25. In all cases where the Council deems it necessary, yards and sanitary passages shall be paved with impervious paving to the satisfaction of the Council.

#### **PROJECTION FROM BUILDINGS, VERANDAHS, BALCONIES, SIGNS, AND PAVEMENT LIGHTS**

#### **Permission required**

26. (1) No colonnades, verandahs, balconies, bay windows, pavement lights, showcase or other projections into or over any part of any street, and no pavement opening in or under any street shall be made or constructed without the permission of the Council being first obtained in writing.
- (2) The Council in its absolute discretion may refuse such permission or may grant the same either unconditionally or upon such conditions and subject to the payment of such annual or other sum or the performance of such works or service as the Council shall in each case fix and determine in accordance with the tariff of charges.
- (3) Such charges shall be paid in advance at the beginning of

each year or period fixed by the Council, and the owner of the building or projection shall be liable for payment of deposits, fees and rent in terms of these by-laws for such projections.

**Pavement, kerb or gutter to be made**

27. (1) Before any application to construct any of the aforesaid projections over or under any street is approved, the application shall deposit with the Council a sum estimated by the Council equal to the cost of constructing the kerb, gutter or pavement (as the case may require) and on the completion of such kerb, gutter or pavement to the satisfaction of the Council, such deposit shall be refunded to the applicant.

(2) Should the applicant fail to carry out the construction of the kerb gutter or pavement as required on the approval of the plans, the Council may, after giving the application reasonable notice, because such work to be satisfactorily completed, and shall deduct from such deposit the cost of completing such work.

(3) Should the cost of the work be more than the deposited amount, the applicant shall be required to pay such additional amount to the Council.

(4) Should the work cost less, the difference shall be refunded to the applicant.

**Rules for the construction of projections**

28. (1) The design, arranged and construction of verandahs, balconies, bay windows and other projections over public streets as well as the paving, kerb and gutter thereof shall be to the satisfaction of and to the levels given by the Council.

(2) All such verandahs, balconies, bay windows and other projections shall be constructed entirely of fire – resisting materials, and shall be neatly ceiled with plaster, cement, asbestos or steel sheeting fixed flat or in regular vaulted, coved, coffered, or panelled arrangements and shall be supported by cantilevers of reinforced concrete, masonry or steel statically secure.

(3) If corrugated iron is used for covering a verandah, the exposed surface thereof shall be painted.



(4) Unless there shall be shown to the satisfaction of the Council good reason to the contrary, a verandah over a public street shall conform as nearly as practicable in line, height and detail with existing adjoining verandahs.

### **Columns**

**29.** (1) Except in that portion of the Municipality as defined by the Council from time to time, no verandah columns shall be permitted in or on any street or pavement.

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

(3) In no case shall columns be placed more than 3 m from the building line neither measured to the outside of the column nor be placed at less than 3 m centre to centre.

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

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

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

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

(8) Columns, including cap and base, shall be not less than 3m nor more than 3. 6 m in height nor more than 4.5 m including plinth.

- (9) No posts or columns shall, except as hereinafter provided, be permitted in streets where by reason of the footway or sideway being or likely to be so occupied by cables, pipes or other public services, the placing of columns or posts shall be deemed inadvisable. In such streets verandahs, balconies or other projections permitted over the streets shall be supported by means of cantilevers of reinforced concrete or steel. The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder shall be 3 m.
- (10) The Council may permit the erection of verandah columns in 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 cost of any work in connection with cables, pipes or other municipal works or removal of such verandah columns; the cost of such deed of servitude shall be borne by the owner of the abutting property.
- (11) Except in the case of monolithic stone columns, steel or wrought iron pipes or other vertical reinforcement of sufficient strength shall be properly embedded in all columns of concrete, stone or brickwork, and shall be securely fixed at the top to the superstructure and at the bottom to the foundations, by means of bolts, dowels or similar method of fixing.
- (12) In case of monolithic stone columns, bolts or dowels at least 15 mm in diameter shall be inserted at least 150 mm into the shaft of the column and satisfactorily secured thereto. Such bolts or dowels shall be fixed right through the cap and base and secured at the top to the superstructure and at the bottom to the foundations.
- (13) Plain piping or tubing shall not be used for columns over or on street verandahs and balconies unless architecturally treated.
- (14) The depth and width of beams placed on columns shall be visibly equal at least to the top diameter of the column.

(15) The coping, blocking course or balustrade, if any, shall extend above the floor of the balcony not less than 750 mm nor more than 1, 05 m.

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

### **Balconies and bay windows**

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

(2) Balconies shall not project more than 1.35 m over any street.

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

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

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

(6) Any balcony superimposed upon any verandah shall be set back at least 1.2 m from the line of such verandah.

(7) No part of any balcony attached to any verandah shall 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 1 m in height and constructed as prescribed by these by-laws shall be allowed above the level of such concrete floor or flat roof.

(8) Dividing walls across balconies over public streets shall not exceed 1 m in height nor 225 mm in thickness.

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

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

(11) No person shall 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 latter not to be used for signs or advertisements.

(12) Where any floor of 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 1,35 m for the full length of the building frontage to that street.

### **Plinths, pilasters, corbels and cornices**

**31.** (1) No plinths, pilasters or other projections beyond building lines carried up from ground level shall be permitted to encroach on any street.

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

***Pilasters:*** 450 mm: The total aggregate frontage length of pilasters shall not exceed one –fifth of the building frontage and bay windows in the same storey shall be included in the calculation of maximum aggregate length for the bay windows.

***Fire-resting ornamental hoods or pediments over doors:*** 600 mm and in any part not less than 2,75 m in height above the footway or pavement.

***Cornices:*** 1,05 where not exceeding 10,5 m above the footway or pavement, and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

#### **Verandahs around corners**

32. Where verandahs are carried around corners of streets they shall be properly splayed or rounded to follow the curves of the kerb to a radius approved by the Council.

#### **Pavement openings**

33. (1) No pavement openings shall be the sole means of access to any vault or cellar.

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

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

(7) If public is incorporated in a building, portion of which is used for other purposes, all exits, passages, gangways, corridors and staircases required for such public building shall be separated and independent from those required for use of the rest of the building.

(4) Where flaps are permitted in pavement openings each flap shall not exceed 0,75m<sup>2</sup> in area and shall open upwards and whilst open shall be provided with stout iron guard rails and stanchions.

- (5) Flap openings shall 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 shall be built with a suitable batter from the light margin to the building line below.
- (7) No pavement opening shall be covered with metal bar gratings or with metal plates or with wood.

### **Maintenance, removal and tenancy of street projections**

- 34.(1) The owner of any verandah, balcony, pavement opening and covering shall maintain such in good order and repair and shall be responsible for any accidents or damage arising there from.
- (2) Pavement openings and pavement lights and walls thereof and basement walls shall be made and kept water-tight and the owner shall be responsible for so doing.
- (3) Any person erecting or possessing projections or encroachments on, under or over any street or pavement, such as mentioned in these by-laws, or signs or other fixtures on or over any street or pavement, shall be regarded a tenant at will of the Council in respect of such projections, encroachments or fixtures and, if called upon by the Council to remove any or all of them, shall do so within 14 days without any compensation either for direct, indirect or consequential damages.
- (4) The Council 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 shall 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.

### **Paving of footways or pavements to projections**

35. Where any verandah, balcony, bay window or pavement opening is provided in front of any building, the owner shall at his own expense pave the whole of the footway or pavement in front of the building and in addition shall pay the cost of laying the street kerbing and guttering and paving in front of such building for the full width of the footway or pavement.

### **Cat-heads, cranes and platforms**

36. Cat-heads, lifting cranes, platforms and other such contrivances shall not overhang any sidewalk or street. The Council may specially sanction lifting cranes and travellers under balconies and above the first floor level, but such machinery shall be capable of being housed in the building to which it belongs, and shall only lift goods from outside the line of kerb.

### **Slab footways or pavements**

37. (1) Any person who shall, except with the written permission of the Council as hereinafter provided, lay or fix paving on any street sidewalk or footway shall, except as hereinafter provided, cause such paving to conform to the following requirements:

- (a) Paving shall be of pre-cast slabs, 450 mm by 450 mm in size with a minimum thickness of 50 mm.
- (b) The shape of all slabs shall be rectangular, and they shall be laid with joints parallel and at right angles to kerbing.

(2) The backing of the slabs shall be 40 mm thick, composed of concrete, of which three volumes shall be 6 mm stone, one volume 3 mm stone, free from dust, two volumes drift sand and one volume Portland cement. The topping shall be 12 mm thick composed of one and a half volumes of granite chippings which pass through a 6 mm screen but are retained by a 3 mm screen and one volume Portland cement. The proportion of any colouring matter introduced into slabs shall be such as not to impair the strength of the mixture.

(3) Slabs shall be laid to the grade, line and cross-fall pointed out by the Council and shall conform to the following further requirements:

- (a) For ordinary slabs the minimum cross-fall shall be 1:100 and the maximum cross-fall 1:25
- (b) Non-skid slabs of a type to be approved by the Council shall be used for cross-falls between 1:25 and 1:15: Provided that the maximum cross-fall shall not exceed 1:15.
- (c) Longitudinal grades shall be steeper than 1:20 for ordinary slabs and non-skid slabs shall be used for longitudinal grades between 1:15 and 1:20: Provided that when the longitudinal grade is steeper than 1:15, asphaltic concrete shall be used.
- (d) Prior notice of at least three working days shall be given to the Council of the intention to lay slabs or asphaltic concrete on any footway or pavement.

(4) When carriage openings are formed in kerbs and across footways or pavements, such openings shall be paved with similar slabs to those hereinafter described, but such slabs shall be of sizes 300 mm by 300 mm and 150 mm in thickness. All such slabs shall be solidly bedded in suitable material and joints between slabs shall be formed of lime mortar consisting of at least one volume lime to three volumes sand: Provided that such joints shall not exceed 20 mm nor be less than 6 mm in width.

(5) Should any person desire to lay slabs of any material other than pre-cast concrete slabs, he shall first submit a sample to the Council for testing and approval in writing before any such materials are deposited upon a public footway or pavement. Should the material be approved, all the provisions of this section in regard to size, shape and laying be observed as far as applicable.

(6) No person shall lay or fix any cement concrete bedding under such paving slabs nor cause any joint thereof to be of cement mortar.



(7) No person shall lay asphalt, tar macadam, concrete or granolithic in situ in any pavement or any street sidewalk or footway unless specially permitted in writing by the Council to do so.

(8) No person shall lay slabs or any other kind, colour, size or shape, or in any manner other than as specified in this section, unless duly authorized thereof in writing by the Council.

#### **Planting on footways and sidewalks**

**38.** (1) The owner or occupier of an erf adjoining a street may, with the written permission of the Council previously obtained and given under the hand of the engineer, grade and plant with grass any land lying 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 Council in its absolute discretion and, if granted, shall be revocable and shall contain such conditions as the Council may think fit to impose regard being had to public safety, the preservation of municipal property and all other relevant circumstances.

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

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

#### **Street gutter bridges**

**39.** No person shall bridge over or enclose any gutter storm water drain under the control of the council without special sanction from the Council.'

## **PUBLIC BUILDINGS AND PLACES OF ASSEMBLAGE**

### **Certificate for public building**

40. (1) No building shall be used for any of the purposes of a public building unless and until the owner thereof shall be in possession of a certificate as hereinafter set forth.
- (2) On completion of a public building, whether the same be a new building or a building altered and adopted for the purpose of a public building, the owner shall obtain from the council a certificate that such building is in accordance with these by-laws and may, subject to obtaining any other permission that may be required in terms of any by-laws of the Council, be used for the purpose specified in such certificate, but not otherwise, and for the period defined therein, but not exceeding one calendar year.
- (3) The owner shall pay to the council upon issue of, and in exchange for any certificate issued in terms of subsection (2), the prescribed fee.
- (4) In the case of a public building existing and in use as such, for which the council shall have granted a certificate in terms of subsection (2), or for which plans are approved on or before the date of publication of these by-laws, the owner shall have the right to continue the use of such public building for the purpose and period stated in the certificate as aforesaid, but on the expiry of such period for which such certificate was granted, shall make further application as herein provided, and shall cause such public building to be made to conform with these by-laws in every respect: provided that should any alterations or additions be made during any such period as aforesaid, such alteration and additions shall be made in conformity with these by-laws.

- (5) (a) The owner of any public building shall make application in writing to the council, not less than one month before the date upon which the certificate granted to him by the council has expired, for renewal of such certificate, and such renewal shall, in the discretion of the Council, be granted or refused.
- (b) In the case of refusal the Council shall state the reason for such refusal in writing to the owner of such public building.
- (c) In the case of renewal being granted, the owner or other person whom such certificate is granted, shall first pay the fees in terms of subsection (3).
- (6) In no case shall the period for which any certificate is granted exceed one year, and every certificate shall expire on the thirty first day of December in each year, unless issued so as to expire at an earlier date.
- (7) In every case where staircases, passages, corridors, porches, vestibules and other means of ingress and egress of any public building or where any of the safeguards or appliances required in terms of these by-laws are not properly maintained or kept in order, the Council may serve a notice on the owner or person holding the certificate for such public building, requiring him to comply with the provision of any by-laws which may have been neglected or contravened. Should such notice not be complied with within six days from the service thereof, the Council may, by further notice cancel the certificate given in respect of such public building until the requirements as are called for by such notice are complied with.
- (8) For the purpose of service of notice in terms of this section the owner or licensee of any public building shall be required to furnish an address within the municipality at which notices can be served, and any change of address shall be duly notified in writing to the Council.
- (9) No certificate issued in terms of these by-laws to any person shall be transferred to any other person, except with the prior written permission of the Council.

- (10) The owner or owners of any public building shall defray the expenses incurred in carrying out any alterations thereof or additions thereto, which shall be required by a notice issued in terms of this section.

### **Arrangement of public buildings**

41. (1) The arrangement of public buildings shall be such as to secure the safety of the public to the fullest extent.
- (2) Every theatre or cinematograph hall shall have the lowest floor provided for the accommodation of the public as near as possible to the level of the exit street: provided that the lowest level of such floor shall be not more than 5 m above the level of such exit street.
- (3) Tents, shooting galleries, circuses in tents and other such structures mentioned in definitions, shall comply with the provisions of this section in all respects except as to walls and roofs, which shall be to the satisfaction of the council.

### **Public assemblages**

42. (1) Whenever large numbers of persons are likely to assemble on the occasion of any public procession, open air meeting or any other similar occasion, every public building, platform, balcony or other structure or part thereof let or used or intended to be let or used for the purpose of affording or standing sitting accommodation for a number of persons, shall be safely constructed and secured to the satisfaction of the council, but these by-laws shall not relieve the owners of responsibility in respect of any accident which may occur to those using such structures.
- (2) The Council may object to and prohibit the use of any such structure as defective, but is not required to advise how defects should be rectified.

**Public buildings: Walls**

43. Except in the case of tents and building on mining land, or land not in a township, the walls of every public building shall be of brick or stone, or partly of stone, or of concrete or other approved fire-resisting construction to the satisfaction of the council.

**Public building on mining land**

44. A public building situated on land held under mining title or land not in a township not being a theatre or cinema, not exceeding 115 m<sup>2</sup> in area in the auditorium and platform together, and approved by the Council, may be built of wood and iron provided the walls and roof are lined with fire-resisting materials.

**Pit floor**

45. The floor of the highest part of the pit shall be accessible from the street at the principle entrance to such pit or stalls by a gradient not exceeding 1 in 15; and the lowest part of the floor of the pit or stalls shall not be lower than the level at which it can be effectually drained into sewers in adjoining streets, not more than 2 m below the level of the street at the principal entrance to the pit. In any case the lowest floor shall not be placed at such a level as will render it liable to being flooded and it shall be efficiently and properly drained to the satisfaction of the council.

**Wide stairs**

46. All public staircases over 2 m in width shall be properly divided down the centre by one or more strong handrails with proper supports.

### **Planning vestibules**

47. (1) Where stairs discharge into a vestibule within 2 m of an exit door serving the ground floor, it shall be arranged to discharge directly towards the street and an extra door of the full width of such stair shall be added for such stairs.
- (2) No stairs shall be discharged into any vestibule if any part of the latter is more than 5 m from the street, unless such stairs discharge directly towards the street through separate and independent exits and in no way interfere with the exits from the main hall to such street.
- (3) The width or dimensions at right angles to direction to exit doors externally of any vestibule shall be at least one-third greater than the combined width of all doorways, passages or stairs leading thereto from the auditorium.
- (4) The doorways from a vestibule to a street shall extend along the whole street side of such vestibule and aggregate one-quarter more than the aggregate of all doors, passages and exits leading from the interior into such vestibule.

### **Proscenium wall**

48. In any public building for the performance of stage plays or where a proscenium is erected, the proscenium wall shall be of brick or other fire-resisting construction to the satisfaction of the council, not less than 330 mm thick, and shall be carried across the entire width of the building, both above and below the stage, to the level of the foundation of the external walls. No opening shall be made in the proscenium wall, with the exception of a doorway into the orchestra pit and one doorway on each side of the stage for communication with the auditorium.

### **Smoking behind proscenium**

49. No person shall at any time smoke on the stage side of the proscenium wall to a building having scenic accessories: Provided that this shall not apply to smoke which forms part of an act in the performance.

### **Proscenium decoration**

50. The decorations and moulding around the proscenium opening shall be constructed of fire-resisting materials, and all woodwork of stage hangings, curtains and draperies in public buildings shall be rendered non-combustible by fire-resisting paint or other means.

### **Proscenium doors**

51. Proscenium doorways shall not be more than 1 m wide and shall be fitted with fire- resisting door as prescribed in these-by- laws. The bottom of such opening shall not be more than 900 mm above the stage floor, and such door shall have an overlap of at least 75 mm at each edge.

### **Fire- resisting dressing-rooms**

52. (1) All dressing –rooms and stairs affording access thereto shall be constructed of fire- resisting material and shall be connected with an independent exit leading directly into a thoroughfare.
- (2) No dressing- room shall be situated more than one storey below the street level.
- (3) No workshop, painting- room or dressing- room shall be formed or constructed in any public building over or under the auditorium or stage.

**Dressing- rooms: Separate**

53. (1) All dressing –rooms shall be in a separate block or else separated by a fire wall from the public building to which they belong, with not more than one opening therein.
- (2) All dressing –rooms shall be provided with windows opening directly to the open air and shall be adequately ventilated.

**Stage room: Height**

54. The space above the stage in public buildings in which such are provided shall be of sufficient height to allow of all scenes and the fire –resisting screen, being raised above the top of the proscenium opening in one piece and without being rolled up.

**Stage roof: Construction**

55. (1) The roof over the stage shall be of fire- resisting material and shall be provided with a lantern light or lights at the back thereof, equal at the base to one –sixth of the area of the stage.
- (2) Such lantern light or lights shall be glazed at the sides with sheet glass not more than 3 mm thick and shall be capable of being opened to an extent equal to at least the superficial area required at the base of the lantern light.
- (3) Sashes shall be bottom hung to open outwards, and be of a type that cannot be rendered inoperative by warping, settlement, frost snow or dirt, and shall be capable of being opened by the cutting of a cord and / or the fusing of a link.
- (4) Such cord shall be brought down to the Stage to a position near the safety curtain release and shall be suitably indicated.



### **Stage ventilation**

56. The stage shall be ventilated to the satisfaction of the council.

### **Scene dock and flies**

57. (1) No scene dock, property room or store –room shall be permitted in any public building unless it be separated from the rest of the building by brick or other fire-resisting construction.
- (2) The files of such building / shall be constructed of fire- resisting material to the satisfaction of the Council.
- (3) Adequate means of escape shall be provided from the files and the grid-iron to the satisfaction of the Council.

### **Vent openings**

58. All openings for ventilation of public building shall be shown on the plant and properly described; such opening shall be made in such manner and places as approved by the Council.

### **Doors**

59. (1) All outer and inner doors of public buildings which are used as ordinary and usual means of public access shall open outward, but may open inwards as well.
- (2) Such doors, where not provided with satisfaction spring hinges shall be provided with proper and adequate means of holding them back in an open position to afford the full width of the doorway as a means of egress and ingress and shall be kept unlocked and fully open (or in the case of those with spring hinges, fully and immediately available) during the time the building is in use.

(3) All other doors for use by the public, including emergency exits and gates in open lanes or passages outside the building, whether connected directly with the means provided for leaving such building or not, shall be made to open outwards or in the direction of travel of the audience when leaving the building.

(4) No door shall open immediately on stairs or steps, but on to a landing at least 1 m in width, which shall be provided between such doors and stairs or steps.

### **Door locks and bolts**

60. (1) Main external entrance doors may be fitted on inside faces with long sliding or tower bolts. If in two leaves an ordinary lock may be used; if in one leaf and a lock is required, it shall be a draw lock (without any catch pin to keep the door locked) capable of being opened from the inside without using a key.
- (2) External exit doors or gates including those to open passages outside the building shall not have any locks or fastening other than satisfactory panic bolts fixed on the inside in such manner that they are easily and immediately opened by pressure from the inside on a horizontal bar or panel.
- (3) Internal doors for use by the public shall have no locks, bolts or other fastenings, except such as are necessary to hold them in an open position, but may be fitted with spring hinges.

### **Collapsible gates**

61. (1) Collapsible gates not exceeding 2 m in height, shall only be used on the street at the main external entrance. They shall be supplied with pawls or other approved devices which engage automatically when the gates are pushed back

and will lock, hold or fix such gates in position with the entrance open to the full extent required in terms of these by-laws.

(2) These gates may be locked when the building is not in use by means of a padlock which must be removed from the gate or its vicinity when the building is in use.

(3) Bolts, locking or swivel bars, padlocks, spring locks, bolts worked by chairs, monkey tail bolts with a shoulder or projection and any lock which cannot be opened from the inside without a key shall not be used.

### **Exit doors**

62. (1) In all public buildings, exit doorways (hereinafter called escape doors), opening either directly into or communicating by an unobstructed corridor, passage or stair case, of width hereinbefore specified, with the separate means of egress and additional exit for each floor, tier or level, as in terms of these by-laws prescribed shall be of a number and capacity in each floor, tier or level or part of such building, that their aggregate opening shall be such as in the opinion of the Council shall be sufficient to allow the whole number of persons that such floor, tier or level can seat, to pass through such opening at ordinary walking pace in space of time not exceeding three minutes.

(2) Curtains shall not be placed across exit doors in public buildings.

(3) Curtains placed across entrance doors in public buildings shall –

- (a) be securely hung so as to slide freely from the centre;
- (b) be in two or more pieces vertically;
- (c) be so formed and hung that no portion thereof shall be less than 150mm from the floor.

(4) All escape doors not ordinarily used for exit, but available as additional means of egress in cases of alarm, shall be indicated on the inside by a painted notice in block letters at least 150mm in height, to the satisfaction of the Council, which notice shall consist in official languages of the words “ESCAPE DOOR: NOT

LOCKED”, and such letters shall, while such building is open to the public, be kept uncovered and unconcealed by any obstruction whatsoever.

### **Separate Exits from each level**

63. Where different floors, tiers or levels are provided for the accommodation of the public, each such floor, tier, level or subdivision thereof shall have its own separate independent staircases, corridors and passages, and at least one exit discharging directly into a street, open passage or lane approved by the Council. For the purposes of this section separate tiers of boxes may be regarded as forming one floor or level with the floor or level on which they are situated.

### **Exits**

64. (1) Any floor, tier or level which has no other floor, tier or level between it and the ground floor level, and which is required in terms of these by-laws to have two exits at least 1.07m wide with a door or doors of similar width. Every other floor, tier or level shall have at least two exits.

(2) No doorway serving as an exit shall be less in width between leaves when wide open than the measurements prescribed for staircases, corridors and passages in these by-laws: Provided that the total aggregate width of exit doors required at any particular spot may be supplied in multiples of not less than 1.37m widths without reduction in the total width required.

(3) At least two of the exits from any floor or level shall be arranged as far apart as practicable on opposite sides or ends of such floor or level.

(4) If any floor or level be divided into two or more distinct parts, each part shall be regarded and treated as a separate floor or level.

(5) In no case shall exits required in terms of these by-laws be less than 6m apart on any one level.

(6) If any level exceeds 280m<sup>2</sup> in area, it shall have at least three exits. If it exceeds 560m<sup>2</sup> it shall have at least three exits. If it exceeds 560m<sup>2</sup> it shall have at least four separate exits, and one for each additional 280 m<sup>2</sup>.

### **Gangways to be clear**

65. All passages, gangways, corridors, staircases and other means of ingress and egress for use of the public shall at all times be kept in good order and repair and free from chairs or any obstruction whatsoever, whether of a temporary or permanent nature, or any protection of any description whatsoever other than handrails, and all carpets or other stair or floor covering shall be kept securely fixed and in good order and repair.

### **Chairs in public buildings**

66. (1) When seating accommodation for the public consists of chairs, these shall be fastened to one another, row by row, by means of a wooden batten or battens of sufficient strength running beneath the seats in such a manner that should panic arise, there shall be no danger of the chairs being upset so as to cause any hindrance to egress. Such chairs shall be battened together and spaced not less than 450 mm from centre to centre.

(2) Where chairs have arms, the inside width between the outer ends of the arms of any chair shall not be less than 420mm.

(3) Chairs shall be placed in lengths of not less than four and not more than 14 seats or chairs in one section.

(4) No seat in the auditorium shall have more than six seats intervening between it and the aisle on either side.

### **Seat Platforms**

67. No platforms formed to receive seats shall be more than 530 mm in height of riser, nor less than 810mm in width of platform.

**Lighting**

68 All entrance halls, passages, staircases, gangways, or other means of approach to a public room or rooms in any public building shall be efficiently lighted while such public building is being used.

**Gas Conduits**

69 In every public building except hospitals, colleges, schools and libraries, where gas is used for lighting of the auditorium, such lighting for the stage or platform shall be brought in by separate conduits, so that each system may be shut off independently of the other, and the cocks or other means of shutting of each system or conduit shall be arranged and, if necessary, altered to the satisfaction of the Council.

**Artificial lighting**

70. (1) When artificial lighting is used in any public building, approved provision shall be made so that the public shall not be left in darkness through any breakdown or incident.

(2) Two complete systems of electric lighting from two separate sources of supply shall be deemed to meet the requirements of this section.

(3) In public buildings designed to accommodate not more than 300 persons a sufficient number of oil or candle lamps of an approved pattern secured to non-combustible bases, shall be provided. Such lamps shall be lighted during the whole time the public are in the building.

**Fire Hydrants and Buckets**

71. (1) All public buildings, shall be provided with a sufficient number of hydrants, each at least 62mm in diameter. Such hydrants shall be connected to the street main by a pipe at least 100mm in diameter.

(2) Each of such hydrants shall be provided with at least 20m of hose in two lengths, with fittings in accordance with the municipal fire department pattern.

(3) All such hydrants, hoses and other fittings shall be as specified elsewhere in these by-laws.

(4) Three buckets fitted with water shall always be kept near each hydrant.

### **Fire Plugs**

72. In every public building where the whole or any portion of the building is used for theatrical or similar purposes and having scenic accessories, there shall be within it, in front of and so placed as to command the proscenium, one or more fire plugs as herein before specified, with all couplings, fittings and appliances to the satisfaction of the Council.

### **Fire Cisterns**

73. Where there are no fire mains in constant supply, there shall be provided on top of the proscenium wall or at some other place to be approved by the Council, two or more cisterns, together capable of containing at least 1kl of water for every 100 persons or part thereof to be accommodated in the building.

### **Theatre fire telephones**

74. On the prompt side of the stage in a convenient position a telephone which is in direct communication with the nearest fire station, shall be provided.

### **Chemical Fire Extinguishers**

75. Chemical fire extinguishers, in accordance with the provisions of these by-laws, shall be provided and distributed throughout the building as follows:

One on each side of stage at stage level

One on each side of stage at every level of files.

One in each scene dock.

One in each passage to dressing rooms.

Four in auditorium at every level.

**Wet blankets and buckets**

76. Wet blankets or rugs, and buckets or other receptacles filled with water, shall always be kept ready in the wings, and shall have placards legibly printed or painted, fixed immediately above them.

**Firemen in Attendance**

77. Firemen of the Council's fire department shall be in attendance in sufficient numbers, for whose services the owner, lessee or user shall pay to the Council such sum per fireman, per night, as laid down by Council resolution.

**Hatches**

78. Hatches, hooks or other means of taking down hanging scenery in case of fire, shall always be kept in readiness.

**Footlights**

79. Footlights (if oil or candles) in front of the stage, or the portion of the building used as a stage, shall be protected by wire guards approved by the Council. Gas burners shall not be used. In all other cases footlights shall consist of electronic lights only.

**Fire Curtain**

80. (1) In every public building used for theatrical purposes and having scenic accessories, a fire-resisting curtain of iron, asbestos or other non-combustible material shall be placed in such a position that it can be instantaneously lowered and shall completely cover the proscenium opening, running in iron grooves, the back of which shall be at least 150mm from the edge of the proscenium opening. The said curtain shall be on the stage side of the proscenium wall, and shall be of such consistency, rigidity and arrangement as may be satisfactory to the Council.

(2) The curtain shall drop into a prepared groove not less than 50mm deep, formed and surrounded by non-combustible material for at least 150mm on the stage side and entirely on the auditorium side.



(3) Such curtain shall be arranged in such a manner as to lower itself on the cutting or loosening of a cord at the level of the stage floor.

(4) The curtain shall be kept lowered so as to cover the proscenium opening to the satisfaction of the Council at all times. Except when the building is in actual use for performance.

(5) The words "This curtain has to be lowered and raised five minutes before each performance" in official languages shall be painted across the front of every fire curtain, and on the side facing the auditorium in 300mm high red block letters; such lettering shall occupy a space of not less than 1.27m from the bottom of the curtain.

(6) The safety curtain in every theatre or music hall shall be lowered to its full extent, and raised to the necessary height five minutes prior to the commencement of every performance.

#### **Gas Burners**

81. In every public building all fixed and ordinary gas burners within 2.2m of the floor shall be furnished with efficient guards.

#### **Pipes : Material**

82. All gas and water pipes in any public building shall be manufactured of iron, brass or copper, and no pipes manufactured of lead or white metal shall be used in any part of the building.

#### **Illuminating Fires**

83. If in any public building coloured fires be used or any other chemical process be employed for the purpose of producing particular kinds of light, or for any other purpose whatever, such process shall be carried out by a skilled operator only.

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**Fire Directions**

84. Directions in the case of fire, to be approved by the Council, printed in large type, shall be kept in all public buildings and in such conspicuous places therein as the Council may direct.

**Permission for charges**

85. No alterations, rearrangements or readjustments whatsoever may be made in respect of any of the aforesaid appliances, safeguard or other means for the prevention of fire without prior written consent of the Council.

**Fire Telephone**

86. Every public building, if required by Council, shall be connected with the main fire station by telephonic communication. The manner of fixing such alarms and the position thereof shall be approved by the chief officer of the fire department.

**Official Inspections**

87. The Council shall have the right in special cases, and where it is deemed necessary and advisable owing to the peculiar circumstances or position of any public building, to modify the requirements laid down in these by-laws are being observed, and the same right of inspection shall be given to the medical officer of health, the chief officer of the fire department and their assistants.

**Modifying Requirements**

88. The Council shall have the right in special cases, and where it is deemed necessary and advisable owing to the peculiar circumstances or position of any public building, to modify the requirements laid down in these by-laws having due regard to public safety in each particular case.

**Offences and Penalties**

89. (a) Any person who, whilst any public building is open to the public, obstructs any gangway, passage, corridor, stairway or other means of ingress or egress by placing therein any chair or other obstruction; or

- (b) Any lessee or user of any public building who shall fail or neglect to unfasten or keep unfastened, or keep open any door as provided in terms of these by-laws to be unfastened and kept unfastened or opened; or
- (c) Any person who shall lock, blot or otherwise fasten any door provided or used for the purpose of public ingress or egress in such manner that it cannot be instantaneously opened without a key or other appliance, or who shall fix and use fastening thereon except as prescribed; or
- (d) Any person who shall wilfully obstruct from view conceal or obliterate painted or other notices to be provided in terms of these by-laws; or
- (e) any lessee or user who shall fail to keep all staircases, passages, corridors, porches, vestibules and other means of ingress or egress properly lighted as prescribed; or
- (f) any person who shall, whilst any public building is open to the public, wilfully and maliciously extinguish any lights required in terms of these by-laws to be maintained; or
- (g) any lessee or user who shall fail or neglect to maintain in proper condition and position all or any of the arrangements and movable appliances, notices or accessories herein prescribed as safeguards against fire or accidents; or
- (h) any person who shall in any way interfere with, intimidate, hinder or obstruct in the performance of his duties any officer authorized to inspect any public building in terms of these by-laws;
- Shall be liable to penalties prescribed in the section for breach of these by-laws.

#### **Rentals, charges, deposits and penalties: general provisions**

##### **Payment of charges and deposits**

90. (1) Except where otherwise provided in these by-laws, the prescribed charges shall be paid by the owner of the building or any person who applies to the

Council for approval of any proposal or who is seeking its consent thereto in terms of these by-laws.

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

(3) Where any application made in terms of these by-laws is refused by the Council, any payment made in connection therewith may be refunded by the Council to the person by whom or on whose behalf the payment was made. In addition, the Council may, in its discretion, refund in whole or part, any payment made in terms of these by-laws where in its opinion the circumstances warrant such a refund.

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

(5) Notwithstanding anything to the contrary in this section contained, the rental payable in respect of hoardings shall be paid to the Council three calendar months in advance: Provided that if any hoardings are lawfully removed before the end of any period for which the rent has been so paid in advance, the Council shall make a proportionate refund of such rent to the person by whom or on whose behalf it was paid.

(6) Notwithstanding anything to the contrary in this section contained, the rentals payable for projections over encroachments on sidewalks shall be payable annually in advance before 1 January.

(7) Any person who fails to pay the charges or rentals or make the deposits required in terms of these by-laws, shall be guilty of an offence, but the Council may, in the event of default of payment of any such charges, rentals or deposits,

proceed to recover the same by ordinary process of law applicable to the recovery of a civil debt.

#### **Charges for special services**

91. The Council shall have the right, in case of any special service as determined by the Council from time to time being required from the Council, including the attendance necessary in respect of a dangerous building, to levy charges at cost plus 10% in regard thereto as well as a prepaid charge of at least R10 for attending at a building at request or to give advice as to the bearing of by-laws on propositions put forward by architects, builders or owners.

#### **Extra Charges on New Proposals**

92. Where an owner, having submitted plans for a building and having had such plans examined, subsequently submits new proposals either in part or whole, extra charges shall be payable at a rate as determined by Council, from time to time, applied to the part altered, except when it is done in compliance with a definite written request from the Council.

#### **General Penalties**

93. Except as herein before specifically provided, any person who contravenes or commits a breach of any provision of these by-laws, shall be liable on conviction to a fine not exceeding R1000 or, in default of payment, to imprisonment for a period not exceeding three months, and in the case of a continuing offence, to a further fine not exceeding R200 for every day during the continuance of such offence after a written notice has been issued by the Council requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine not exceeding R1500 or, in default of payment, to imprisonment for a period not exceeding six months.

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