

LOCAL AUTHORITY NOTICE 261

***BYLAWS FOR THE CONTROL OF
STREET PROJECTIONS***

OF

EMFULENI LOCAL MUNICIPALITY

SCHEDULE

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EMFULENI LOCAL MUNICIPALITY

BY-LAWS FOR THE CONTROL OF STREET PROJECTIONS

In terms of the provisions of section 13 of the Local Government Systems Act (Act 32 of 2000), it is hereby notified that the Emfuleni Local Municipality publishes the By-laws set forth hereinafter, drafted by the Emfuleni Local Municipality in terms of section 12 of the aforementioned Act.

1. DEFINITIONS

In these by-laws unless the context otherwise indicates:

- | | |
|----------------------------|---|
| "balcony" | means any erections similar to a verandah in front of any storey at a higher level, whether roofed or not; |
| "bay window" | means a window projecting outwards from a wall; |
| "colonnade" | means a series of columns placed at regular intervals and supporting an entablature; |
| "encroachment" | means building work of fixtures encroaching erf boundary; |
| "municipality" | means – |
| | (a) the Emfuleni Local Municipality, a category B municipality in the district of Sedibeng, Gauteng, established in terms of section 12(1) of the Local Government: Structures Act, 1998 (Act No 117 of 1998) or its successors-in-title or |
| | (b) the municipal manager of the Emfuleni Local Municipality in respect of the performance of any action or exercise of any right, duty, obligation or function in terms of these by-laws; |
| | (c) an authorized agent of the Emfuleni Local Municipality; |
| "municipal council" | means the municipal council as referred to in section 157(1) of the Constitution, 1996 (Act No 108 of 1996); |
| "municipal manager" | means the person appointed by the municipal council as the municipal manager of the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and includes any person – |

- (a) acting in such position; and
- (b) to whom the municipal manager has delegated a power, function or duty;

"owner"	means the registered owner of any separate piece of land or premises;
"parapet"	means a protecting wall, embankment, and barrier;
"projection"	means a projection of building work;
"property"	means any private premises excluding a street or park;
"showcase"	means a case with a glass front and glass sides wherein articles are exhibited,
"street"	means any street, square road, lane, subway, avenue, bridge, thoroughfare or public passage;
"Strategic Manager Engineering Services"	means the engineer of the Municipality or any other person authorized to act on his or her behalf;
"Strategic Manager Management Support Services"	means the strategic manager of Management Support Services;
"professional engineer"	means a person registered in terms of the Engineering Profession Act 2000 (Act No. 46 of 2000) as a professional engineer;
"verandah"	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;

CHAPTER: II

STREET PROJECTIONS

2(1) Application

- (a) Any person wishing to erect or construct verandahs, bay windows or other fixtures or encroachment on, under or over any public street or any immovable property owned by or vested in the Municipality, shall make application to the Engineer on forms supplied by the Municipality. Such application shall be accompanied by drawings to a scale of 1:50 or 1:20 (together with a block plan to a scale of at least 1:500) which, together with the application form, shall be signed by person for whom such fixture

or encroachment is to be constructed, erected or fixed, and in addition, must be signed by the owner or authorized representative of the building affected.

- (b) Where plans are required for an encroachment, a fee as determined from time to time by the Municipality, shall be payable.

(2) Possessor at Will

- (a) Any person erecting, constructing or possessing any fixtures or encroachment on, under or over any street with the permission of the Municipality, shall be a possessor at will of the Municipality in respect thereof, and on receiving notice from the Municipality under the hand of the engineer to remove any such fixtures or encroachments, shall do so within the period fixed in such notice, without payment by the Municipality of any compensation whatsoever. In the event of non-compliance with such notice, the Municipality itself may remove any such fixtures or encroachments and recover the costs of such removal from the owner.

(3) Maintenance

- (a) The owner of the building in connection with which any fixture, projection or encroachment exists, or is proposed, shall:
- (i) Keep it in good order and be responsible for and pay to the Municipality or third parties concerned any loss or damage caused by reason of or in any way arising out of the construction, maintenance or existence of such fixture, projection or encroachment;
- (ii) Allow the Government or the Municipality to erect on, or attach to the building or projection, any fixings required in connection with telegraph, telephone, electrical or other activities.

Permission Required

- (a) No colonnades, verandahs, balconies, bay windows, showcases or other projections over any part of any street, shall be made or constructed without the permission of the Municipality being first obtained in writing.
- (b) The Municipality 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 Municipality shall in each case fix and determine.

2.5 Pavement, kerb or Gutter to be made

- (a) Before any application to construct any of the aforesaid projections over or under any street is approved, the applicant shall deposit an amount as determined by the Municipality.
- (b) Should the applicant fail to carry out the construction of the kerb, gutter or pavement as required on the plans, the Municipality may, after giving the applicant reasonable notice, cause such work to be satisfactorily completed, and shall deduct from such deposit the cost of completing such work.

2.6 Rules for the Construction of Projections

The design, arrangement 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 and according to the requirements of the Municipality.

2.7 Balconies and Bay windows

- (a) Balconies, bay windows or similar projections shall not overhang a public street if it is 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 which is firmly attached.
- (b) Balconies shall not project more than 1,35 m over any street.
- (c) Bay windows shall not project more than 900 mm over any street.
- (d) 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.
- (e) Any balcony superimposed upon any verandah shall be set at least 1,2m from the line of such verandah.
- (f) No balcony over any street shall be the sole means of access to any room or apartment.
- (g) No erection of any kind shall be allowed on any balcony, except balustrades and light columns which support the roof and upper balcony sufficiently.
- (h) 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.

2.8 Verandahs around Corners

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 Municipality.

2.9 Paving of Footways or Pavements to Projections

Where any verandah, balcony or bay window is provided in front of any building, the owner shall at his own expense pave the whole of the footway or pavement under such verandah, balcony or bay window 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.

2.10 Footways or Pavements

- (a) Any person who shall, except with the written permission of the Municipality 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:
- (i) Paving shall be of pre-cast paving-bricks 100 mm by 200 mm in size with a minimum thickness of 50 mm.
- (b) Bricks shall be laid to the grade, line and cross-fall pointed out by the Municipality and shall conform to the following requirements:
- (i) For ordinary paving the minimum cross-fall shall be 1:100 and the maximum cross-fall 1:25.
 - (ii) Non-skid bricks of a type to be approved by the Council shall be used for cross-falls between 1:25 and 1:50. Provided that the maximum cross-fall shall not exceed 1:15.
 - (iii) Longitudinal grades shall not be steeper than 1:20 for ordinary bricks and non-skid bricks shall be used for steeper longitudinal grades.
 - (iv) Prior notice of at least three working days shall be given to the Municipality of the intention to lay paving on any footway or pavement.
- (c) When carriage openings are formed in kerbs and across footways or pavements, such openings shall be paved with similar bricks to those hereinbefore described, but such bricks shall be of sizes 100 mm by 200 mm by 80 mm in thickness. All such bricks shall be solidly bedded in suitable material.

- (d) Should any person desire to lay paving of any material other than pre-cast concrete paving-bricks, he or she shall first submit a sample to the Municipality for testing and approval in writing before such materials are placed upon a public footway or pavement. Should the material be approved, all the provisions of this section in regard to size, shape and laying shall be observed as far as applicable.
- (e) No person shall lay or fix any cement bedding under such paving bricks nor cause any joint thereof to be of cement mortar.
- (f) No person shall lay asphalt, tar macadam, concrete granolith in-situ in any pavement on any street sidewalk or footway unless specially permitted in writing by the Municipality to do so.
- (g) No person shall lay bricks of any other kind, colour, size or shape, in any manner other than as specified in this section, unless duly authorized thereto in writing by the Municipality.
- (h) Any paved area shall be maintained by the body/person responsible for the construction thereof.

2.11 Entrances

- (a) Any person who shall, except with the written permission of the Municipality as hereinafter provided, construct a tarred, concrete or paved entrance to any business/industrial property, must provide an engineer's design for approval by the engineer. The design must reflect the following information:
 - (i) The type of vehicle movement.
 - (ii) Size of vehicle.
 - (iii) Radius of belmouths.
 - (iv) Slope to municipal road.
 - (v) Pavement design.
 - (vi) Stormwater drainage.
- (b) Every entrance or access shall be maintained by the owner or body of the business serviced.

2.12 Road crossings

Any person who intend to install or repair any underground service in a municipal road reserve must obtain written permission from the engineer.

CHAPTER III**3. Complaints**

- (1) Anybody who wishes to lodge a complaint with regard to these by-laws may do so in writing and direct it to the Municipality at PO Box 3 Vanderbijlpark 1900 and shall furnish a reply in writing to the complaint or he or she may report in person at the municipality offices situate at corner Klassie Havenga and Frikkie Meyer.
- (2) The Municipality shall furnish a reply in writing to the complainant.

CHAPTER IV**4. Penalties**

Any person contravening or failing to comply with any provision of these by-laws or with any direction, condition, determination or request there-under shall be guilty of an offence and liable on conviction to a fine not exceeding R1 500,00 or in default of payment to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

CHAPTER V**5. Repeal**

- 1(a) The Emfuleni Local Municipality hereby in terms of section 13 of the Municipal Systems Act 32/2000, revokes Chapter IV Section 18 and Chapter XI of the Standard Building By-laws relating to the Control of Street Projections as published in Administrative Notice No1993 of 7 November 1974, as amended.
- 1(b) The Emfuleni Local Municipality hereby in terms of Section 13 of the Municipal Systems Act 32/2000, revokes chapter IV Section 18 and Chapter XI if the Standard Building By-laws relating to the Control of Street Projections as published in Administrative Notice number 929 of 20 July 1977 as amended
2. In terms of the provisions of Section 13 of the Municipal Systems Act 32/2000, it is hereby notified that the Emfuleni Local Municipality publishes the By-laws set forth herein after drafted by the Emfuleni Local Municipality in terms of Section 13 of the aforesaid Act.