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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 154



BA-PHALABORWA MUNICIPALITY

The Municipality Manager of Ba-Phalaborwa Municipality hereby, in terms of Section 13 of the Local Government Municipal System Act, 32 of 2000 (as amended) publishes the **Electricity Supply By-laws** for the **Ba-Phalaborwa Municipality**, as approved by its council

ELECTRICITY SUPPLY BY-LAWS FOR THE BA-PHALABORWA LOCAL MUNICIPALITY

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Electricity Supply By-laws

Definitions –

1. In this by-law,

- (a) Words used in the masculine gender includes the feminine
- (b) The singular includes the plural and vice versa
- (c) Any word or expression has meaning assigned to it in the Municipal Structures Act of 1998
- (d) Reference to any legislation shall be reference to that legislation and regulations promulgated there-under
- (e) Any word or expression to which a meaning has been assigned in the Local Government: Municipal System Act no 32 of 2000 (as amended) shall have the corresponding meaning and unless the context indicates otherwise:-

"Applicable standard specification" means the standard specifications as listed in Schedule 1 attached to this by-law;

"Certificate of compliance" means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an registered person;

"Civil work permit" means a permit issued to an applicant for a wayleave granting that applicant consent for the civil work to be undertaken;

"Consumer" in relation to premises-

- (a) for supply agreements existing prior to the promulgation of this by-law means-
 - (i) any occupier thereof or any other person with whom the Service Provider has entered into an agreement to supply or is actually supplying electricity thereat;
 - (ii) if such premises are not occupied, any person who has a valid existing agreement with the Service Provider for the supply of electricity to such premises; or
 - (iii) if there is no such person or occupier, the owner of the premises;
- (b) for supply agreements entered into after the promulgation of this by-law means the owner of the premises or his or her designated proxy.

"Credit meter" means a meter where an account is issued subsequent to the consumption of electricity;

"Director" means the Director of the Service Provider, any other person lawfully acting in that capacity and any employee of the Service Provider duly authorized thereto by such Director or person so acting;

"Effective date" means the date on which the responsibility for the delivery of the electricity service is transferred to the Service Provider;

"Electrical contractor" means an electrical contractor as defined in the Regulations;

"Electrical installation" means an electrical installation as defined in the Regulations;

"High voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of $44\text{kV} < U_n \leq 220\text{ kV}$. [SANS 1019];

"Low voltage" means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V (or a d.c. voltage of 1500 V). [SANS 1019]

"Medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1\text{ kV} < U_n \leq 44\text{ kV}$. [SANS 1019]

"Meter" means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters;

"Motor load, total connected" means the sum total of the kW input ratings of all the individual motors connected to an installation;

"Motor rating" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"Motor starting current" in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

"Occupier" in relation to any premises means-

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or
- (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when

he/she is absent from the Republic of South Africa or his/her whereabouts are unknown;

"Owner" in relation to premises, means the person in whom is vested the legal title thereto; provided that-

(a) in the case of immovable property-

- (i) leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof, or
- (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;

(b) if the owner as hereinbefore defined-

- (i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be;
- (ii) is absent from the Republic of South Africa, or if his address is unknown to the Service Provider, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property; and
- (iii) if the Service Provider is unable to determine who such person is, the person who is entitled to the beneficial use of such property,

shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

"Point of consumption" means a point of consumption as defined in the Regulations;

"Point of metering" means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Service Provider or the electrical installation of the consumer, as specified by the Service Provider or any duly authorised official of the Service Provider; provided that it shall meter all of, and only, the consumer's consumption of electricity;

"Point of supply" means the point determined by the Service Provider or any duly authorised official of the Service Provider at which electricity is supplied to any premises by the Service Provider;

"Premises" means any land or any building or structure above or below ground level, or part thereof, and includes any vehicle, aircraft or vessel;

"Prepayment meter" means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

"Registered person" means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"Regulations" means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

"Retail wheeling" means the process of moving third party electricity from a point of generation across the distribution systems of the Service Provider and selling it to a customer;

"Safety standard" means the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the Regulations;

"Service Authority" means Ba-Phalaborwa Municipality established in terms of the law;

"Service connection" means all cables and equipment, including all metering equipment, load management equipment, all high, medium or low voltage switchgear and cables required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"Service protective device" means any fuse or circuit breaker installed for the purpose of protecting the Service Provider's equipment from overloads or faults occurring on the installation or on the internal service connection;

"Service Provider" means the Service Authority and any entity duly authorized by the Service Authority to provide an electricity service within the jurisdiction of the Service Authority, in accordance with the provision of the Service Delivery Agreement concluded with the Service Authority;

"Standby supply" means an alternative electricity supply from the Service Provider not normally used by the consumer;

"Supply mains" means any part of the Service Provider's electricity distribution network;

"Tariff" means the Service Provider's tariff of charges for the supply of electricity and sundry fees, as approved by the Service Authority;

"Temporary supply" means an electricity supply required by a consumer for a period normally less than one year;

"The law" means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

"Token" means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and vice versa;

"Voltage" means the root-mean-square value of electrical potential between two conductors;

"Wayleave" means the set of documentation providing information on the location of the supply mains of the Service Provider within the physical area covered by an application to undertake civil work within the municipal area and stipulates the conditions applicable to the work to be done in the vicinity of the affected supply mains.

Other terms

2. All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Regulation Act, 2006 (Act 4 of 2006), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

Headings and titles

3. The headings and titles in this by-law shall not affect the construction thereof.

CHAPTER 2

GENERAL TERMS AND CONDITIONS OF SUPPLY

Provision of Electricity Services

4. (1) Only the Service Provider shall supply or contract for the supply of electricity within the jurisdiction of the Service Authority. A third party may supply or contract for the supply of electricity within the jurisdiction of the Service Authority, subject to the consent of the Service Authority and to the requirements of the Electricity Regulation Act.

(2) The Service Provider may permit the retail wheeling of electricity through its network by another electricity supplier that is licensed for the trading of electricity in terms of the Electricity Regulation Act to the customers of this electricity supplier.

Supply by agreement

5. (1) No person shall use or be entitled to use an electricity supply from the Service Provider unless or until a written agreement has been entered into with the Service Provider for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply.

(2) If electricity is consumed without the existence of a supply agreement, the owner of the premises on which the electricity is being used shall be liable for the cost of electricity used as stated in section 44 of this by-law.

(3) Any consumer supply agreement concluded with the Service Authority or Eskom within the jurisdiction of the Service Authority prior to appointment of the Service Provider by the Service Authority will, subject to national legislation with effect from the effective date, together with all the assets and liabilities attached to the said supply agreement, vest with the Service Provider.

(4) Should the Service Authority appoint a different service provider at any date in the future, supply agreements with consumers of the Service Provider shall be deemed to be agreements with this new service provider.

Service of notices

6. (1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served-

- (a) when it has been delivered to that person personally;
- (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
- (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

(2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

(3) Any legal process is effectively and sufficiently served on the Service Provider when it is delivered to the Director or an employee in attendance at the office of the Director.

Compliance with notices

7. Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

Application for supply

8. (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Service Provider, and the notified maximum demand, in kVA, required for the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Service Provider.

(2) Applicants for the supply of electricity shall submit the following documents with their application:

- (a) An identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant;
- (b) The consumer shall provide a Deed of Sale or other proof of ownership of the premises for which a supply of electricity is required.

(3) Applicants for a supply of electricity shall be subject to a credit clearance check as far as debt to the Service Authority is concerned.

(4) An application for a new temporary supply of electricity shall be considered at the discretion of the Director, who may specify any special conditions to be satisfied in such case.

Processing of requests for supply

9. Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

Servitudes on private property

10. (1) The Service Provider may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Service Authority or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Service Provider written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection thereon.

(2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

Statutory Servitude

11. (1) Subject to the provisions of sub-section (3) the Service Provider may within the municipal area of the Service Authority:

- (a) provide, establish and maintain electricity services;
- (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
- (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Service Provider;
- (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).

(2) If the Service Provider constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Service Authority or under the control of or management of the Service Authority, the Service Provider shall determine the restrictions to be imposed on the use of the property under a servitude agreement.

(3) The Service Authority and the owner of such street or property shall enter into a servitude agreement which may include an agreed amount for compensation, or, in the absence of agreement, as determined either by arbitration or a court of law.

(4) The Service Provider shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Service Authority or under the control or management of the Service Authority, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

Right of admittance to inspect, test and/or do maintenance work

12. (1) The Service Provider shall, through its employees, contractors and their assistants and advisers, have reasonable access to or over any property for the purposes of-

- (a) doing anything authorised or required to be done by the Service Provider under this by-law or any other law;
- (b) inspecting and examining any service mains and anything connected therewith;
- (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work,

scheme or undertaking of the Service Provider and making any necessary survey in connection therewith;

(d) ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law, and

(e) enforcing compliance with the provisions of this by-law or any other law,

(2) The Service Provider shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by sub-section (1), except where the Service Provider is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Service Provider and such person or, in the absence of agreement, as may be determined by arbitration or court of law.

(3) The Director may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in sub-section (1).

(4) The Service Provider may gain access to or over any property without notice and may take whatever action as may, in its opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency or disaster.

Refusal or failure to give information

13.(1) No person shall refuse or fail to give such information as may be reasonably required of him/her by any duly authorised official of the Service Provider or tender any false information to any such official regarding any electrical installation work completed or contemplated.

(2) The Service Provider shall not make any information available concerning the supply or account details for any premises to any third party without the express written permission from the consumer who signed the supply agreement for the supply to the premises concerned except to the owner of a property upon written request to the Service Provider.

Refusal of admittance

14. No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Service Provider in the performance of his/her duty under this by-law or of any duty connected therewith or relating thereto.

Improper use

15.(1) If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Service Provider has reasonable grounds

for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Service Provider may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.

(2) The fee as prescribed by the Service Provider for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.\

Electricity tariffs and fees

16. Copies of charges and fees may be obtained free of charge at the offices of the Service Provider.

Deposits

17.(1) The Service Provider, in terms of a Tariff Policy approved by the Service Authority, reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Service Provider.

(2) The amount of the deposit in respect of each electricity installation shall be determined by the Director. Each such deposit may be increased if the Director deems the deposit held to be inadequate, or as a result of non-payment, or as a result of tampering, or as a result of unauthorized connections or unauthorized reconnections.

(3) Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law.

(4) On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Service Provider and/or the Service Authority shall be refunded to the consumer.

(5) The payment of interest on deposits, held in terms of supply agreements by any previous supplier of electricity, shall cease on the date of transfer of such supplies to the Service Provider.

Payment of charges

18.(1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Service Authority. The consumer may also be required to pay all charges of other services supplied by the Service Authority to ensure a continued supply of electricity.

(2) All accounts shall be deemed to be payable when issued by the Service Provider and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.

(3) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself/herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.

(4) Where a duly authorised official of the Service Provider has visited the premises for the purpose of disconnecting the supply of electricity in terms of sub-section (2) and he/she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.

(5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid, or suitable arrangements have been made in terms of the Service Authority's By-law or Policies, before the electricity supply is re-connected.

(6) Notwithstanding the fact that an occupier has an agreement for the supply of electricity, should the owner of immovable property apply for a clearance certificate, in terms of section 118, of the Local Government: Municipal Systems Act, 32 of 2000, then such owner will be liable for all charges due to the Service Provider, in respect of the said property, in order to obtain such certificate.

Interest on overdue accounts

19. The Service Provider may charge interest on accounts which are not paid by the due date appearing on the account, in terms of an approved Credit Control and Debt Collection Policy and any related indigent support.

Principles for the resale of electricity

20. (1) Resellers shall comply with the licensing and registration requirements set out in the Electricity Regulation Act and regulations issued under this act.

(2) Unless otherwise authorised by the Director, no person shall sell or supply electricity, supplied to his/her premises under an agreement with the Service Provider, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place.

(3) If electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub meter of a type which has been approved by the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the Service Provider.

(4) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Service Provider.

(5) Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Service Provider to its electricity consumers.

Right to disconnect supply

21.(1) The Service Provider shall have the right to disconnect the supply of electricity to any premises, after giving notice of disconnection under the following circumstances:

- (a) where the person liable to pay for such supply fails to pay any charge due to the Service Provider in connection with any supply of electricity which he/she may at any time have received from the Service Provider in respect of such premises; or
- (b) where the Service Authority has requested the Service Provider to disconnect the supply of electricity where there are outstanding municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties; or
- (c) where in the opinion of the Service Provider there is a case of grave risk to person or property; or
- (d) where tampering with the service connection or supply mains has occurred; or
- (e) for reasons of community safety and/or the safety of emergency personnel.

(2) For circumstances other than listed in sub-section (1) above, where any of the provisions of this by-law and/or the Regulations are being contravened, the Service Provider should give the person 7 (seven) days notice to remedy his/her default prior to disconnection.

(3) After disconnection the fee as prescribed by the Service Provider shall be paid.

(4) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Service Provider, or in the case where the Service Provider's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

Non-liability of the Service Authority or Service Provider

22. Neither the Service Authority nor the Service Provider shall be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Service Authority or the Service Provider.

Leakage of electricity

23. Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

Failure of supply

24.(1) The Service Provider does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Service Provider.

(2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Service Provider shall have the right to charge the consumer the fee as prescribed by the Service Provider for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

Seals of the Service Provider

25. The meter, service protective devices and all apparatus belonging to the Service Provider shall be sealed or locked by a duly authorised official of the Service Provider, and no person not being an official of the Service Provider duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

Tampering with service connection or supply mains

26.(1) No person shall in any manner or for any reason whatsoever tamper with, interfere with, vandalize, fix advertising medium to, or deface any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Service Provider or illegally connect into the electricity wiring of any other consumer.

(2) Where prima facie evidence exists of a consumer and/or any person having contravened sub-section(1), the Service Provider shall have the right to disconnect the supply of electricity immediately without prior notice to the consumer. The person shall be liable for all fees and charges levied by the Service Provider for such disconnection.

(3) Where interference or damage is caused by any individual, having contravened sub-section (1), legal action may be instituted against such individual.

(4) Where a consumer and/or any person has contravened sub-section(1) and such contravention has resulted in the meter recording less than the true consumption, the Service Provider shall have the right to recover from the consumer the full cost of his estimated consumption.

(5) The determination by the Service Provider shall be prima facie evidence of such consumption.

Protection of Service Provider's supply mains

27.(1) No person shall, without having in his possession on site a Wayleave and a Civil Work Permit issued by the Service Provider and subject to such conditions as may be imposed –

- (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains,
- (b) excavate, open up, remove the ground or alter the ground level, above, next to, under or near any part of the supply mains, or in any area falling under the jurisdiction of the Supply Authority,
- (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains,
- (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from.

(2) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Service Provider will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down.

(3) Should the owner fail to observe this provision the Service Provider shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.

(4) The Service Provider may subject to obtaining an order of court demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.

(5) The Service Provider may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

Prevention of tampering with service connection or supply mains

28. If the Director decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Service Provider.

Unauthorised connections

29. No person other than a person specifically authorised thereto by the Director in writing shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

Unauthorised reconnections

30.(1) No person other than a person specifically authorised thereto by the Director in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Service Provider.

(2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard.

(3) Furthermore, the Service Provider reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

Temporary disconnection and reconnection

31.(1) The Service Provider shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the Service Provider for each such disconnection and subsequent reconnection.

(2) The Service Provider may inspect the service connection and/or require a Certificate of Compliance to be submitted before reconnecting the supply.

(3) In the event of the necessity arising for the Service Provider to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Service Provider shall waive payment of the fee hereinbefore referred to.

(4) The Service Provider may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose and in all other instances adequate notice shall be given.

Temporary supplies

32. It shall be a condition of the giving of any temporary supply of electricity, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Service Provider shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, neither the Service Authority nor the Service Provider shall be liable for any loss or damage occasioned by the consumer by such termination.

Temporary work

33.(1) Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Director.

(2) Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Director may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

Load reduction

34.(1) At times of peak load, or in an emergency, or when, in the opinion of the Director, it is necessary for any reason to reduce the load on the electricity supply system of the Service Provider, the Service Provider may without notice interrupt and, for such period as the Director may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.

(2) Neither the Service Authority nor the Service Provider shall be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.

(3) The Service Provider may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of sub-section (1), and any duly authorised official of the Service Provider may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.

(4) Notwithstanding the provisions of sub-section (3), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Service Provider may decide to facilitate the later installation of the apparatus and equipment referred to in sub-section (3).

High, medium and low voltage switchgear and equipment

35.(1) In cases where a supply of electricity is given at either high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Director, be paid for by the consumer.

(2) All such equipment installed on the consumer's premises shall be compatible with the Service Provider's electrical performance standards.

(3) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the Service Provider's System Control Centre.

(4) In the case of a high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the Service Provider shall be advised of the competent person appointed by the consumer in terms of the Regulations, and of any changes made to such appointments.

(5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Service Provider or any duly authorised official of the Service Provider.

Substation accommodation

36.(1) The Service Provider may, on such conditions as may be deemed fit by the Director, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing high voltage cables and switchgear, medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant.

(2) The Service Provider shall have the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Service Provider, such additional accommodation shall be provided by the applicant at the cost of the Service Provider.

(3) The substation accommodation shall comply with specified requirements and dimensions determined by the Service Provider and shall incorporate adequate lighting, ventilation, fire prevention and fire extinguishing measures.

(4) The substation accommodation shall be situated on ground floor level at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

(5) Vehicular access to the substation entrance door shall be provided from the adjacent road or driveway.

(6) Where in the opinion of the Director the position of the substation accommodation is no longer readily accessible or has become a danger to life or property or has for justifiable reasons become unsuitable, the consumer shall remove it to a new position to the satisfaction of the Director, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

Wiring diagram and specification

37.(1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the Service Provider in duplicate for written consent before the work commences.

(2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Service Provider through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Service Provider for written consent before any material in connection therewith is ordered.

Standby supply

38. No person shall be entitled to a standby supply of electricity from the Service Provider for any premises having a separate source of electricity supply except with the written consent of the Director and subject to such terms and conditions as may be laid down by the Director.

Consumer's electricity generation equipment

39.(1) No electricity generation equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written consent of the Director.

(2) Application for such consent shall be made in writing and shall include a full specification of the equipment and a wiring diagram.

(3) The electricity generation equipment shall be so designed and installed that it is impossible for the Service Provider's supply mains to be energized by means of a back-feed from such equipment.

(4) The position of the installed generating equipment shall not interfere with the supply mains the generating equipment must be installed entirely on the consumer's premises.

(5) The consumer shall be responsible for providing and installing all such protective equipment and for obtaining a Certificate of Compliance issued in terms of the Regulations for the work carried out.

(6) Where by special agreement with the Service Provider, the consumer's electricity generation equipment is permitted to be electrically coupled to, and run in parallel with the Service Provider's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Director.

(7) Under normal operating conditions, any export of surplus energy from the consumer to the Service Provider's network shall be subject to special agreement with the Service Provider.

(8) In the event of a general power failure on the service provider's network protection equipment shall be installed by the consumer, subject to the Director's approval, so as to ensure that the consumer's installation is isolated from the Service Providers network until normal operating conditions are restored. The cost of any specialized metering equipment will be for the consumer's account.

Technical Standards

40. The Director may from time to time issue Technical Standards detailing the requirements of the Service Provider regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

CHAPTER 3

RESPONSIBILITIES OF CONSUMERS

Consumer to erect and maintain electrical installation

41. Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the Regulations.

Fault in electrical installation

42.(1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply.

(2) The consumer shall without delay give notice thereof to the Service Provider and shall immediately take steps to remedy the fault.

(3) The Service Provider may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

Discontinuance of use of supply

43. In the event of a consumer desiring to discontinue using the electricity supply, he/she shall give at least two full working days' notice in writing of such intended discontinuance to the Service Provider, failing which he/she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

Change of consumer

44. (1) Two full working days' notice in writing shall be given to the Service Provider of the intention to discontinue using the electricity supply, failing which the owner shall remain liable for such supply.

(2) If the person taking over occupation of the premises desires to continue using the electricity supply, the owner of such premises shall make application in accordance with the provisions of section 5 of this by-law, and if the owner fails to make application for an electricity supply within ten working days of the person taking occupation of the premises, the supply of electricity shall be disconnected, and the owner shall be liable to the Service Provider for the electricity supply from the date of occupation until such time as the supply is so disconnected.

(3) Where premises are fitted with pre-payment meters and there is no existing electricity supply agreement, until such time as an application is made by the owner for a supply of electricity, in terms of section 5 of this by-law, the owner shall be liable for all charges and fees owed to the Service Provider for that metering point as well as any outstanding charges and fees which have accrued to that metering point.

(4) The Director may impose conditions, which may include the withholding of the electricity supply to premises, in cases where the previous consumer's electricity account at that premises is in arrears.

Service apparatus

45.(1) The consumer shall be liable for all costs to the Service Provider arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the Service Provider or caused by an abnormality in the supply of electricity to the premises.

(2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Service Provider and having been previously used, have been removed without its permission or have been damaged so as to

render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing such equipment.

(3) Where there is a common metering position, the liability detailed in sub-section (1) shall devolve on the owner of the premises.

(4) The amount due in terms of sub-section (1) shall be evidenced by a certificate from the Director which shall be final and binding.

CHAPTER 4

SPECIFIC CONDITIONS OF SUPPLY

Service connection

46. (1) The consumer shall bear the cost of the service connection, as approved by the Service Provider.

(2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection shall vest in the Service Provider, the Service Provider shall be responsible for the maintenance of such service connection up to the point of supply.

(3) The consumer shall not be entitled to any compensation from the Service Provider in respect of such service connection.

(4) The work to be carried out by the Service Provider at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Director.

(5) The consumer shall provide, fix and/or maintain on his premises such ducts, wireways, trenches, fastenings and clearance to overhead supply mains as may be required by the Director for the installation of the service connection.

(6) Unless otherwise approved by the Director each registered erf shall only be provided with one service connection.

(7) Where two or more premises belonging to one owner are situated on adjacent erven and the owner operates the properties in a consolidated manner, for safety considerations, only a single bulk supply of electricity shall be made available to such erven.

(8) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Service Provider.

(9) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.

(10) In the case of blocks of buildings occupied by a number of individual consumers, separate wireways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

Metering accommodation

47.(1) The consumer shall, if required by the Director, provide accommodation in an approved position, the meter board and adequate conductors for the Service Provider's metering equipment, service apparatus and protective devices.

(2) Such accommodation and protection shall be provided and maintained, to the satisfaction of the Director, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment.

(3) Access at all reasonable hours shall be afforded for the inspection of prepayment meters.

(4) Where sub metering equipment is installed, accommodation separate from the Service Provider's metering equipment shall be provided.

(5) The consumer or, in the case of a common meter position, the owner of the premises shall provide a distribution board from which to supply adequate electric lighting and power in the space set aside for accommodating the metering equipment and service apparatus.

(6) Where in the opinion of the Director the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

(7) The accommodation for the Service Provider's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices.

(8) No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

CHAPTER 5

SYSTEMS OF SUPPLY

Nominal supply voltage

48. The nominal supply voltage at which a supply is given shall be determined by the Service Provider as necessitated by technical considerations to ensure the efficient operation of the supply mains.

Load requirements

49. Alternating current supplies shall be given as prescribed by the Electricity Regulation Act, 2006 (Act 4 of 2006), and in the absence of a quality of supply agreement, as set out in the applicable standard specification.

Load limitations

50.(1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Director.

(2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Director.

(3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the Director.

Interference with other persons' electrical equipment

51.(1) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.

(2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.

(3) Should it be established that undue interference is in fact occurring, the consumer shall, at his/her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

Supplies to motors

52. Unless otherwise approved by the Director the rating of motors shall be limited as follows:

- (a) Limited size for low voltage motors rating of a low voltage single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70 All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.
- (b) Maximum starting and accelerating currents of three-phase alternating current motors.-

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm ² , copper equivalent mm ²	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6x full-load current)	Star/Delta (2,5 x full-load current)	Other means (1,5 x full-load current)
		kW	kW	kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

- (c) Consumers supplied at medium voltage –

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Director.

Power factor

53.(1) If required by the Director, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.

(2) Where, for the purpose of complying with sub-section (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

(3) The consumer shall, at his/her own cost, install such corrective devices.

Protection

54. Electrical protective devices for motors shall be of such a design as effectively to prevent sustained overcurrent and single phasing, where applicable.

CHAPTER 6

MEASUREMENT OF ELECTRICITY

Metering

55.(1) The Service Provider shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.

(2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Service Provider and read at the end of such period except where the metering equipment is found to be defective, or the Service Provider invokes the provisions of section 59(2) of this by-law, in which case the consumption for the period shall be estimated.

(3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.

(4) The Service Provider reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.

(5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Director.

Accuracy of metering

56.(1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.

(2) The Service Provider shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Service Provider shall -

- (i) in the case of a credit meter, adjust the account rendered;
- (ii) in the case of prepayment meters, (a) render an account where the meter has been under-registering, or (b) issue a free token where the meter has been over-registering;

in accordance with the provisions of sub-section (6).

(3) The consumer shall be entitled to have the metering equipment tested by the Service Provider on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of sub-sections (2) and (6) shall be made and the aforesaid fee shall be refunded.

(4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.

(5) Meters shall be tested in the manner as provided for in the applicable standard specifications.

(6) When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section (5) or upon a calculation by the Service Provider from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.

(7) When an adjustment is made as contemplated in sub-section (6), the adjustment may not exceed a period of three years preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

(8) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the Service Provider deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.

(9) (a) Prior to the Service Provider making any upward adjustment to an account in terms of sub-section (6), the Service Provider shall -

- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;

- (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
 - (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Director may permit why his/her account should not be adjusted as notified.
- (b) Should the consumer fail to make any representations during the period referred to in sub-section 9(a) (iii) the Service Provider shall be entitled to adjust the account as notified in sub-section 9(a)(i).
 - (c) The Director shall consider any reasons provided by the consumer in terms of sub-section (9)(a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.
 - (d) If the Director decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), the Service Provider shall be entitled to adjust the account as notified in terms of sub-section 9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act, 2000.

Reading of credit meters

57.(1) Unless otherwise prescribed in the applicable standard specification, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Service Provider shall not be obliged to effect any adjustments to such charges.

(2) If for any reason the credit meter cannot be read, the Service Provider may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.

(3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.

(4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.

(5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of three years preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period. The application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

Prepayment metering

58.(1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.

(2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.

(3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Service Provider.

(4) The Service Provider shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.

(5) Where a consumer is indebted to the Service Provider for electricity consumed or to the Service Authority for any other service supplied by the Service Authority (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Service Provider may deduct a percentage from the amount tendered to offset the amount owing to the Service Authority and/or the Service Provider, as set out in the section 5 agreement for the supply of electricity.

(6) The Service Provider may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

CHAPTER 7**ELECTRICAL CONTRACTORS****Electrical contractors' responsibilities**

59. In addition to the requirements of the Regulations the following requirements shall apply:

- (a) Where an application for a new or increased supply of electricity has been made to the Service Provider, the Director may at his/her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the Director, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (b) The examination, test and inspection that may be carried out at the discretion of the Director in no way relieves the electrical

contractor/registered person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and neither the Service Authority nor the Service Provider shall be held responsible for any defect or fault in such electrical installation.

Work done by electrical contractors

60. Neither the Service Authority nor the Service Provider shall be held responsible for the work done by the electrical contractor/registered person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

CHAPTER 8

COST OF WORK

Repair of damage

61. The Service Provider may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law. The cost of any such work carried out by the Service Provider which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.

CHAPTER 9

LEGAL MATTERS

DOMICILIUM

62.(1) The street, building or flat address of the point of supply would be deemed to be the place or domicilium citandi et executandi of the consumer for the purpose of serving of any document in accordance with section 115 of the Local Government: Municipal System Act of 2000 (as amended)

63. OFFENSES AND PENALTIES

(2) Any person who contravenes any of the provision of this by-laws shall be guilty of an offence.

(3) Persons convicted of offences under this by-law shall be tried by a court of law and sentenced to imprisonment alternatively fines not exceeding amounts stipulated in the schedule of charges and fees

(4) A court may order compensation on application for loss and or damages sustained by the services provider in addition to a fine or imprisonment.

CHAPTER 10

REPEAL OF BY-LAWS

63. Any by-law relating to the electricity supply by-laws adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

SCHEDULE 1

“applicable standard specification” means

- SANS 1019 Standard voltages, currents and insulation levels for electricity supply
- SANS 1607 Electromechanical watt-hour meters,
- SANS 1524 Parts 0,1 & 2 - Electricity dispensing systems,
- SANS IEC 60211 Maximum demand indicators, Class 1.0,
- SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2),
- SANS 10142-1 Code of practice for the wiring of premises;
- NRS 047 Electricity Supply - Quality of Service;
- NRS 048 Electricity Supply - Quality of Supply, and
- NRS 057 Electricity Metering: Minimum Requirements

LOCAL AUTHORITY NOTICE 155

The Municipality Manager of Ba-Phalaborwa Municipality hereby, in terms of Section 13 of the Local Government Municipal System Act, 32 of 2000 (as amended) publishes the **Building By-laws** for the **Ba-Phalaborwa Municipality**, as approved by its council

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CHAPTER VII**LEGAL MATTERS**

- 73. Domicilium
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CHAPTER VIII

REPEAL OF BY-LAWS

75. Repeal of by-laws

If any provisions of these by-laws vests or imposes any power, function and or duty of the council in or to an employee of the council and such power, function or duty has in terms of sec. 81 (2) of the Local Government: Municipal System Act of 2000 (as amended) been assigned to a services provider, reference in such provisions to such an employee must be read as reference to the services provider or where applicable, an employee of the services provider authorised by it

CHAPTER I

GENERAL PROVISIONS

DEFINITIONS

1. In this by-law,

- (a) Words used in the masculine gender includes the feminine
- (b) The singular includes the plural and vice versa
- (c) Any word or expression has meaning assigned to it in the Municipal Structures Act of 1998
- (d) Reference to any legislation shall be reference to that legislation and regulations promulgated there-under
- (e) Any word or expression to which a meaning has been assigned in the Local Government: Municipal System Act no 32 of 2000 (as amended) shall have the corresponding meaning and unless the context indicates otherwise:-

"council" means the Ba-Phalaborwa Municipal Council and includes the management committee of the council or any officer in the service of the council, acting by virtue of any power vested in the council in connection with these by-laws and delegated to him in terms of section 58 of the Local Government (Administration and Elections) Ordinance, 1960;

"engineer and council engineer" means the person from time to time holding the said appointment or acting in the said capacity in connection with municipality

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

"ledger" means a member spanning horizontally and tying a scaffold longitudinally,

which may act as a support to putlogs;

"scaffold" means any temporary structure on or from which persons perform work in connection with any building operation, and any temporary structure which enables persons to obtain access to or which enables materials to be taken to any part of the building at which such work is performed and includes any working platforms, gangway, fun, ladder or step-ladder (other than an independent ladder or step-ladder which does not form part of such structure), together with any guard rail, toe board or other safeguards and all fixing, but shall not include a lifting device or structure used merely to support such device or to support other machinery or plant;

"Signs" means any advertisement or advertising device of any kind which is visible from any street but does not include an advertisement placed inside a building or any advertisement of an ecclesiastical, amateur sporting, educational, political or charitable meeting, event or function or of the candidature of any person nominated for election to Parliament, the Transvaal Provincial Council or the council and "advertising sign" has the same meaning.

"standard" means a member used as a vertical support or column in the construction of a scaffold and transmitting a load to the ground or to a base plate;

"putlogs" means a member spanning from a ledger to the wall of a building;

"trestle scaffold" means a scaffold in which the supports for the platform are step-ladders or tripods;

"working platform" means a stage on which the work is performed.

CHAPTER II

2. STREET PROJECTIONS

(1) Any person wishing to erect or construct signs, sunblinds, verandahs, bay windows, pavement lights or any other fixtures or encroachment on, under or over any public street, shall make application to the engineer on forms supplied by the council.

(2) Such application shall be accompanied by drawings to a 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 or fixed, and in addition, where

required, by the owner of the building affected.

(3) 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.

(4) 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.

(5) 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 the

Government or of the
council;

(ii) allow the Government or the council to erect on, or attach to the building or projection, any fixings required in connection with the 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, projection 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 expenses 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 abovementioned conditions.

3. PROJECTION FROM BUILDINGS, VERANDAHS, BALCONIES, SIGNS AND PAVEMENTS LIGHTS

(1) No colonnades, verandahs, balconies, bay windows, pavement lights, showcases or other projections into or over any part of any street, and no pavement opening in or under any street 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.

(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 the payment of deposits, fees and rent in terms of these by-laws for such projections.

4. PAVEMENT, KERB OR GUTTER TO BE MADE

(1) Before any application to construct any of the aforesaid projections over or under any street is approved, the applicant shall deposit with the council a sum *estimated by the council equal to the cost of constructing the 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 applicant reasonable notice, cause 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.

5. RULES FOR THE CONSTRUCTION OF PROJECTIONS

- (1) 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 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 surfaces 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.

6. COLUMNS

- (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 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 300 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, not 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 3 m 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 sidewalk being or likely to be so occupied by cables, pipes or other public services, the placing of columns or posts shall be deemed inadvisable.

(11) In such streets verandas, 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.

(12) 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 of services necessitated by the construction, presence, maintenance or removal of such verandah columns; the cost of such deed of servitude shall be borne by the owner of the abutting property.

(13) Except in the case of monolithic stone columns, steel of 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.

(14) In the 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

foundation.

(15) Plain piping or tubing shall not be used for columns over or on street verandahs and balconies unless architecturally treated.

(16) The depth and width of beams placed on columns shall be visibly equal at least to the top diameter of the columns.

(17) 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.

(18) 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 necessary for alignment and that all other provisions of these by-laws are observed.

7. BALCONIES AND BAY WINDOWS

(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.

(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 900 mm from any party wall of the building to which it belongs or 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 heights 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 and 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.

8. PLINTHS, PILASTERS, CORBELS AND CORNICES

(1) No plinths, pilasters or other projections beyond building lines carried up from ground level shall be permitted to encroach on a 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 bay windows.

Fire-resisting 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 m 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.

9. VERANDAHS AROUND CORNERS

(1). Where veranda's 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.

10. PAVEMENT OPENINGS

(1) No pavement opening 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 cm² in area.

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

(4) Where flaps are permitted in pavement openings each flap shall not exceed 0,75 m² 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.

11. MAINTENANCE, REMOVAL AND TENANCY OF STREET PROJECTIONS:

(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 therefrom.

(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.

12. PAVING OF FOOTWAYS OR PAVEMENTS TO PROJECTIONS

12. 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 under such verandah, balcony or bay window or in front of the building in which the pavement opening is fixed 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.

13. CAT-HEADS, CRANES AND PLATFORMS

(1) 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.

CHAPTER III

14. SIGNS & HOARDING – APPLICATIONS

(1) No person shall paint, fix, post or erect a sign without having:

(a) made application in writing to the council on a form supplied by the engineer.

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

(c) obtained the written consent of the engineer

thereto.

15. FIXING OF SIGNS AND HOARDINGS

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

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

(3) All glass used in signs other than glass tubing used in Neon or similar signs shall be wired glass at least 6 mm thick or approved safety glass at least 3 mm thick.

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

0,98
lagging.

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

16. ADVERTISING SIGNS AND HOARDINGS TO BE LICENSED

(1) No person shall, except upon a hoarding duly licensed in terms of the Councils By-laws for the Licensing of Advertising Signs and Hoardings, advertise or place or exhibit or display or cause to be advertised, placed, or exhibited or displayed any advertising sign, whether or not the consent of the engineer has been obtained in terms of section 22, unless he is the holder of a current licence issued by the council in respect of such advertising sign.

(2) No person shall advertise, place, exhibit or display or cause to be advertised, placed, exhibited or displayed, any advertisement or advertising device of any kind upon any hoarding unless he is the holder of a current licence issued by the council in respect of such hoarding.

(3) The council may refuse to permit the erection of hoardings for bill posting or

other purposes in localities where it deems them likely to be prejudicial to the surrounding neighbourhood or to be a disfigurement to a residential or other street.

(4) Where any alteration is made in an advertising sign, then notwithstanding that when it was first displayed the consent of the engineer was obtained in respect thereof in terms of section 22 and the prescribed fee was paid, a further such consent shall be obtained and a further such fee be paid before any alteration is made to the electrical wiring or system of the sign as a result of which the message conveyed by it is changed.

17. PROHIBITED SIGNS

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

(a) Any sign which is painted on, or fixed on, to or between the columns of a street verandah.

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

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

(c) Any streamer sign across any street.

(d) Any sign on calico, paper mach., woven or similar material, except with the prior approval of the council.

(e) Any swinging sign.

(f) Any sign which interfered with or which is likely to interfere with any sign or signal for the control of traffic: Provided that -

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

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

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

(h) Any sign or signs, the total area of which exceeds 30 m², painted or fixed on a wall of a building not being a front wall of such building.

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

(j) Any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600 mm by 450 mm in size, affixed to the fence or entrance door or gate of a dwelling and in the case of a block of flats affixed to the wall of the entrance hall or entrance door of a flat, or a temporary advertising sign duly licensed in terms of the council's By-laws for the Licensing of Advertising Signs and Hoardings.

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

(2) No person shall operate or cause to permit to be operated any electrically illuminated sign otherwise than between the hours of sunrise to midnight.

18. HANGING SIGNS UNDER VERANDAHS OVER STREETS

(1) Every sign hanging under a verandah over a street

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

(b) have a clearance of not less than 2,5 m between the surface of the pavement and the lowest portion of the sign;

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

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

19. SIGNS ON VERANDAHS OVER STREETS

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

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

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

(i) have a maximum area of 1 m² in the aggregate for every 1,5 m or part thereof of the frontage of such building to the street over which the sign is erected;

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

(b) Nothing in this section contained shall be taken to prohibit the painting of signs not exceeding 600 mm in depth on beams over verandah columns, or on parapets of verandahs.

20. PROJECTING SIGNS

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

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

(3) Notwithstanding the provisions of subsection (2), larger projecting signs may be erected provided-

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

(b) the design thereof shall be to the satisfaction of the council, and it shall comply in all respects with these by-laws;

(c) such sign shall be fixed at right angles to the street and the front of the building upon which it is erected;

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

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

(f) Such sign shall not exceed 9 m in height or 1,5 m total projection from the building, or in the case of a sign consisting only of the name of a central public entertainment building as hereinafter defined, 14 m in height and 1,8 m in total projection from the building: Provided that this paragraph shall not apply to any sign which has been erected prior to the date of the publication hereof;

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

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

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

21. SIGNS FLAT ON BUILDINGS

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

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

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

(4) Notwithstanding the provisions of subsection (1) and (3), the council may, where it considers it desirable in the interest of the aesthetic appearance of the building on which the sign is placed or painted or of the neighbourhood of such building, permit or require the dimensions of any such sign to be greater than those prescribed.

22. SKY-SIGNS

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

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

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

(3) The vertical dimension of any sky-sign excluding the screen or other structure against which it is placed shall not exceed the dimensions shown in the following table:

HEIGHT OF BUILDING DIMENSIONS	TABLE VERTICAL
One or two storeys	1,3 m
Three or four storeys	1,9 m
Five or six storeys	2,6 m
Seven or eight storeys	3,2 m
Over eight storeys	4,8 m:

Provided that the vertical dimensions specified in the table may at the discretion of the council be exceeded, regard being had to the length and height of the building or to the necessity for screening lift houses, tanks or other structures or projects on the roof.

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

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

23. HANGING LAMPS AND CLOCKS

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

sidewalk. (2) A clock shall not be deemed to be included in the aggregate height

or a sign.

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

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

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

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

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

(e) upon receipt of a notice from the council under the hand of the engineer calling upon him to do so, remove such clock within the time stated in such notice, without the payment by the council of any compensation whatsoever;

(f) comply with the provisions of the by-laws of the council.

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

24.SUN-BLINDS

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

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

(3) At street intersections sun-blinds, both new and existing, shall be so placed that they shall not cause any interference with vehicular or pedestrian traffic, traffic

lights, street name plates or other notices for the guidance of the public.

25. BILL POSTINGS AND HOARDINGS

(1) No sign or hoarding which is not placed on a building and no billposting hoarding shall exceed 4 m in height above ground level.

(2) Drawings to a scale of 1:20 showing structural details of the supports, framework etc., shall be submitted to the council together with other details specially required under these by-laws dealing with signs.

(3) The design of such hoardings and signs shall be to the satisfaction of the council.

26. DECORATIONS DURING PUBLIC REJOICINGS

(1). All decorations, illuminating and other devices erected on occasions of public rejoicings shall be erected, arranged and secured as to minimise the danger of fire, and secure the public against risk to the satisfaction of the council in these respects.

27. SHOW CASES

(1). Show cases shall not exceed 1,5 m² in area, and shall not project more than 150 mm beyond the building line.

28. SIGNS NOT TO BE FIXED TO VERANDAH COLUMNS

(1) No sign of any description shall be fixed to street verandah posts or columns.

29. SIGNS REGARDED AS TENANCY AT WILL

(1) Any person erecting or possessing signs on or over any street, footway or pavement shall be regarded a tenant at will of the council in respect of such signs, and, if instructed 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.

(2) The council may remove such signs in the event of non-compliance with such

instruction or if they are not in accordance with these by-laws, and the expenses of such removal shall be recoverable in the ordinary process of law from the owner of the building or from the person to whom the signs belong.

CHAPTER IV

30. FENCES AND HOARDINGS FOR PROTECTION OF THE PUBLIC: DANGEROUS BUILDINGS

(1) Every person who erects removes, alters, repairs or paints any building or carries out any excavation, any part of which is within 2 m of a street shall, before commencing any such work, enclose or cause to be enclosed an area in front of such part of the aforesaid building.

(2) If the enclosure occupies or projects over any portion of a street, such person shall apply for a permit as hereinafter provided: Provided that if the person making the application is not the owner of the building or land on which the work is done or is to be done, such owner shall countersign the application as proof that he is aware thereof.

(3) No person shall erect in any street any hoarding, fence or scaffolding or any planked shed for any purpose whatsoever or make any enclosure for the purpose of depositing building or other materials or plant or for any other purpose without a written permit first having been obtained from the council.

(4) The council shall determine what portion of the street is necessary for the purpose of carrying out any building operations, and shall in all cases in which it shall deem it necessary that any street shall be used for such purposes, grant a permit in writing setting forth the portion which may be occupied for such purpose and the conditions whereunder such permit is granted.

(5) The council reserves the right to withhold the issue of the permits required in terms of this section until all fees and deposits laid down in these by-laws have been paid and the acceptance of any such permit by the applicant without demur shall be taken to indicate that all kerbs, gutters and other works were in good order and condition on the date of such permit.

(67) Every permit granted by the council for the erection of a hoarding, fence scaffolding or an enclosure or a planked shed, shall specify the area and precise position of that part of a street where the enclosure, overhanging or covering of which is permitted and the period for which the permit is granted.

(7) On the granting of a permit for a hoarding, fence, scaffolding, enclosure or planked shed, a fee shall be payable for every week or part of a week of the currency of the permit by the person to whom the permit is granted, which fee shall be calculated in the case of a hoarding, fence, or scaffolding at the rate of 50c for every m² of a street enclosed, overhung, covered or in any way obstructed thereby, and in the case of a planked shed which does not obstruct a street, at the rate of 50c for every m² of the street overhung or covered thereby.

(8) The person to whom a permit is granted in terms of this section, if he is a different person, and the owner of the land on which the building operations to which the permit relates are carried on, shall be jointly and severally liable for the fees prescribed by this section.

(9) The person to whom the permit is granted, shall pay in advance in respect of every parking meter, the removal whereof has been so necessitated, the charges assessed by the chief traffic officer, or any other person duly authorized thereto by the council, regard being had to charges prescribed by the council for parking regulated by meter.

31. PRESCRIBED WIDTH OF HOARDINGS

(1) The extent of ground forming portion of the street which shall be allowed to be occupied as aforesaid shall not in any case exceed 3,5 m in width, measured from and at right angles to the frontage of the ground at joining the public sidewalk, and in length shall extend along so much of the frontage as shall, in the opinion of the council, be necessary, and no other portion of the street shall be used for the purpose of depositing bricks, lime, rubbish or any other materials or plant in connection with such building, removals, alterations or repairs.

(2) The council may, in its discretion, permit a greater width of hoarding than is provided in subsection (1).

32. CLOSE HOARDINGS

(1) Any portion of the street for use whereof a permit shall be given as aforesaid shall be forthwith enclosed by the person obtaining such permit with a hoarding or close fence of such construction and appearance as, in the opinion of the council, shall be necessary.

(2) Any such hoarding or fence shall be not less than 2 m nor more than 3 m high, excepting in the case for which special provision is made hereinafter, and such hoarding or fence shall be adequately stayed and secured to resist the pressure of wind or of a crowd of people, and shall be maintained standing and in good condition to the satisfaction of the council to protect the public and traffic.

33. CORNER HOARDINGS

(1) In the case of corner hoardings, the hoarding or fence shall be splayed off at the angle from the frontage line in each street, and the height of the portion of the hoarding so splayed and along the other frontages for a distance of 1,5 m from each angle shall be 1,25 m in height, neither more nor less, except in the cases for which special provision is made hereinafter. All angles of hoardings shall be splayed off at an angle of 45 degrees at a distance of not less than 1,5 m from the point at which such hoarding would intersect were it not splayed off.

34. HOARDING ENTRANCES

(1). Not more than one opening in any hoarding shall be allowed for each 15 m of frontage; and such opening shall not exceed 4 m in width and shall be securely closed each day at sunset and remaining closed until sunrise the following morning.

35. OBSTRUCTING FIRE HYDRANTS

(1). If any fire hydrant be enclosed by any hoarding, a small door shall be made in such hoarding as close to the hydrant as possible, for the access of the fire

department, and such hydrant shall not be covered or obstructed by building or other material.

36. TEMPORARY FOOTWAYS

(1) In all cases in which the footway or sidewalk will, in the opinion of the council, be obstructed or rendered useless by the granting of the said permit, the person obtaining such permit shall cause to be put up outside the hoarding or fence above-mentioned and shall maintain in good condition during the time for which such permit shall run, a convenient platform and hand rail with posts and supports to the satisfaction of the council to serve as a way for pedestrians.

(2) Such pedestrian way shall be made and maintained to the satisfaction of the council, and shall be at least 1,5 m width and the posts and handrails shall not be less than 75 mm by 75 mm; the posts shall not be more than 2 m apart. The handrail shall be wrought smooth with edges rounded or bevelled.

(3) The whole of the footway between the rail and the hoarding shall be strongly boarded, so as to form a safe and rigid path for pedestrians.

37. LIGHTS ON HOARDINGS

(1). Any person obtaining such permit as aforesaid shall at sunset place suitable and sufficient lights upon such hoardings and temporary footways, and shall keep them well lighted during the night until sunrise to the satisfaction of the council.

38. GUTTER TO BE KEPT CLEAR

(1). The channel or bridge adjoining the footway shall not be obstructed but shall be kept clear of rubbish and building material by the person obtaining such permit as aforesaid; and in case there shall be no properly formed street gutter, the person obtaining such permit shall construct and keep clear a channel adequate to allow all surface water to flow freely.

39. COUNCIL MAY REMOVE HOARDINGS

- (1) The council shall have the right to remove or cause to be removed, any hoarding or obstruction upon the street should it consider that public safety or convenience require it, notwithstanding that a permit may have been granted for it.
- (2) The council may remove hoardings for which permits have been given if they are constructed or used otherwise than in accordance with these by-laws and otherwise than for the purpose and under the conditions set forth in the permit granted in pursuance of these by- laws.
- (3) The expense of removal shall be recoverable from the person who obtained the permit.

40. REMOVAL OF HOARDINGS FIXED WITHOUT PERMIT

- (1). In the event of any person without previously obtaining a permit in writing from the council as aforementioned, erecting or placing or causing to be erected or placed in any street, public road, square, footway or other public place within the area of jurisdiction of the council, any fence, scaffolding, hoarding or other obstruction, the council shall have the right to have the same immediately removed at the expense of such person who shall at the same time be liable to the penalties hereinafter provided for breach of these by-laws.

41. WELL HOLES AND FIXING FLOORS DURING ERECTION

- (1) In the erection of any building exceeding 7,5 m in height, substantial temporary or permanent floor to the satisfaction of the council shall be provided as the work proceeds and any stair, ladder or well hole in such floor shall be protected by strong guard rails 1 m above floor level and all doorways in external walls and all window spaces opening on floor level and in buildings of the skeleton type, shall be protected in like manner.
- (2) No person shall carry on or allow any workman in his employ to carry on work upon any such building at a height exceeding 7,5 m above any such temporary or permanent floor, or at a height exceeding 7,5 m above the ground unless such temporary or permanent floor has been provided: Provided that joists laid or fixed not more than 500 mm apart shall be deemed to be a floor in terms of this section.

42. SCAFFOLDING

(1) The council may inspect any scaffolding or any other device used as a scaffold on or in connection with any operation for the construction, destruction, alteration or repair of any building, and should any such scaffold or other device be found in any way defective or overloaded, the council may serve a notice on the builder, owner, architect or person in charge

of the work calling upon him to rectify such defect or reduce such load, and any person upon whom such notice is served shall immediately comply therewith and shall prevent the further use by any workman of such scaffold or other device until such defect is rectified or load reduced to the satisfaction of the Council.

(2) Scaffolds shall be properly constructed of sound materials and all scaffolds other than those constructed of steel shall conform with the following requirements:-

(a) General

(i) Poles shall be clean and all bark removed before they are used. All timber used shall be free from dangerous knots and other defects.

(ii) Scaffold cords shall not be less than 12 mm in diameter by 6 m in length; chain gear may be used.

(iii) Wooden scaffold poles shall be lapped not less than 2 m and shall have not less than three lashings.

(iv) Wedges for lashings shall be properly tapered and not less than 350 mm in length.

(v) Cleats shall not be used for supporting any member of the framing.

(vi) Metal parts used for scaffolding shall be of suitable quality, be in good condition and free from corrosion or other patent defect likely to affect the strength materially.

(vii) Ladders and step-ladders shall be properly constructed of sound material

and of adequate strength for the purpose for which they are to be used. Any ladder fixed for the use of any person shall extend at least 1 m above the landing at the highest point of such landing.

(viii) A trestle scaffold shall not be erected to a greater height than 5 m internally or externally above the ground level. Trestles shall not be fixed at more than 2,5 metres when 228 mm by

38 mm decking is used for the working platform.

(b) Bricklayer's Scaffolding

A scaffolding used for bricklayers shall, in addition to the requirements set forth in paragraph

(a), comply with the following requirements:-

(i) Standards shall not be less than 125 mm in diameter at the base and shall be fixed in earth or barrels with a proper foundation of not more than 2,5 m.

(ii) Ledgers shall not be less than 125 mm based horizontally to the standards at not more than 1,5 m centres.

(iii) Putlogs shall not be less than 75 mm by 114 mm and shall be of straight grained wood not less than 1,5 m in length, fixed or wedged into walls at not more than 1,5 m centres.

(iv) Guard rails shall be of deal boards not less than 228 mm by 38 mm and shall be lashed to the standards at a height of not more than 1 m above the working platform of the scaffold over 4,5 m above ground level.

(v) Guard boards of 228 mm by 38 mm timber shall be nailed as skirting to the standards close to the working platform when such platform is more than 4,5 m above ground level.

(vi) Working platforms shall not be less than 900 mm in width and constructed with 228 mm by 38 mm or 304 mm by 38 mm boards. Laps shall not be less than 300 mm and shall be evenly fixed over the putlogs.

(vii) Scaffolds of greater height than 9 m above ground level shall be diagonally braced. Bracing shall not be less than 125 mm in diameter, lashed and wedged.

(4) Steel scaffolds shall be properly erected and shall be of sufficient strength to ensure the safety of all persons working thereon.

(5) Suspended scaffolds shall be properly erected with girders which shall be fastened to a sufficiently substantial concrete slab with u-bolts fixed through such slab with a steel plate fitted to the underside of the slab.

(6) The floor of the scaffold shall be of deal not less than 228 mm by 75 mm which shall be bolted to the units, which shall be not more than 3 m apart. Should there be no concrete slab, girders shall be bolted with steel bolts to the rafters of the roof.

43. CLEANING OF HIGH-UP WINDOWS

(1). No person shall himself clean, paint or repair the outside of any window or door at a height of over 3 m from the ground or area level below such window or door, or cause a permit any other person to do so in or on property in his control, occupation, or ownership, as the case may be, unless suitable and efficient provision is made to prevent any such person or material from falling.

44. SAFETY INDICATORS FOR CRANES

(1). No crane, whether having a fixed or derricking jib, shall be used unless it is fitted with an efficient and approved automatic indicator, which shall indicate clearly to the driver or person operating the crane, when the load being moved approaches the safe working load of the crane at any inclination of the jib, and which shall also give an efficient sound signal when the load being moved is in excess of the safe working load of the crane at any inclination of the jib.

45. SUPERVISION OF WORK NEGLECTED BY OWNER

(1). Whenever the council, through default of the owner, may have to carry out any work in consequence of a contravention of these by-laws, or in case of removal of insecure buildings or structures by the council, the owner of the building shall pay to the council a supervision cost in addition to any expenses for labour and materials incurred.

CHAPTER V

PUBLIC BUILDINGS AND PLACES OF ASSEMBLAGE

Certificate for public buildings.

46. Pit floor

- (1) The floors of the highest part of the pit shall be accessible from the street at the principal 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, nor 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.

47. Smoking behind proscenium.

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

48. Fire directions

- (1). 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.

49. Fire telephone

- (1). Every public building, if required by the 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.

CHAPTER VI

CINEMATOGRAPH HALLS, PROJECTIONS AND OPERATORS

50. Certificate Necessary

No person shall give or cause or permit to be given any cinematograph exhibition in

My public building unless he has complied with the requirements of this Chapter.

51. Projection Openings

- (1) Only openings which are necessary for projection, operation and observation shall be allowed and these only in the front wall at the operating chamber.
 - (1) There shall not be more than three such openings for each projector and they shall not exceed 300 mm by 300 mm, 300 mm by 600 mm and 600 mm by 600 mm each respectively. All openings shall be provided with a sheet of 6 mm plate glass built in and fixed so as effectively to prevent the penetration of smoke into the auditorium.
 - (2) In addition all openings shall be provided with tailing shutters of metal at least 3 mm thick which when closed, shall overlap the opening at least 25 mm on all sides.
 - (3) The shutters shall be arranged to cover the openings closely and to slide in property constructed metal grooves. The lower groove being packed with a rubber pad at least 12 mm thick.
- (4) Shutters shall be fitted in such a manner that they will all close simultaneously without noise by the action of one release.
 - (5) The apparatus for releasing such shutters shall be provided with suitable handles fixed in such position inside the chamber that the operator can release the shutters when standing in the usual position, for operating each one of the cinematograph projectors, and also with a link of Metal or section of quick burning film fixed directly over the film. A similar releasing handle shall be fixed outside the chamber in a position approved by the council.

52. Cinematograph projectors.

- (1) All cinematograph projectors shall be fitted with two film boxes of substantial construction to and from which the films shall travel.
- (2) Such boxes shall be made to close in a manner, which shall prevent fire from penetrating and shall be fitted with a film slot capable of preventing the passage of flame to the interior of the film-box, and shall be kept closed except for the insertion or removal of films.
- (3) Spools shall be chain or gear driven, and films shall be wound upon spools so that the wound films shall not at any time reach or project beyond the edges of the flanges of the spools.
- (4) All times when not in the machine and while still in the chamber shall be contained in closed metal boxes of self-closing pattern.
- (5) Films shall not be stored, rewound or repaired in any other place on the premises than the operating chamber or in some other approved fire-resisting enclosure.
- (6) No film shall be removed from the operating chamber or other approved fire-resisting chamber, except in a closed metal box.

53. Operating chambers

- (1) No smoking shall be permitted in any operating chamber and any person smoking therein shall be guilty of an offence.
- (2) No storage of any description or the use of any naked light shall be kept within the chamber. No paper, cardboard or rubbish shall be kept within
- (3) Adequate small fire appliances, including a chemical fire extinguisher of 14 liter capacity, a bucket of sand and a wet blanket shall be kept within the chamber ready for immediate use.

- (4) General lighting of entrances to or exits from any premises in which a cinematograph exhibition is being held, shall not be controlled from within the chamber.
- (5) A suitable barrier shall be fixed around the chamber at a distance of not less than 600 mm from any part thereof to prevent the audience from coming into contact therewith.
- (6) No work of any description other than the operating of and/or any essential repairs to machinery and rewinding and repairing of films shall be done inside the chamber while the audience is in the building.
- (7) Operators and all persons responsible for or employed in or in connection the exhibition shall take all due precautions for the prevention of accidents, and shall abstain from any act whatever which may tend to cause fire, danger of
- (8) Except for special essential repairs, no person other than the operator and duly appointed assistants, the licensee, the proprietor his manager of duly authorized representative and the Council's duly authorized officer shall be admitted to the chamber during the exhibition: Provided that with the consent of the licensee and the Council under the hand of its representative first has and obtained in writing professional and scientific investigators may be permitted to visit operating chambers during an exhibition.
- (9) The operator or duly appointed assistant shall continually be in the chamber during the exhibition and in no circumstance shall there at any time more than four persons in the operating chamber during the exhibition.

54. Cases in which operating chambers are not required.

- (1). Notwithstanding anything to the contrary in this Chapter contained, it shall not be necessary to provide a chamber for the projection of motion pictures in the case of –

- (a) any miniature projector in which the maximum electric current used for light shall be three hundred and fifty watts. Such miniature projector shall be operated in an approved box or case of fire-resisting material constructed with a fusible link or other approved releasing device to close the projecting opening instantaneously and completely in case of combustion within the box or case. The light in such miniature projector shall be completely enclosed in a metal lantern box covered with a fixed roof;
- (b) any miniature projection apparatus, which uses only an enclosed incandescent lamp and nonflammable and or slow-burning films and is so constructed that films of ordinary standard size cannot be used therein.

55. Outside chambers included

- (1). These By-laws shall apply to buildings and cinematograph chambers whether or not the apparatus is fixed inside or outside the hall or structure accommodating the audience.

56. Alterations prohibited without permission

- (1) After any licence has been granted, it shall not be permissible for the licensee to make any alterations to the building, chamber, fixtures or contents without the sanction of the Council under penalty of revocation of the licence.

57. New By-laws to be complied with

- (1) Where existing cinematograph displays have been authorized by the Council prior to the coming into operation of these By-laws, licensees shall forthwith comply with these By-laws except in regard to size and shape of operating chambers:
- (2) Provided that no projectors or stereopticons shall be installed in any existing operating chamber beyond the number installed at the date these By-laws came into force, unless such chambers comply with the requirements in regard to size and shape and or such additional projectors of stereopticons, and then only with the permission of the Council.

58. Insulators

- (1). Porcelain cleats or bobbin insulators carrying cables shall be securely fixed and placed sufficiently close together to prevent the cables reaching walls, woodwork of other surfaces.
- (2) The whole of the wiring shall be carried out in a thoroughly workmanlike manner, and all cables, fuses, switches, resistances and apparatus shall be so fixed as to be out of reach of any unauthorized person.
- (3) Lantern resistances and any other current carrying devices shall be of proper design and well suited for the work required: each shall be self-contained and enclosed in iron cases:
- (4) all current carrying metal parts to be well insulated from iron frames and covers, and these in turn to be supported that while in operating they shall be at least 750 mm from any wood or other flammable material.
- (5) Pilot lights used within the chamber shall be provided with two single pole fuses and one single pole switch.

59. Lantern

- (1). The lantern shall be placed on firm supports of fire-resisting construction.
- (2) The lamp or jet shall stand on an iron tray, with a vertical edge of at least 25 mm in depth.
- (3) The lantern shall be provided with an authorized metal shutter to act between the source of the light and the film gate.
- (4) The action of this shutter will be such that it shall close automatically immediately the film becomes stationary.
- (5) A sliding metal shutter shall be provided in addition to the automatic shutter.

60. Precautions for films

- (1). The film gate shall be of massive construction and provided with ample heatradiating surface, and the passage for the film shall be sufficiently narrow to prevent flame traveling upwards or downwards from the light opening.
- (2) Film pools when in use shall be fixed in noncombustible smoke-proof boxes.

61. Electric illumination

- (1) Where possible, the electric lights shall be adopted as the illuminant and the Council's regulations for securing safety in an electrical installation shall be

observed.

- (2) Circuits, in which there is a pressure exceeding 250 volts between the poles, or from either pole to earth, shall not be allowed in connection with the apparatus.
- (3) Where apparatus is placed in a portable box, a permanently installed circuit shall be carried to a convenient point, having regard to the position of the apparatus.
- (4) Resistance shall be placed in an approved position and where practicable, outside the chamber.
- (5) A small resistance for regulating purposes may be allowed within the chamber, but such resistance shall be fixed above the level of and behind the lantern.

62. Rules for wiring

- (1). Electric wiring for lanterns shall be allowed on the service cable, subject to the following conditions
 - (a) written notice shall be given to the council's electrical engineer 48 hours before the supply is required.
 - (b) the whole of the work shall be inspected and passed by the Council's electrical engineer before the connection is made to the supply mains.

63. Notices required

- (1) Should a consumer fail to give notice and connect up without permission the Council's electrical engineer or his representative may have the service disconnected immediately. Cables connecting the apparatus to the supply mains shall be connected at the municipal point of entry, or at a distributing board, provided that cable feeding the board is of sufficient current carrying capacity to supply the apparatus and lighting required for the board.

64. Switches and fuses

- (1). A double pole switch and two single pole fuses shall be fixed on the cables within 1 m of the point of connection to the supply mains. Similarly a double pole switch and two single pole fuses shall be fixed to the cables within 2 m of

the apparatus.

- (2) The controlling switches and fuses shall be of ample carrying capacity, and comply in every detail with the requirements of the council's electrical engineer.

65. Position of miniature projectors.

- (1) No miniature projector shall be placed or fixed within 1,5 m of any hangings, curtains or furniture of a combustible nature or rewinding and/or repair of films used in connection with such projectors shall not be effected in the building whilst any member of audience are therein.
- (2) In all places of entertainment where cinematograph displays form or are intended to form the whole or any portion of the entertainment, the angle of elevation of the center point of the top edge of the screen at any point in the auditorium shall be, 1 m above the floor, shall not exceed 35 degrees and the horizontal angle made by the screen and a line connecting the vertical edge of the screen and the seat in the front row farthest therefrom shall not be less than 256 degrees:
- (3) Provided that nothing herein contained shall require the alteration of seating arrangements of any building existing at the date of publication of these By-laws, and in respect of which a certificate has been granted.

66. Cinematograph operator's licence to be obtained.

- (1). No person shall operate any cinematograph apparatus, and no person shall cause or permit any person to operate a cinematograph apparatus during such time as the auditorium is occupied by the public, unless such person is in lawful possession of a licence obtained from the Council duly authorizing him thereto: Provided that a learner may operate such apparatus but shall do so in the presence of a licensed operator.

67. Examination

- (1). Any person wishing to obtain a licence as cinematograph operator after the date of publication of these By-laws shall submit himself to such examination or examination as may from time to time be deemed necessary or advisable by the Council. Such examination shall be held by the Council's

engineer or his authorized assistant or by any duly appointed Institute or Board Examiners. Before being admitted to any examination the candidate shall pay any reasonable examination fees demanded and shall prove to the examiner of examiners:

- (a) that he has attained the age of 21 years;
- (b) that he is able to read and write at least one of the official languages;
- (c) that he has no physical disability which might interfere with the safe and satisfactory execution of his duties as a cinematograph operator;
- (d) that he has had experience in an operating chamber or chambers under the direction or control of a licensed or qualified operator and the extent thereof.

68. Extent of examination

- (1). No person shall be granted a cinematograph operator's licence until he shall have complied with the conditions laid down in section 66 and shall, in addition, have satisfied the examiner or examiners –
 - (a) that he is acquainted with and understands the electrical and other By-laws relating to cinematographs, particularly those applicable to operating chambers, their machines, appliances and appurtenances.
 - (b) that he has thorough practical knowledge of the mechanism and method of operating and working cinematograph machines and all appliances, appurtenances and apparatus connected therewith and is competent to carry out such repairs, adjustments or replacements as may be necessary during and in preparation for a performance:
 - (c) that he has at least an elementary knowledge of optics in so far as it applies to cinematograph projectors:
 - (d) that, if he is not in possession of a registered electrical wireman's licence, he has at least an elementary knowledge of electrotechnics

applicable to the various electrical apparatus or appertaining to the operating chamber;

- (e) that he knows how to act in case of emergency, panic or fire and is capable of so acting.

69. Register to be signed

- (1). Prior to the issue of a licence to any successful applicant, such applicant shall be required to sign a register containing a declaration that he accepts such licence subject to and that he will comply with the conditions thereof and with any regulations or By- laws from time to time in force within the municipality with regard to such licence.

70. Licence fee

- (1). Every duly qualified applicant for a cinematograph operator's licence shall pay to the council the sum of R1 and submit to the council two recent identical photographs, measuring 40 mm by 30 mm of his head and shoulders before he receives such licence.

71. Licence to be produced.

- (1). Any licensee, if called upon at any time to do so, shall produce his licence for the inspection by any duly authorized officer of the Council.

72. Suspension or cancellation of licence

- (1). The council may at any time cancel or suspend any licence granted to any person where it has satisfied itself that such person has carried out his duties in a negligent or unworkmanlike manner to the danger of any person or persons or to property, or contrary to any the council's By-laws:
- (4) Provided that no licence shall be suspended or cancelled until the person holding such licence has been given an opportunity of appearing before a committee of the council and or being heard in his own defence.

CHAPTER VII

LEGAL MATTERS

73. DOMICILIUM

(1) The street, building or flat address of the point of concern or complaint/respondent would be deemed to be the place or domicilium citandi et executandi of the area or place for the purpose of serving of any document in accordance with section 115 of the Local Government: Municipal System Act of 2000 (as amended)

74. OFFENSES AND PENALTIES

(1) Any person who contravenes any of the provision of this by-law's shall be guilty of an offence.

(2) Persons convicted of offences under this by-law shall be tried by a court of law and sentenced to imprisonment not exceeding (3) three months alternatively fines to be determined by the court

(3) A court may order compensation on application for loss and or damages sustained by the services provider in addition to a fine or imprisonment.

CHAPTER 10

REPEAL OF BY-LAWS

75. Any by-law relating to the Building by-laws adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.