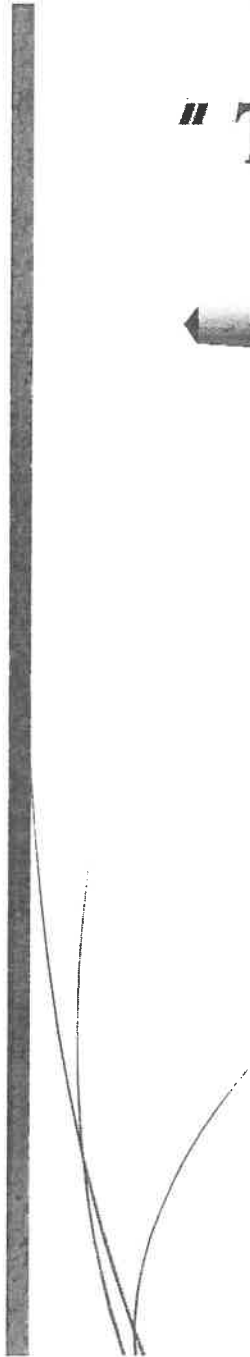


MUNICIPAL NOTICE 521 OF 2024

**ULUNDI LOCAL MUNICIPALITY**

**" The City of Heritage "**



# BUILDING BY-LAWS

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## **BUILDING INSPECTORATE BY-LAWS**

Ulundi Local Municipality hereby, in terms of the Municipal Systems Act, (Act No.32 of 2000) in conjunction with National Building Regulations and Building Standards Act, (Act No. 103 of 1977) has prepared the following Bylaws with the aims to promote and accelerate the uniformity in the law relating to the erection of buildings within the areas of jurisdiction, by determining sustainable development standards, and for matters connected therewith as contemplated on the aforementioned Acts.

### **PREAMBLE**

The Ulundi Local Municipality aims to regulate development applications and procedures to be adhered to by the residents within the municipality's area of jurisdiction and encompassing surroundings. The Municipality aims to ensure quality life of its residents and promote the sustainable growth development as stipulated on the **Spatial Planning and Land Use Management Act, No. 16 of 2013** and exercise its authenticity over such regulatory policy as stipulated on the **Municipal Systems Act, 32 of 2000** as well as **National Building Regulations and Building Standards Act, 103 of 1977** (These provisions provide that a municipality can conclude an agreement with a traditional council which would allow a traditional council to take over some of the land planning and land use powers and functions that are vested in the municipality, as long as the traditional council is not empowered to make a decision in relation to land planning and land use). These by-laws are applicable to every building, sewerage installation and water installation.

## CHAPTER 1

### DEFINITIONS

In these By-laws, unless the context clearly gives it another meaning –

“**Application**” means an application contemplated in Section 4 of the Nation Building Regulations and Building Standards Act.

“**Applicant**” means any person who makes an application

“**Approved**” means approved by any local authority; or approved by the review board on appeal to the review board in terms of the Nation Building Regulations and Building Standards Act.

“**Architect**” Means an architect as defined in section 1 of the Architects' Act, 1970 (Act 35 of 1970);

“**Architectural area**” means the sum of the areas of the several floors of a building, including basements, mezzanine and intermediate floor tiers and penthouses of headroom height, measured from the exterior faces of the exterior walls

“**Building**” includes any other structure, whether of a temporary or permanent nature as envisaged in section 1 of the National Building Regulations and Building Standards Act (Act 103 of 1997).

“**Building control officer**” Means any person appointed or deemed to be appointed as building control officer by a local authority in terms of section 5 of Act 103 of 1977 “**Bureau**” means the bureau as defined in section 1 of the Standards Act;

“**By-laws**” refers to a regulatory policy that has been prepared by the municipality in supplement of the national development regulating legislations contemplated on this document. “**Code of practice**” means code of practice as defined in section 1 of the Standards Act

“**Connecting sewer**” means a pipe vested in the vested in the local authority which connects a drain to a sewer.

“**Council**” means the council as defined in section 1 of the Standards Act;

“**Erection**”, in relation to a building, includes the alteration, conversion, extension, rebuilding, reerection, subdivision of or addition to, or repair of any part of the structural system of, any building; and

“**Informal settlement**” means the informal occupation of land by persons none of whom are the registered owner of such land, which persons are using the land for primarily residential purposes, with or without the consent of the registered owner and established outside of the provisions of this By-law or any other applicable planning legislation.

“**Integrated development plan**” means a plan as contemplated in section 25 of the Municipal Systems Act.

“**Land**” means any erf, agricultural holding, and sectional title scheme-land or farm portion that includes any improvement or building on land and any real right in land.

**'Land surveyor'** means a land surveyor as defined in section 49 of the Land Survey Act, 1927 (Act 9 of 1927);

**'Local authority'** means-

- (a) any institution, council or body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 (Act 32 of 1961);
- (b) Any statutory body designated by the Minister, after consultation with the Administrator of the province in question, by notice in the Gazette as a local authority for the purposes of this Act or any provision thereof;

**"Municipal Systems Act"** means the Municipal Systems Act (Act 32 of 2000), a fundamental piece of legislation in South Africa that provides the framework for the internal systems, administration, and functions of municipalities

**"National Building Regulations and Building Standards Act"** means the National Building Regulations and Building Standards Act (Act 103 of 1977).

**'Registered person'** means a person defined in section 1 of the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990), as a certificated engineer, engineering technician, professional engineer or professional technologist (engineering);

**'Regulations'** means the regulations made in terms of section 20 of Act 103 of 1977

**'Review board'** means the review board referred to in section 9 of Act 103 of 1977

**'Specification'** means a specification as defined in section 1 of the Standards Act;

[Definition of 'specification' inserted by s. 1 (d) of Act 36 of 1984.]

**'Standard method'** means a standard method as defined in section 1 of the Standards Act;

**'Statutory body'** means any board, fund, institution, company, corporation or other organization established or constituted by or under any law;

**'Structural system'**, in relation to a building, means the system of constructional elements and components of any building which is provided to resist the loads acting upon it and to transfer such loads to the ground upon which the foundation of the building rests;

**'Owner'**, in relation to a building or land, means the person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question: Provided that if-

- (a) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his own affairs or a prodigal or is a patient as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973), or if his estate has been sequestrated, the executor or curator concerned, as the case may be;
- (b) such person, in the case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;
- (c) such person is absent from the Republic or if his whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or land or who is responsible therefor;
- (d) the local authority in question is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or land or who enjoys such benefit, shall be deemed to be the owner of such building or land;

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***Ulundi Local Municipality - Building Inspectorate By-Laws***

## CHAPTER 2

### 2.1 APPLICATION

- (a) The designing, planning and the supervision of the erection of any building or structure or the performance any function in connection therewith in terms of this policy subject to the of any law in terms of which the person undertaking such work is required to be registered in terms of the Architects Act, 1970 (Act 35 of 1970), or to have a specified qualification or other attribute or to have hard experience of a specified nature.
- (b) The plans and particulars in respect of any building to erected by or on behalf of the State shall be accompanied by a certificate signed by the head of State Department concerned or an officer designated by him setting out in full details as to the respect in which such erection will not comply with the requirements of this policy.
- (c) No person shall erect any building which is to be supported by an existing building or extend an existing building unless approved by competent local authority.
- (d) Where in any application the owner of any building has declared such building to be a temporary building, the local authority shall, before granting provisional authorization, should asses such building to their full satisfaction.
- (e) Any stall or other similar building to be erected as part of an exhibition shall be deemed to be a temporary building: provided that where such stall is to be erected inside any exhibition hall, the owner of such hall shall submit to the local authority a layout plan of all stalls within such hall showing the location of each individual stall and all aisles, passageways, escape routes and fire-fighting equipment.
- (f) Where an application is made to make an alteration or addition to any building, such addition shall comply with the requirements of the policy not unless instructed/recommended by the local authority.
- (g) Where in terms of this policy an obligation has been imposed, the owner of any building or land to do or refrain from doing any particular act or thing, such owner and the third party have lawfully agreed in writing that such other person shall accept such obligation of such owner. Where required by the local authority should furnish the local authority with the written proof of the fact contemplated.

## 2.2 APPLICATION PROCEDURES

- (a) Any person intending to erect any building shall submit to the local authority the following plans and particulars, together with the application:
- (i) A site plan;
  - (ii) layout drawings;
  - (iii) a fire installation drawing;
  - (iv) drainage installation drawing;
  - (v) particulars of any existing building which is to be demolished and details of the method of demolition to be used;
  - (vi) such plans and particulars as may be required by the local authority in respect of-
    - ❖ general structural arrangements, subject to any requirement contained in these regulations with regard to design of the structural system;
    - ❖ general arrangement of artificial ventilation;
    - ❖ a fire protection plan;
    - ❖ any certificate contemplated in these regulations, including any applicable Agreement Certificate;
    - ❖ Particulars required in terms of any applicable legislation, by-laws, or part of SANS 10400
- (b) A declaration by a person registered in a professional category of registration in terms of the one of the councils for the professions identified in the **Council for the Built Environment Act, 2000 ( Act No. 43 of 2000 )** in the relevant portion of Form1 contained in **SANS10400-A** as to how the applicable functional regulations shall be satisfied; Provided that such plans and particulars shall not be submitted where –
- (i) as a result of any exemption contemplated in paragraph (a) or (b) of the provision to section 2(4) of Act 103 of 1977, it is not necessary to do so;
  - (ii) an exemption has been granted by a building control officer in terms of section 13 of the Act of 103 of 1977; or
  - (iii) any minor building work is a building having an area of not more than **5 m<sup>2</sup>** or is a pergola, wire fence or an open-sided fabric covered shelter for a car, caravan or boat;
- (c) in the case of any temporary building, only such plans and particulars as are contemplated in regulation A23 of Act 103 of 1977, shall be submitted.
- (2) The owner of a building shall appoint and retain the services of the person responsible for submitting the declaration required in sub-regulation (1)(g) and shall advise such person after such declaration has been submitted to the local authority of any changes made in the manner in which any functional regulation shall be

satisfied or if the services of the competent person is for whatever reason terminated prior to the conclusion of his obligations in terms of these regulations, or the appointment of any other competent person. Such person shall within **ONE MONTH** of being notified by the owner or becoming aware of any change submit an amended declaration to the local authority.

- (3) Where it is not possible for the person appointed by the owner of a building in subregulation (2)(b) to fulfil his or her duties, the owner of such building shall appoint and retain another suitably qualified person to take over and perform the duties and responsibilities assigned to such person.
- (4) The names of all approved competent persons shall be entered into the appropriate schedule of Form1 contained in SANS10400-A before local authority approval may be granted.
- (5) A certified copy of approved plans and particulars contemplated in sub-regulation (2)(a) shall be available at the site where any building is being erected until a certificate of occupancy has been issued by the local authority.
- (6)
  - (i) Where design work for the proposed erection of any building was commenced before the date of coming into effect of any amendment to these regulations or within **6 MONTHS** of the publication of an edition of any part of SANS 10400 or a by-law and an application in respect of such erection has not been made prior to such date, the owner of the building, or a person authorized by the owner, may notify the local authority that such design work was so commenced and has so progressed.
  - (ii) Subject to the provisions of this sub-regulation, an application in respect of an erection which has been the subject of a notification contemplated in paragraph (a) shall if so requested by the owner be dealt with by the local authority in accordance with the provisions of the building regulations, by-laws or edition of SANS 10400 in force immediately before such date.
  - (iii) Any notification contemplated in paragraph (a) shall -
    - (i) be submitted by registered post within 6 months of the coming into effect of any new regulation, by-law or; and
    - (ii) Contain the name and address of the owner, the address of the site of the building concerned, the date of commencement of such design work and a description of the proposed erection and its intended use.
  - (iv) The local authority shall, in writing, inform the owner concerned of acceptance of such notification.



## CHAPTER 3

### 3.1 FORMAL APPLICATIONS GENERAL REQUIREMENTS

All applications lodged on the municipality shall encompass the following;-

- (a) Any application form shall be dated and signed in black ink by the owner.
- (b) Any application shall be accompanied by at least one set of plans, drawings and diagrams which shall - (i) be clear and legible;
  - (ii) be drawn on any suitable material or be provided in a medium acceptable to the local authority;
  - (iii) contain the name of the owner of the site concerned; and
  - (iv) Be dated and signed in black ink by the owner; and every subsequent alteration shall be likewise dated and signed.
- (c) Any application shall be accompanied by as many additional *paper* copies of every plan, drawing or diagram as required by the local authority.
- (d) Such plans, drawing, diagrams, and any copies thereof, shall be on sheets of the A series of sizes or multiples of A4.
- (e) Plans, drawings and diagrams shall be drawn to a suitable scale selected from one of the following scales:
  - (i) *Site plans*:  
1:1 000, 1:500, 1:250, 1:200 or 1:100.
  - (ii) *Plumbing installation drawings*:  
1:200, 1:100 or 1:50.
  - (iii) *Layout drawings*:  
1:100, 1:50 or 1:20: Provided that in the case of elevations 1:200 may be used.
  - (iv) *General structural arrangement drawings and structural details*:  
1:100, 1:50, 1:20, 1:10, 1:5, 1:2 or 1:1.
  - (v) *Fire protection plans*:  
1:200, 1:100, 1:50 or 1:20.
- (f) The local authority may accept a scale not provided for in this sub-regulation.

(g) One copy of the plans and drawings contemplated in sub-regulation (2)(a) shall, for the convenience of the local authority, identify in a suitable manner or color the following as indicated below:

(i) MATERIAL	COLOUR ( in plan or section )
New Masonry	Red
New concrete	Green
New iron or steel	Blue
New wood	Yellow
New glass	Black
Existing material (all materials)	Grey

(i) All other new materials to be clearly indicated in colors other than the above.

SITE PLAN	COLOUR
Proposed work	Red
Existing work	Not colored
Work to be demolished	Drawn with black dotted lines

**DRAINAGE INSTALLATION CONTEMPLATED**

in sub-regulation 2(a)

DRAINAGE SYSTEM	COLOUR
Drains and soil pipes	Brown
Waste pipes	Green
Soil and combined vents	Red
Waste vents	Blue
Pipes for the conveyance of industrial effluent	Orange
Existing drains	Black
Storm water drains	Not colored

- (h) The escape route drawn on any fire protection plan shall be colored green and the direction of travel to a safe area shall be indicated by arrows drawn at short intervals along the plan route.
- (i) In all cases the scales employed shall be stated on the plans and drawings, and the letters and symbols used on such plans and drawings shall be not less than 2,5mm in size in the case of upper-case letters.

### **3.1.1 SITE PLANS**

Any site plan contemplated in sub-regulation 2(a) shall fully and clearly contain the following information, where applicable: (a) The dimensions of the site on which the building is to be erected;

- (i) the boundaries of such site;
  - (ii) dimensioned position of any building line; and
  - (iii) the position and width of any servitude or right of way to which such site is subject;
- (b) the registered number or other designation of such site;
- (c) the direction of true north, and if required by the local authority, the natural ground contours at suitable vertical intervals or spot levels at each corner of such site;
- (d) the name of the street upon which such site abuts;
- (e) the location of -
- (i) any municipal service and any connection point thereto; and
  - (ii) any drain, storm water drain, or surface channel existing upon such site;
- (f) the location of -
- (i) the proposed building;
  - (ii) any existing building; and
  - (iii) any building proposed to be demolished;
- (g) (i) any existing and intended point of access from any public street; and
- (iii) The location of any street tree, street furniture, apparatus or equipment relative to such access.

### **3.1.2 LAYOUT DRAWING**

Any layout drawing contemplated in regulation 2 shall indicate the occupancy classification, and shall consist of as many plans, sections, elevations and such other details as may be necessary to show.

- (a) foundations, floors, walls, fixed and openable windows, fanlights, louvres and other ventilating devices, artificial ventilation systems including any cooling tower or plantroom, doors, stairs, roofs and chimneys;
- (b) sanitary fixtures;
- (c) structural members required in terms of regulation A4(1)(a) Act 103 of 1977;
- (d) the intended use and horizontal and vertical dimensions of rooms or other spaces;
- (e) all details relating to the facilities provided for persons with disabilities; (f) where fixed seating is provided -
  - (i) the layout of all rows, seats and aisles;
  - (ii) the position of all exit doors; and
  - (iii) the total number of seats;
- (g) details of the position, dimensions and materials of damp-proofing;
- (h) the location, levels and size of any paved areas adjacent to the building;
- (i) where required by the local authority, contours of the site and the levels of any adjoining verge of any roadway, together with a section along the length of any vehicle driveway, which shall show the relative levels and gradients;
- (j) where required by the local authority, the levels of the floors relative to one another and to-
  - (i) the existing ground surface;
  - (ii) the proposed finished ground surface;
  - (iii) the surface of any public place or public street at the boundary of the site; and
  - (iv) all street levels supplied in terms of regulation A12 of Act 103 of 1997;
- (k) Storm water drainage on the site, where such drainage is required by the local authority; and details of any special provisions, required in terms of these regulations, for disabled persons.

## CHAPTER 4

### 4.1 APPROVAL BY LOCAL AUTHORITIES OF APPLICATIONS IN RESPECT OF ERECTION OF BUILDINGS

- (1) No person shall without the prior approval in writing of the local authority in question, erect any building in respect of which plans and specifications are to be drawn and submitted in terms of these By-laws.
- (2) Any application for approval referred to in subsection (1) shall be in writing on a form made available for that purpose by the local authority in question.
- (3) Any application referred to in subsection (2) shall-
  - (a) contain the name and address of the applicant and, if the applicant is not the owner of the land on which the building in question is to be erected, of the owner of such land;
  - (b) Be accompanied by such plans, specifications, documents and information as may be required by or under this Act, and by such particulars as may be required by the local authority in question for the carrying out of the objects and purposes of this Act.
- (4) Any person erecting any building in contravention of the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine of R5000 on the date of first notice and a further R500.00 for each day on which he was engaged in so erecting such building or any fee applicable in line with the jurisdiction of the applicable court.
- (5) If a local authority, having considered a recommendation referred to in subsection 5(a)-
  - (a) Is satisfied that the application in question complies with the requirements of this Act and any other applicable law, it shall grant its approval in respect thereof;
  - (b)
    - i. is not so satisfied; or
    - ii. is satisfied that the building to which the application in question relates-
  - (c) Is to be erected in such manner or will be of such nature or appearance that-
  - (d) The area in which it is to be erected will probably or in fact be disfigured thereby;
  - (e) It will probably or in fact be unsightly or objectionable;

- (f) It will probably or in fact derogate from the value of adjoining or neighboring properties;
- (g) Will probably or in fact be dangerous to life or property,
- (6) Such local authority shall refuse to grant its approval in respect thereof and give written reasons for such refusal;
- (7) Provided that the local authority shall grant or refuse, as the case may be, its approval in respect of any application where the architectural area of the building to which the application relates is less than 500 square meters, within a period of 60 days after receipt of the application and, where the architectural area of such building is 500 square meters or larger, within a period of 90 days after receipt of the application.
- (8) When a local authority has granted its approval in accordance with subsection (5)(a) in respect of any application, such approval shall be endorsed on at least one of the copies of the plans, specifications and other documents in question returned to the applicant;
- (9) Any approval granted by a local authority in accordance with subsection (5)(a) in respect of any application shall lapse after the expiry of a period of **12 months** as from the date on which it was granted unless the erection of the building in question is commenced or proceeded with within the said period or unless such local authority extended the said period at the request in writing of the applicant concerned.
- (10) Any application in respect of which a local authority refused in accordance with subsection (5)(b) to grant its approval, may, notwithstanding the provisions of section 22 of Act 103 of 1977, at no additional cost and subject to the provisions of subsection (1) be submitted anew to the local authority within a period not exceeding one year from the date of such refusal-
- (i) if the plans, specifications and other documents have been amended in respect of any aspect thereof which gave cause for the refusal; and
- (ii) if the plans, specifications and other documents in their amended form do not substantially differ from the plans, specifications or other documents which were originally submitted; or
- (11)
- (a) Where an application is submitted under section 18 of Act 103 of 1977. The provisions of this section shall not be construed so as to prohibit a local authority, before granting or refusing its approval in accordance with subsection (1) in respect of an application, from

granting at the written request of the applicant and on such conditions as the local authority may think fit, provisional authorization to an applicant to commence or proceed with the erection of a building to which such application relates.

- (b) An application which is substantially the same as an application referred to in this Act and which before the date of commencement of this Act has been lodged with a local authority for its consideration and in respect of which such local authority on that date has not yet granted or refused its approval, shall be considered by such local authority as if this Act had not been passed.

#### **4.1 POWER OF COURT IN RESPECT OF APPROVAL BY LOCAL AUTHORITY**

- (a) If a local authority fails to grant or refuse timeously its approval in accordance with section 4 in respect of an application, a court may on the application of the applicant concerned make an order directing such local authority to perform its duties and exercise its powers in accordance with that section within the period stated in such order, or make such other order as it may deem just.
- (b) Notwithstanding anything to the contrary contained in any law relating to magistrates' courts, a magistrate shall have the jurisdiction to make any order referred to in subsection (a)

### **CHAPTER 5**

## 5.1 ERECTION OF BUILDINGS IN CERTAIN CIRCUMSTANCES SUBJECT TO PROHIBITION OR CONDITIONS

- (c) If any building or earthwork-
- i. in the opinion of the local authority in question is being or is to be erected in such manner that it-
    1. will not be in the interest of good health or hygiene;
    2. will be unsightly or objectionable;
    3. will probably or in fact be a nuisance to the occupiers of adjoining or neighboring properties;
    4. will probably or in fact derogate from the value of adjoining or neighboring properties;
  - ii. is being or is to be erected on a site which is subject to flooding or on a site which or any portion of which in the opinion of the local authority in question does not drain properly or is filled up or covered with refuse or material impregnated with matter liable to decomposition,
- (d) Such local authority may by notice in writing, served by post or delivered, prohibit the person erecting such building or earthwork or causing such building or earthwork to be erected from commencing or proceeding with the erection thereof or from so commencing or proceeding except on such conditions as such local authority may determine from time to time.
- (e) Any person who fails to comply with any provision of a notice or condition referred to in subsection (i) shall be guilty of an offence and liable on conviction to a fine of R5000 on the date of first notice and a further R500.00 for each day on which he was engaged in so erecting such building or any fee applicable in line with the jurisdiction of the applicable court.

## 5.2 ERECTION OF BUILDINGS SUBJECT TO TIME LIMIT

- (f) If for a period exceeding **3 months** the erection of a building is not proceeded with, the local authority in question may by notice in writing, served by post or delivered, order the owner of such building to resume and to complete the erection of such building within the periods specified in such notice.
- (g) If the owner of a building on or to whom a notice referred to in subsection (a) was served or delivered, fails to resume or complete the erection of such



building within the periods specified in such notice, the local authority in question may extend such periods from time to time if such owner satisfies it that such failure was due to circumstances beyond his control.

- (h) If the owner of a building on or to whom a notice referred to in subsection (a) was served or delivered, fails to resume or to complete the erection of such building within the periods specified in such notice or, when applicable, within such periods as extended in accordance with subsection (b), and the local authority in question is of the opinion that such building is unsightly or dangerous to life or property or derogates from the value of adjoining or neighboring properties, such local authority may by notice in writing, served by post or delivered, order such owner to demolish such building, to remove the material of which such building consisted and any other material or rubbish from the site in question, and to otherwise clean up such site within the period specified in the last mentioned notice.
- (i) If the owner of a building fails to comply with a notice served on or delivered to him in accordance with subsection (c) in respect of such building, the local authority in question may demolish such building, remove the material of which such building consisted and any other material or rubbish from the site in question and otherwise clean up such site, and may recover the costs thereof from such owner: Provided that such local authority may sell such material and may utilize the proceeds of such sale to defray the costs of such demolition, removal or clean-up and shall pay the balance, if any, of such proceeds to such owner.
- (j) Any approval granted by a local authority in accordance with section 7(a) in respect of any application shall lapse as soon as a notice in terms of subsection (c) is served on or delivered to the owner of the building in question in respect of such building.

### **5.3 DUTIES OF DRAFTSMEN OF PLANS, SPECIFICATIONS, DOCUMENTS AND DIAGRAMS**

Any person who prepared any plan, specification, document or diagram submitted in terms of this policy document or, and together with other laws shall affix his name and address and, in the case of an architect, land surveyor or registered person, also his profession and registration number, if any, to such plan, specification, document or diagrams

## 5.4 EXEMPTION OF BUILDINGS FROM NATIONAL BUILDING REGULATIONS AND AUTHORIZATION FOR ERECTION THEREOF

- (k) Any building control officer may in respect of the erection of a building defined in the national building regulations as a minor building work, in writing-
- i. exempt the owner of such building from the obligation to submit a plan in terms of this Act to the local authority in question for approval;
  - ii. Grant authorization for the erection of such building in accordance with the conditions and directions specified in such authorization.
- (l) Any authorization granted in terms of subsection (a)(i) shall lapse if after the expiry of a period of 6 months the erection of the building has not commenced, but the building control officer may from time to time extend such period at the written request of the owner of such building or any person having an interest therein if such building control officer is satisfied that there are sound reasons therefor.
- (m) If any building control officer refused to extend in terms of subsection (b) any period of 6 months referred to in that subsection, any person who feels aggrieved may in writing request the local authority in question to consider such refusal and thereupon such local authority may confirm such refusal or extend such period on such conditions as it may think fit.

## CHAPTER 6

### 6.1 ENTRY BY BUILDING CONTROL OFFICERS AND CERTAIN OTHER PERSONS OF CERTAIN BUILDINGS AND LAND

- (n) Any building control officer or any other person authorized thereto by the local authority may enter any building or land at any reasonable time with a view to inspection in connection with the consideration of any application submitted in terms of section 4, or to determine whether the owner of the building or land complies with any provision of this by-law or any condition imposed by the local authority in terms of any regulatory Act.
- (o) Any person who hinders or obstructs any building control officer or person authorized by the local authority in question in the exercise of his powers in terms of section 10 (a), shall be guilty of an offence.
- (p) Any building control officer shall, at the request of any person affected by the execution of any of his powers, duties or activities in terms of this Act,

produce his certificate of appointment issued to him in the form prescribed by national building regulation.

## **6.2 ORDER IN RESPECT OF ERECTION AND DEMOLITION OF BUILDINGS**

### **NOTICE OF INTENTION TO COMMENCE ERECTION OR DEMOLITION OF A BUILDING, AND NOTICES OF INSPECTION**

(1) (a) No work in connection with the erection or demolition of any building shall be commenced on the site unless notice, in the form required by the local authority, has been given to such local authority by the owner of such building, stating the date on which such erection or demolition will commence.

(b) Such notice shall in the case of the erection of a building be given at least four days, exclusive of a Saturday, Sunday or public holiday, and in the case of the demolition of a building, at least 10 days, exclusive of a Saturday, Sunday or public holiday, before such work commences.

(2) Notice in the form required by the local authority shall be given by the owner to such local authority of a date which shall be at least two working days from the date of receipt by it of such notice on which, as the case may be –

(a) Any fire installation will be connected to any communication pipe;

(b) Trenches or excavations will be ready for inspection prior to the placing of concrete for any foundation; or

(c) Any drainage installation will be ready for inspection and testing.

(d) The building will be completed.

(3) No owner shall construct any foundation until the trenches or excavations have been inspected and approved by the local authority, and such owner shall not backfill or enclose a drainage installation until such installation has been inspected, tested and approved by the local authority: Provided that this requirement shall not apply if such inspection and testing has not been carried out by the end of the working day which has the first date mentioned in sub-regulation (2).

(4) Any owner who fails to comply with the requirements of this regulation shall be guilty of an offence. Notwithstanding anything to the contrary contained in any law relating to magistrates' courts, a magistrate shall have jurisdiction, on the application of any local authority or the Minister, to make an order prohibiting any person from commencing or proceeding with the erection of any building or authorizing such local authority to demolish such building if such magistrate is satisfied that such erection is contrary to or does not comply with the provisions of this Act or any approval or authorization granted thereunder.

### 6.3 EXEMPTION FROM LIABILITY

No approval, permission, report, certificate or act granted, issued or performed in terms of this Act by or on behalf of any local authority or the council in connection with a building or the design, erection, demolition or alteration thereof, shall have the effect that-

- (a) such local authority or the council be liable to any person for any loss, damage, injury or death resulting from or arising out of or in any way connected with the manner in which such building was designed, erected, demolished or altered or the material used in the erection of such building or the quality of workmanship in the erection, demolition or alteration of such building;
- (b) the owner of such building be exempted from the duty to take care and to ensure that such building be designed, erected, completed, occupied and used or demolished or altered in accordance with the provisions of this Act and any other applicable law;
- (c) Any person be exempted from the provisions of any other law applicable in the area of jurisdiction of such local authority.

### 6.4 GENERAL OFFENCES AND PENALTY CLAUSE

Any person convicted of an offence under this Act in respect of which a fine or imprisonment is not expressly provided for, shall be liable to a fine not exceeding **R5 000** or any fine determined by the applicable court to imprisonment for a period not exceeding **12 months**.

#### 6.4.1 WASTE MATERIAL ON SITE

- (1) Where in the opinion of the local authority, excessive rubble, rubbish, other debris or combustible waste material is allowed to accumulate on a site before or during building operations, it may, by written notice, order the owner of such site to have such rubble, rubbish, other debris or combustible waste material removed within the period specified in such notice.
- (2) Any owner who fails to comply with such notice shall be guilty of an offence and the local authority may remove the said rubble, rubbish, other debris or combustible waste material from such site and may recover the Costs of such removal shall be incurred by the owner.

**6.4.2 CLEANING OF SITE**

- (1) Any owner or person erecting or demolishing any building shall remove any surplus material and matter arising from such erection or demolition from the site and from any other land or public street or public place affected by such material or matter during or after the completion of such erection or demolition, failing which the local authority may, by written notice, order the owner of such building to have such surplus material and matter removed within a period specified in such notice.
- (2) Any owner or person who fails to comply with a provision of regulation 4 (6) or a notice served on him in terms thereof, shall be guilty of an offence.

**6.4.3 BUILDER'S SHEDS**

- (1) Any owner or person carrying out or performing work in connection with the erection or the demolition of any building, may erect on the site of such work such temporary builder's sheds as may be necessary.
- (2) The construction and location of such sheds shall be to the satisfaction of the local authority and such sheds shall be maintained in good order.
- (3) Subject to the provisions of regulation 4 (6) such sheds shall only be used for a purpose connected with the carrying out or the performance of the work referred to in sub-regulation (1).
- (4) Shed shall not remain standing, it must be removed or demolished after 14 days of occupying the outbuilding, new dwelling or completed additions and alterations.

**6.4.4 GENERAL PROVISION**

These Bylaws establish standards for construction and design of buildings and ensures that they are constructed and maintained efficiently within the Jurisdiction of the Ulundi Local Municipality. They aim to create and maintain a built environment that is safe, functional and sustainable for the communities it serves.

**ANNEXURE****ULUNDI LOCAL MUNICIPALITY'S BYLAWS OFFENCES AND PENALTY SCHEDULE  
PREPARED IN TERMS OF NATIONAL BUILDING REGULATIONS AND SOUTH  
AFRICAN BUILDING STANDARD 101 OF ACT 103 OF 1977**

<b>OFFENCES AND PENALTIES</b>	<b>REGULATION</b>	<b>FINE</b>
Building without approved plans	4(1) & (4)	R5000
Continuing in contravention of a notice prohibiting the erection of a building	10(1) & (2)	R500 per day
Occupation or use of a building without certification of occupancy	14(4)(a)	R4500
Prohibition on the use of certain methods or materials	19(1) & (2)	R5000
Failure to submit engineer's drawings and engineers completion certificates	A2(1)(F)	R30 000
Failure to provide a certified copy of any approved plans and particulars onsite	A2(2)	R1000 per day
Submission of false or misleading information	A2(3)(f)	R5000
Use of a building for the purpose other than that indicated on the approved plan	A25(1)	Refer to Municipal Tariff Structure

Deviating from approved plan (foundations walls, freestanding and, retaining.	A25(5)	R2500
Failure to comply with provisions concerning demolitions condition	E1(3) & (4)	R5000
Control of dust and noise	F6	R1500
Cutting into, laying open and demolishing certain building work	F7(5)	R1500
Failure to construct and locate the builders shed to the satisfaction of the local authority	F10(2) & (7)	R2500
Laying of a sewer installation not within the premises	P1 (1) to (5)	R1500
Prohibition on discharge storm water to enter any drainage installation on any site	P3(2)(3) & (5)	R500 per day
Unauthorized drainage work	P6 (1) & (2)	R500 per day
Putting a sewer installation into use without an inspection	P7 (1) to (4)	R2500
Failure to provide storm water disposal requirements.	R1&R2 & A25(9) & (11)	R2500
Failure to provide sufficient fire extinguishers or fails to ensure that such extinguishers are installed, maintained, and services	T2(1)	R500 per day
Maintenance of boundary wall/ party Walls	23.5	R100 per day
Disposal of building rubble	21.5	Refer to Municipal Tariff Structure
Illegal temporary structures	19	R2500 Monthly
Inciting/preventing Building Control Law Enforcement Officer from entering premises or doing their job	36	R5500
Illegal carports and awnings	15	R2500