

MUNICIPAL NOTICE NUMBER. CS 7/2023

NEWCASTLE MUNICIPALITY



NEWCASTLE MUNICIPALITY DRAFT BUILDING BY-LAWS

**NEWCASTLE MUNICIPALITY
BUILDING BY-LAWS**

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CHAPTER I

Part I Definitions

1. (1) In these By-laws, unless inconsistent with the context and except where other meanings have been assigned to words or expressions in any particular chapter— “**Act**” means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

“**approved**” means approved by the Council or by an officer of the Council to whom its powers of approval have been delegated;

“**awning**” means an easily removable light-weight roof-like covering which projects from a wall or building;

“**balcony**” means an outside platform, enclosed along the outer edges by parapets, railings or balustrades, which may project beyond the external wall of a building at any storey above the ground storey and which may be partly or wholly roofed;

“**bay window**” means a window placed in a bay which has been advanced from the external wall of a building to add space to a room;

“**canopy**” means a rigid roof-like projection from wall of a building;

“**connecting stormwater sewer**” means a pipe vested in the Council, connecting a stormwater drainage system on premises to a stormwater sewer beyond the boundary of those premises or within a servitude area or within an area covered by a wayleave;

“**Council**” means the Newcastle Municipality and includes any Committee thereof to which the relevant powers and functions of the Council in terms of any of these By-laws have been plenarily delegated;

“**Council property**” includes all property owned by, vesting in or under the control of the Council other than property leased from the Council;

“**curtilage**” means the whole of the area of the ground within the boundaries of the subdivision or subdivisions forming the site of any building;

“**drain**” means the portion of a drainage system not vested in the Council which conveys the discharge from drainage pipes from any premises to a stormwater sewer;

“**drainage system**” means a system not vested in the Council which is used for or intended to be used for or in connection with the reception, conveyance, storage or treatment of stormwater on any premises and includes drains, fittings, appliances, septic tanks, conservancy tanks and private pumping installations forming part of or ancillary to such system;

“**drainage work**” includes any drain, water- supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

“**dwelling house**” means a building used or constructed or designed or adapted to be used as a residence by one family together with such out-buildings as are ordinarily used therewith;

“encroachment” means any projection from a building which encroaches under, into or over any street or public place;

“excavation work” includes loosening, taking out, and removing stone or soil or other material in connection with building work;

“existing encroachment” means any encroachment lawfully in existence at the date of coming into operation of Chapter II;

“flat” means a portion of a building designed for occupation by a single family or household for living purposes and containing one or more habitable rooms, a kitchen, a bathroom and a water closet pan;

“footpath” means a street or part of a street that is used by pedestrians; **“foul-**

water” means soil water, waste water and trade effluent;

“frontage works” means any gate, gateway, driveway, path or other means of access to premises and any wall, fence or other structures and any permanent earthworks abutting upon a street or situated on private property within five metres of the street line or any line which the Municipal Manager has prescribed as a future street line;

“hoarding” means any fence or screen which is used while building or excavation work, as the case may be, is in progress, to enclose a building or material or an excavation;

“Municipal Manager” means the person appointed as such by the Council from time to time or authorised to act in that capacity, and includes any Deputy Municipal Manager, the Director: Development and any other officer of the Council nominated by the Municipal Manager to discharge all or part of the functions of the Municipal Manager under these By-laws to the extent of such nomination;

“outbuilding” means a private garage, privy, private workshop, private storeroom or any other similar structure other than servants’ quarters, the use of which is incidental and ancillary to that of the main building on the same cartilage;

“parapet” includes a low wall along the edge of a balcony or a roof;

“party wall” means—

- (i) a wall forming part of a building and used, or constructed to be used, for the separation of adjoining parts of the building belonging to different owners, or occupied, or constructed, or adapted to be occupied by different persons;
- (ii) a wall whose base extends across the common boundary of land in different ownership;

“pavement” means a paved footpath;

“pile” means a structural member inserted into the subsoil and which transmits a load to the subsoil through friction or end bearing or some combination of both;

“**premises**” means any building together with the land on which such building is situated and the adjoining land used in connection therewith and any land without buildings;

“**prescribed charges**” and “prescribed tariff of charges” mean the charges prescribed by the Council by resolution from time to time;

“**public water**” means any river, watercourse, bay, estuary, the sea and any other water which the public has a right to use or to which the public has the right of access;

“**Regulation**” means the National Building Regulations made in terms of the Act;

“**residential building**” means any building, other than a dwelling house, constructed, intended or adapted to be used for human residence, including such outbuildings as are ordinarily used therewith and, without prejudice to the generality of the foregoing, includes any of the following buildings—

Apartment houses	flats	institutions (residential)
boarding houses	hospital	nursing homes
clubs (residential)	hotels	office buildings
convalescent homes	hostels	sanatoria

“**scaffold**” means any structure or framework used for the support of persons, equipment and materials in elevated positions;

“**shop**” means a building or a portion of a building used or constructed or adapted to be used for the purpose of carrying on retail trade and includes any portion of such building used as showrooms or banking halls;

“**site**” means any subdivision or group of subdivisions on which one or more buildings have been or are intended to be erected or on which a caravan park has been or is intended to be established;

“**stormwater drain**” means that portion of the drainage system used or intended to be used for the conveyance of stormwater within any premises;

“**stormwater sewer**” means any conduit vested in the Council for the conveyance of stormwater;

“**street line**” means that boundary of any subdivision or building site which adjoins any street;

“**street verandah**” means a verandah which has its supporting columns, piers or other compression members located outside the boundaries of the site of the building to which it is attached;

“**subdivision**” means any piece of land which has been allotted an individual description in the records of the Surveyor-General and includes a remainder;

“**town planning scheme**” means a planning scheme, operative, approved, prepared or in the course of preparation in accordance with the provisions of Chapter IV of the Town Planning Ordinance (Ordinance 27 of 1949), and includes a scheme supplementing, varying or revoking an approved scheme, and a map illustrating the scheme;

“**verandah**” means a roofed structure, the sides and front of which are open, attached to the outer wall (or walls) of a building and which, for stability, is dependent not only upon the building but also upon columns or piers or other compression members located outside the outer walls of the building, and in which the space under such roofing is not used for storage purposes or as a carport;

“**walkway**” means a boarded or built-up footway provided to enable pedestrians to pass the site of building work without having to walk in that part of the street used by vehicular traffic;

1A. Nondiscrimination.—

- (1) Subject to the provision of subsection (2) hereof, no provision of these By-laws shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed as to have the effect of authorising such discrimination.
- (2) Notwithstanding the provisions of subsection (1) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provision of these By-laws which prescribes the wearing of appropriate apparel in a public place of imposes a restriction upon the entry of persons into public ablution, toilet and change room facilities or prescribes different standards for such facilities.

Part 2

Buildings, Building Work and Related Matters

2. Drawings Of Buildings As Completed.—Within not more than 60 days after the issue of a certificate of occupancy contemplated by section 14 (1) of the Act, the person who has requested the issue of such certificate shall at the request of the Building control officer furnish him with a drawing which clearly depicts the building as erected.

3. Deviation From Approvals And Substitution Of Materials.—(1) No person shall—
(a) substitute for any material forming part of the fabric of any existing building or part of any work already executed in terms of these By-laws or the Regulations any other material of a different kind, quality or specification; or
(b) substitute for any treatment of any exterior surface of any existing building or of a building under construction any other treatment of a different kind, quality or specification in order to form a background to, or form part of a sign or advertisement; without first obtaining the written approval of the Council.

4. Loading Of Buildings.—(1) Except for the purpose of a full scale load test carried out in terms of the provisions of regulation F9 of the Regulations, the owner or occupier of any building who subjects such building or any portion thereof, or permits such building or such portion to be subjected to a superimposed load greater than that stated on—

- (a) the working drawings of such building or such portion approved in terms of the Regulations or the Building By-laws which the Regulations replaced; or
- (b) a notice displayed in terms of subsection (2) hereunder,
shall be guilty of an offence.

When required in writing by the Council to do so, the owner of a building shall exhibit on every storey, in a conspicuous position, a notice in the form of an embossed or stamped metal plate clearly stating the superimposed load for which the floor of such storey has been designed and approved under the Regulations; and in the event of any such storey being subdivided into portions, each designed for a different superimposed loading, the owner shall, when so required, exhibit such notice in each such portion.

The notice referred to in subsection (2) shall be in the following terms:

WARNING

The safe uniformly distributed load for which this floor or this portion of the floor has been designed is kilograms per square meter. No single mass or load consent of the Council

(4) In the case of any garage intended for the accommodation of any type of vehicle, such notice shall, in addition to the information required under subsections (2) and (3), clearly state the maximum permissible gross mass of the type of vehicle concerned as, determined by the Council

5. Windows Near Or Abutting Streets.—All windows on the ground storey level which abut a street and are less than 2,3 m above the street shall not be made to open over any such street.

6. No Openings in Party Walls.—No person who erects a building shall construct any party wall of such building so that any opening is made or left in such wall.

7. Buildings not to be United Without Consent of Council—(1) No person shall unite any buildings without the consent of the Council first having been obtained, and then only if they are wholly in the same occupation or are constructed or adapted to be so, and when deemed necessary by the Council, fire doors shall be provided.

8. Roof Covering.—The roofs of all buildings (including outbuildings) shall be covered on the outer surface with tiles or other approved durable materials other than corrugated asbestos, corrugated iron,

9. Lift Wells And Lifts.—(1) Every building in which the distance in a vertical line between the surfaces of the floors of any two storeys or the difference between the level of the floor of anyone storey and the finished level of the ground at anyone entrance to the building exceeds 10 m at any point shall be provided with an automatic lift or automatic lifts serving all floors for the conveyance both of persons and of goods and such lift or lifts shall be maintained by the owner of the premises in good working order and in compliance with the requirements of subsection (4) (b) at all times; provided that—

- (a) such distance shall not be calculated from or to a storey or storeys used or to be used exclusively for anyone or more of the following purposes, viz. the accommodation of servants, the storage of goods, a laundry or a caretaker's flat;
- (b) it shall not be necessary to extend the lift or lifts to any one or more of the storeys referred to in (a) which is or are the highest or the lowest storey or storeys of the building;
- (c) where a caretaker's flat or servant's quarters on the highest storey of such building is converted to residential accommodation and the Building Control Officer is satisfied that a lift or lifts cannot, because of technical or other difficulties, be provided to serve such storey he may waive compliance with the provisions of this subsection;
- (d) where the level of the surface of a vehicular access point immediately adjacent to a pedestrian entrance to the building is above a level which is 600 mm below the level of the floor of the lowest storey used for habitation, the Building Control Officer may in his discretion permit such distance of 10 m to be calculated from the surface of the said floor.

10. Vehicular Access to Premises.—No person shall provide a vehicular access point at a street line without having first obtained the written approval of the Council.

11. Boundary Walls, Fences and other Structures.—(1) Save with the written consent of the Building Control Officer no person shall erect or maintain or permit to be erected or maintained any gate or door made exclusively to open outwards so as to project over or across any portion of a public street or public place.

- (2) No person shall construct or place or maintain or permit to be constructed or placed any platform step or ramp which encroaches on any street or public place, save to the extent authorised by the Council.

- (3) Any barbed wire overhang encroaching over any street or public place or any place open to the public shall not be lower at any point than 2,4 m measured vertically from the surface of the street or public place, or such lesser height which the Council may deem to be not likely to cause injury or damage to any person or the property of any person, provided that the maximum width of the encroachment shall be 450 mm and the applicant shall be required to apply for an encroachment permit in terms of Chapter II and pay the prescribed charges.
- (4) No person shall erect or maintain or permit or cause to be erected or maintained on property owned or occupied by him any fence, wall or enclosure constructed of or containing corrugated or flat metal, asbestos or other like sheeting, save with the prior written consent of the Council, which may only be granted when such sheeting is to be used as cladding on a rigid framework in accordance with a design approved by him.
- (5) A garden wall consisting of pre-cast concrete panels in conjunction with posts on or facing a street boundary or a boundary of a public place shall have its better face facing such street or public place.

12. Swimming Baths.—(1) For the purpose of this section a ‘swimming bath’ shall mean and **include** a plunge bath or any device or thing designed or intended to be used for swimming in or paddling in and which has a capacity of more than 2 500 litres and is capable of retaining water to a height in excess of 450 mm above its lowest part.

(2) No person shall construct a swimming bath, the structural stability of which relies upon a horizontal resistance being supplied by the surrounding soil unless such bath is located so that at no point in the bath is the least horizontal distance from such point to any servitude boundary less than one and a half times the depth of the bath at the same point.

(3) Notwithstanding the provisions of subsection (2) above the Council may permit a lesser horizontal distance if other measures have been or are to be taken to ensure the stability of the swimming bath, provided that such measures are to the Council’s satisfaction.

13. Stormwater Drainage of Premises: Dwelling Houses.—(1) The owner of premises on which a dwelling house has been or is erected shall take all steps necessary to ensure that stormwater from every building on the premises is controlled to the satisfaction of the Building Control Officer and is conveyed—

- (a) to a manhole or inspection chamber near a boundary of the site which abuts a street or servitude in which is situated a surface channel or stormwater sewer; or
- (b) along a se to a manhole or inspection chamber near the boundary of a street or servitude in which is situated a surface channel or a stormwater sewer;

provided that where such surface channel or stormwater sewer is situated more than 60 metres from the nearest boundary of such site or where, in the opinion of the Council, it is impracticable to convey the stormwater to any surface channel or stormwater sewer, the Building Control Officer may, in his sole discretion, permit the stormwater to be conveyed either directly or along a servitude to a natural stream or to a soak put on the site.

(2) (a) The grade and dimensions of the conduits or surface channels required in terms of subsection (1) shall be to the Council’s satisfaction but in no case shall the dimensions be less than those of a conduit having a nominal diameter of 100 mm. The manhole or inspection chamber required in terms of paragraph (a) and

(b) of subsection (1) shall be constructed in compliance with regulation P27 of the Regulations and shall be situated within 1,5 metres from the boundary of the site or street or servitude as the case may be.

(c) The soak pit required in terms of the proviso to subsection (1) shall not, save with the prior written approval of the Council, be situated closer than 3 metres to any building or to any boundary of the site or to any boundary of any drainage servitude to which such site may be subject and shall be of such size as may be approved by the Council but in no case shall its capacity be less than one cubic metre for each forty square metres of the area of the roof from which the stormwater is conveyed.

(3) Upon payment of the prescribed charges, which payment shall be effected within the period specified by the Municipal Manager in a written notice to the owner, the Council shall cause the stormwater to be conveyed from the manhole or inspection chamber required in terms of subsection (1) to a surface channel or stormwater sewer in such manner as the Council may determine.

(4) Every person who erects a building on premises referred to in subsection (1) shall—

(a) construct and drain the yard or surroundings of such building in such manner as effectively to prevent stagnation of surface, waste or sub-soil water thereon, and stormwater falling thereon shall be disposed of in like manner to the storm water falling on the roof of a building;

(b) when called upon to do so by the Council, cause the yard or other land adjoining such building to be properly paved with brick and cement, concrete, asphalt or other impervious material to the satisfaction of that officer and shall dispose of stormwater falling thereon in a manner prescribed in paragraph (a) hereof;

(c) when deemed necessary by the Council, raise the ground level, with approved material, to such a height as will ensure immunity from dampness;

(d) prevent the ingress of storm or surface water to the foulwater drainage system.

(5) Upon the discovery of any defect or stoppage in any connecting stormwater sewer which connects the stormwater drainage works on any premises to a street surface channel or stormwater sewer the owner or, if he is not in occupation, the occupier of , such premises shall forthwith report such defect or stoppage to the Council who will arrange for the repair of such defective connecting stormwater sewer or the removal of the obstruction causing such stoppage. The cost of removing such obstruction shall be borne by the owner of such premises in accordance with the prescribed charges.

14. Child Protection Guards in Flats.—In all flats above ground floor level—

(a) openable windows situated in the external walls of such flats shall be so constructed as to permit the installation of child protection guards over the full extent of all such openable windows;

(b) the installation of child protection guards shall be permitted by the owner of such flat, who shall not in any way hinder their installation;

(c) any child protection guards installed in terms of paragraph (b) above shall be of such pattern that no opening in the guard will be such as to permit the passage of a sphere which has a diameter of 125 mm;

provided that the requirements of paragraph (a) shall not apply in the case of louvered windows where the blades of such windows are spaced not more than 124 mm apart.

15. Sealing Up Of Openings.—(1) The Building Control Officer may, by written notice, require the owner at his expense to seal up and close the opening of any part of a drainage system and in such event the said owner shall keep the same properly closed and sealed until such time as the Council may by written notice permit such seal to be removed. The occupier of any premises shall at once notify the Council of any breach of removal of the said seal.(2) Any person unlawfully breaking or removing or causing or permitting the breakage or removal of any seal of the opening of any drainage system or part thereof and any owner or occupier failing to comply with the provisions of this section or any notice issued in terms thereof shall be liable to the penalties for breach of these By-laws and shall make good such damage or loss as may be caused to the Council or as the Council may be required to make good to any person in consequence of such breach.

16. Sewage Not To Be Passed Into Foul-Water Drains without permission.— Sewer connections may not be performed without inspections being carried out by Council.

(1) Notice should be forwarded within 48 hours prior to inspection.

(2) An inspection form should be filled in by a competent person.

17. Disconnection of Foul-Water Drain.—When the foul-water drain from premises is permanently disconnected from a connecting foul-water sewer, the owner shall notify the Building Control Officer who will seal or remove the connecting foul-water sewer and the owner shall pay the tariff charge in accordance with the prescribed charges.

18. Drains Within Or Under Buildings.—Where any foul-water drain or part thereof is constructed within or under a building such foul-water drain or such part shall—

- (a) if constructed of vitrified clay pipes, be laid on a bed of concrete as prescribed in section 37 and either haunched or encased as prescribed in section 38; and
- (b) if constructed of cast-iron pipes and on a foundation not approved by the Council be laid on a bed of concrete and haunched as prescribed in sections 37 and 38; provided always that if such foul-water drain is above the ground it shall be supported at least each joint on adequate piers or other sufficient support and the pipes used shall be encased in concrete.

19. Manholes.—Reinforced covers and frames for man holes shall withstand one or other of the tests set out in the Third Schedule depending upon the location in which they will be placed and the loading to which they may reasonably be expected to be subjected.

20. Cover To Openings.—The open end of every vent-pipe shall be fitted with a suitable cover approved by the Council for the purpose of preventing any obstruction in or damage to any pipe or foul-water drain connected therewith by the introduction of any substance through such open end and the aggregate area of the apertures of such cover shall be not less than the sectional area of the pipe.

21. Testing Sanitary Fixtures.—All sanitary fixtures and the materials used therein shall be of an approved pattern or quality. Any person desiring to submit any particular material or sanitary fixture for approval shall submit the same for testing to a place to be denoted by the Council, and for every separate type of material or fixture shall pay in advance to the Council the prescribed charge to cover the cost of testing such fixture or material.

22. Septic Tanks Or Storage Tanks.—(1) No person shall construct or fix or maintain any septic tank, storage tank or other works for the disposal of foul water on any premises without the written consent of the Building Control Officer.

(2) Any such installation or similar work shall be situated in the open air 3 m at least from any building and from the boundary of the owner's premises, unless otherwise permitted by the Council.

CHAPTER II CANOPIES, BALCONIES AND OTHER ENCROACHMENTS

1. Application for Permission to Erect an Encroachment.—(1) Subject to the provisions of this chapter no person shall erect or alter or cause or permit to be erected or altered any encroachment or retain any encroachment in respect of which the permit has lapsed in terms of subsection (5) except under and in accordance with the written permission of the Council; provided that flagpole erected and used for the sole display of the national flag of a country on a building wholly or partly occupied by the consulate or embassy of that country.

(2) (a) Every person intending to erect or alter any encroachment or retain any encroachment in respect of which the permit has lapsed in terms of subsection (5) shall make written application for the permission of the Council on forms obtainable from the office of the Town Planning. (b) Such forms shall be submitted in duplicate and shall be accompanied by—

- (i) such plans as may be required by the Regulations to be submitted in respect of the proposed encroachment or the alteration of an existing encroachment contemplated by the application, unless an exemption is granted in terms of section 13 of the Act, together with an application in terms of section 4 of the Act in respect of such encroachment or alteration;

- (ii) the prescribed charge;
 - (iii) such further details as the Building Control Officer may require to give effect to these By-laws; and
 - (iv) where the applicant is not the owner of the site to which the application relates, the written consent of such owner or his authorised agent to the making of the application.
- (c) The owner of the building shall, in addition, furnish the Council with such indemnities and undertakings as he may require and, in particular, such owner shall—
- (i) undertake without the payment of compensation to remove, alter or otherwise modify the encroachment when required by the Council;
 - (ii) indemnify the Council against all claims and against any costs incurred by it in resisting any claims arising directly or indirectly out of the existence of the encroachment or out of his neglect to maintain such encroachment;
 - (iii) permit the Building Control Officer to enter the premises to remove, alter, repair or modify the encroachment should he fail or neglect to do so and agree to defray all costs so incurred; and
 - (iv) undertake not to sell or otherwise alienate the property without binding all successors in title to terms identical to those of the said indemnities and undertakings.
- (3) (a) The Council may refuse or grant any such application subject to such conditions not inconsistent with the provisions of these By-laws as he may deem proper.
- (b) When any application is granted the Council shall issue a permit substantially in the form set out in Annexure A to this chapter, and he shall in such permit set out the conditions, if any, on which such application has been granted.
- (4) (a) Notwithstanding the provisions of subsection (3) every encroachment erected under these By-laws and every existing encroachment shall be deemed to be at the pleasure of the Council but the owner thereof shall, after receiving from the Building Control Officer a written notice requiring him so to do, remove any encroachment within thirty days or such longer period as the Council may allow.
- (b) Should the owner of such encroachment fail to remove such encroachment within the period specified in such notice, he shall be guilty of a contravention of this section and the Council may, without prejudice to any other proceedings it may decide to take, cause such encroachment to be demolished and recover the cost of such demolition from such owner.
- (5) (a) Any permit issued in terms of subsection (3) and any permit valid at the date of promulgation of these By-laws shall lapse— (i) upon the issue of a notice by the Building Control Officer in terms of subsection (4); or
- (ii) upon the expiry of a period of thirty days after a change occurs in the ownership of the building to which the encroachment is attached, in which event the new owner shall apply for a new permit within such period of thirty days; or
 - (iii) when the encroachment is removed or the building to which it is attached is demolished.
- (b) when a change occurs in the ownership of an encroachment the Council shall, upon application to him and upon the payment of the prescribed fee, issue to the new owner a permit subject to the same conditions as the permit previously held in respect of such encroachment.

2. Liability of Council.—No liability whatsoever shall attach to the Council for any injury or damage to persons or property which may occur as the direct or indirect result of the existence on the street of an encroachment authorised by the Council or the Building Control Officer as the case may be in terms of these By-laws or which was lawfully in existence on the date of coming into operation of these By-laws.

3. Conditions of Permits for Encroachments.—Where a permit is granted by the Council for an encroachment the owner of the building concerned shall—

- (i) maintain such encroachment in a safe condition;

- (ii) permit attachments to such encroachment or to the building from which it projects for the purpose of fixing electric lighting or transmission wire, street lights and similar public services of the Council;
- (iii) pay to the City Treasurer the rental at the rate set out in the prescribed tariff of charges;
- (iv) erect, alter or add to such encroachment, as the case may be, in accordance with the Regulations and in accordance with any conditions imposed under section 216 of the Local Authorities Ordinance
- (v) before carrying out the work so authorised deposit with the City Treasurer such amount as in the opinion of the Council will be required to meet the cost of paving or re-paving the footpath under or over such encroachment or to make good any damage to the pavement, street, kerb or gutter consequent upon the erection or construction of such encroachment.

4. Encroachment to be Removable without Danger.—Every encroachment which is permitted by the Council or the Building Control Officer as the case may, be shall be so constructed that its presence is not essential to the structural stability of the building to which it is attached; provided that the provisions of this section shall not apply to foundations which have been permitted to encroach by the Council or the Building Control Officer or to any pile cap that may be permitted to encroach in terms of these By-laws.

5. Construction of Encroachments.—The design, construction and situation of any encroachment erected, altered or added to under the written permission of the Council shall be to the satisfaction of the Council and shall comply with the conditions and restrictions set out hereunder, which shall be deemed to have been imposed by the Council in granting permission therefor.

- (a) Any encroachment projecting from a building shall—
 - (i) be constructed of non-combustible material or be covered with material having a fire-resistance rating of not less than half an hour;
 - (ii) except as directed by the Council be not less than 3 m above the surface of the footpath or, if there is no footpath, above the street or ground surface, or above such other level as the Council may determine, measured to the underside of the lowest portion of the encroachment;
 - (iii) be at every point at least 450 mm back from a vertical line drawn through the exposed vertical edge of the kerb or, if there is no kerb, from such line as the Council may determine; and
 - (iv) be so designed and constructed as to provide for the disposal of rainwater in such a manner as to prevent the discharge of such rainwater across the surface of any footpath or over the street through any spout or gargoye.

- (b) A canopy over a street shall be designed for a super-imposed load of 2,5 kilonewtons per square metre of plan area.

and—

 - (i) allowance shall be made for an upward wind pressure of 720 newtons per square metre of plan area with no superimposed load acting in opposition;
 - (ii) adequate provision shall be made for anchoring the encroachment to the building and the anchorage shall be designed for maximum loading conditions;
 - (iii) the encroachment shall, in the case of a new building, be incorporated in the structural design and, in the case of an existing building, be fixed in such manner as to avoid damage or danger to any member or part of the building;
 - (iv) the encroachment shall be so designed as to ensure that the stability of the building to which it is attached will not be disturbed if the encroachment is subsequently removed.

- (c) Every canopy over a street shall—
 - (i) have its outer edge splayed or rounded on plan when such canopy is 450 mm from the kerb line and is carried around the corner of two streets;

(ii) be provided with an artificial lighting installation which shall produce an illuminance of not less than 50 Lux, measured in the horizontal plane, at any point on the surface of the footpath, or on the ground if there is no footpath, beneath the canopy.

(d) Unless specially permitted by the Council no bay window or similar projection over a street from a building shall—

(i) project more than 920 mm beyond the street line or any other line which the Council, in approving the plan for the building, has indicated as a future street line dictated by future road development nor shall the aggregate length of any bay windows at any level over the street exceed half the length of the frontage of such building to such street;

(ii) be erected over any street which is less than 12 metres wide and no part of such encroachment shall be nearer than 920 mm from any party or flank wall of the building to which it is attached;

(e) No architectural feature, including a cornice, eave of a roof, string course pilaster, fin, window surround and the like shall project beyond the street line for more than three per cent of the width of the street which, for the purposes of this paragraph, shall be deemed to be not wider than 30 metres, provided that a flagpole which, for the purposes of this paragraph shall be deemed to be included in the foregoing expression “architectural feature”, erected for the sole display of the national flag of a country on a building wholly or partly occupied by the consulate or embassy of such country, may project beyond the street line for not more than ten per cent of the width of such street.

(f) Any architectural feature, excluding a cornice, string course, eave of a roof and the like, which projects over a street for more than 150 mm beyond the street line, shall be not closer to the boundary of an adjoining site than the extent of the projection of such feature.

(g) (i) No air-conditioning unit shall be permitted to project beyond the street line from the face of a building if such air-conditioning unit is installed within a height of 3,0 m from the finished ground level of the street onto which such building fronts.

(ii) Where one or more air-conditioning units, are installed at a height in excess of 3,0 m from the finished ground level of the street onto which such building fronts, such unit or units shall be permitted to project for a maximum distance of 300 mm beyond the street line.

(iii) Where an existing air-conditioning unit exceeds the maximum distance of projection beyond the street line, as described in (ii) above, the Council may permit the continuation of the existence and use of such unit in such a position, subject to the compliance with all other requirements contained in this Chapter relating to encroachments, where applicable, and subject to the payment to the City Treasurer of a rental for each and every such air-conditioning unit at the rate as set out in the prescribed tariff of charges.

6. Encroachment to be Maintained in Proper Repair.—(1) Every owner of an encroachment which has been erected in terms of these By-laws and every owner of an existing encroachment shall maintain or cause to be maintained such encroachment in proper repair and outward appearance and shall not cause or permit such encroachment to be a disfigurement or a danger to the neighbourhood. If, in the opinion of the Building Control Officer, such encroachment is not being maintained in proper repair and outward appearance the Council shall serve a written notice on the owner of such encroachment in which shall be specified the things to be done in order that such encroachment shall be restored to a state of proper repair and outward appearance and the date by which such things shall be done.

(2) Any person who disregards any notice referred to in subsection (1) shall be guilty of a continuing offence as from the day succeeding the date specified in such notice.

7. Lighting to be maintained in Good Order.—The owner of every building who has been permitted to attach an encroaching canopy thereto shall ensure that the lighting thereunder is maintained in good order and is illuminated nightly from dusk to dawn.

8. Encroachments Not Permitted under any Conditions.—(1) After the date of coming into operation of these By-laws, no application for permission to erect a display window, a foundation, or a pile, which would encroach into, on, or under, a street or public place shall be granted under any conditions; provided that a pile cap or the foundation of a canopy column may be permitted to encroach.

9. Encroachment Not Permitted under certain Conditions.—An application for permission to erect an encroachment of the following type will not be granted—

- (i) a vertical sunblind, unless such sunblind is fitted with automatic retractable supports or is attached to the front of a building and, in either case, the lower edge of such sunblind shall be incapable of being lowered to less than 2,5 metres above the surface of the footpath or, if there is no footpath, above the street or ground surface;
- (ii) an awning, unless such awning does not project more than 1,5 metres or half the width of the footpath, whichever is the lesser, beyond the street line and the lower edge of such awning shall be incapable of being lowered to less than 2,5 metres above the surface of the footpath or, if there is no footpath, above the street or ground surface; and
- (iii) a pile cap, unless such pile cap does not project more than 300 mm beyond the street line or a line shown on the approved plan of the building concerned as a future street line or a street line which has been prescribed as a future street line, and is not higher than 1,5 metres below the surface of the footpath or, where there is no footpath, below the street or ground surface or such other level as the Council may prescribe.

10. Conversion or use of an encroaching verandah.—(a) No person shall without the permission of the Building Control Officer—

- (i) use or permit to be used any enclosed verandah which projects beyond the street line as a bedroom or place for the preparation of food or a place of refreshment or entertainment;
 - (ii) construct any glazed screen or any other structure between the piers, columns or other supports of a balcony or verandah projecting over the street line;
 - (iii) construct or maintain or permit to be constructed or maintained on any encroaching balcony any transverse dividing walls, partitions or screens which are in excess of the height of the parapet walls, railings or balustrades, as the case may be.
- (b) Where any enclosed verandah which projects beyond the street line is used as a bedroom or place for the preparation of food or a place of refreshment or entertainment it shall, unless the contrary is proved, be presumed that the owner of the building incorporating such verandah permitted such use.

11. Use of Encroachment for Accommodation of Spectators.—(1) No owner, lessee or person in control or occupation of any building to which a verandah, canopy, balcony, roof, projection or other structure extending above ground level beyond the street line is attached shall use or permit the use of any such structure for the accommodation of spectators during any procession or display except under the authority of a written permit from the Council, which shall specify the number of persons indicated on the certificate referred to in subsection (2).

(2) Application for such permit shall be made in writing by the owner to the Council and shall be accompanied by a certificate from a suitably qualified and experienced professional engineer, indicating the maximum number of persons which the said structure can accommodate with safety.

(3) No such owner, lessee or person as aforesaid shall erect, or cause to be erected, temporary platforms or other structures for the accommodation of persons on any of the aforementioned structures, except with the consent of the Council first had and obtained in terms of these By-laws.

(4) Neither the Council nor any of its officials shall be held liable for any damage arising out of the accommodation of spectators as aforesaid.

12. Encroaching Architectural Features.—Notwithstanding the provisions of section 3 (iii) and the prescribed tariff of charges, no annual rental shall be payable in respect of permitted architectural features of the types enumerated in section 5 (e); provided that such encroachments are situated at a level not less than 3 m above the surface of the footpath or, if there is no footpath, above the street or ground surface, or above such other level as the Council may determine.

13. Exceptions to Provisions of this Chapter.—The provisions of this Chapter shall not apply where the applicant is required by the Council to enter into a lease with the Newcastle Municipality where the area affected by the encroachment or where in alienating to the Council an area reserved for street purposes in terms of the Town Planning Scheme, the owner retains a right to project a portion of his building under or over such areas.

14. Common Boundary Walls. (1) Where, in the opinion of the local authority, the location of any boundary of a site has not been accurately determined such local authority may, require the owner, at his own cost, to engage a professional land surveyor and to submit to the local authority a certificate, in an approved form and signed by such professional land surveyor –

(a) identify the boundary pegs or beacons of such site; and

(b) stating the name of the nearest cross street and the approximate distance of the nearest boundary of the site from such street.

(2) Where such owner fails to engage a professional land surveyor as contemplated in (1) the local authority may engage a professional land surveyor to establish and point out the location of such pegs or beacons, and the local authority may recover the costs of such establishment and pointing out from such owner.

CHAPTER III PROBLEM BUILDINGS

1. Definition

“**problem building**” means a building or portion of a building which—

- (a) is derelict in appearance or is showing signs of becoming unhealthy, unsanitary, unsightly, or objectionable;
- (b) has been abandoned by the owner, or appears to have been abandoned by the owner, regardless of whether or not rates or service charges are being paid;
- (c) is overcrowded;
- (d) has been hijacked;
- (e) has been the subject of one or more written complaints, charges or convictions regarding criminal activities being conducted in the building, as confirmed in writing by a member of the South African Police Service;
- (f) is illegally occupied;
- (g) has refuse or waste material unlawfully accumulated, dumped, stored or deposited;
- (h) has been unlawfully erected or has a part which has been unlawfully erected;
- (i) has been changed and its subsequent usage is unauthorised;
- (j) is partially completed, or structurally unsound or showing signs thereof, and is or may be a threat or danger to life and property; or
- (k) is in contravention of one or more of the Municipality’s By-laws.

2. Identification of problem buildings

In the event that the Municipality is of the opinion that a building should be declared a problem building, it must serve a written notice on the owner—

- (a) informing the owner that the Municipality intends to declare the building to be a problem building;
- (b) giving reasons why the Municipality intends to declare the building to be a problem building;
- (c) inviting the owner to make written representations, within 14 days of the notice, on why the building should not be declared a problem building; and
- (d) providing an address, fax number or email address to which representations may be submitted.

3. Declaration of a problem building

(1) The Municipality must, after considering any representations received from the owner, as contemplated in section 5, either–

(a) decide not to declare the building to be a problem building for the time being; or

(b) declare the building to be a problem building.

(2) In the event that the Municipality decides to declare a building to be a problem building, the Municipality must give written notice to the owner, together with reasons.

4. Profiling problem buildings

(1) The Municipality must, as soon as is reasonably possible after a building has been declared to be a problem building, undertake an investigation to identify–

(a) those aspects of the building which are in contravention of this By-law or any other applicable law;

(b) any risks to the safety of the occupiers of the problem building or the public; and

(c) the occupiers of the problem building and, if the occupiers reside at the building, also profile the occupants to determine the following characteristics of the occupiers:

- (i) the number of children;
- (ii) the number of women;
- (iii) the number of disabled people;
- (iv) the number of elderly people;
- (v) the number of people residing per room and the area of each room occupied as a residence;
- and
- (vi) the total number of people residing in the building.

(2) The owner or the managing agent of the problem building is entitled to be present while the investigation is being undertaken and, if so present, must be given the opportunity to make representations during such investigation.

(3) Where verbal representations have been made in terms of subsection (2) the Building Control Officer must write down such representations and ensure that the owner or the managing agent is given an opportunity to sign such representations.

(4) In the event where the complaint arise from community members with regards to properties being abandoned by the owners, or appear to have been abandoned by the owners, regardless of whether rates or services are being paid, the property owner shall take all necessary responsibilities to safe guard the property in question.

(5) At times the owners of these buildings are untraceable, and the properties end up being illegally occupied or invaded, making the adjoining and neighbouring properties unsafe. The local authority, Building Control Office in question shall declare the said building as a problematic building and serve a notice in writing or by post or delivered, order such owner to demolish such building. Order the owner of such building to remove any material of which such building consisted of 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.

(6) If the owner of a building fails to comply with a notice served on or delivered to him in respect of such building, the local authority in question may demolish such building, remove the material of which such building consisted of 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 utilized 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.

5. Ban on new occupants

The Municipality may, once a problem building has been profiled, apply to court for an interdict restraining the owner and any managing agent from—

- (a) allowing any other people, in addition to those identified in the profile of occupants, from occupying or residing at the building; and
- (b) filling any vacancy which may arise as a result of any person identified in the profile of occupants vacating the building.

6. Engagement with owners

(1) The Municipality must, once a problem building has been profiled as contemplated in section 4, serve a further notice on the owner—

- (a) identifying those aspects of the building which are in contravention of this By-law or any other applicable law;
- (b) identifying any risks to the safety of the occupiers of the problem building or the public; and
- (c) specifying steps which the owner is obliged to take, within a reasonable period of time specified in the notice, in order to rectify those contraventions or remove those risks.

(2) The steps referred to in paragraph (1)(c) may include, but are not limited to—

- (a) repairs;
- (b) repainting;
- (c) renovations;
- (d) alterations;
- (e) installing proper ablutions;

- (f)demolition;
- (g)enclosing, fencing or otherwise securing the problem building;
- (h)closing the problem building;
- (i)removing all refuse;
- (j)submitting a building plan;
- (k)removing any source of danger or potential danger;
- (l)completing the construction of the problem building or any part of that building; (m)appointing and instructing, at the cost of such owner, a competent person to–
 - (i)examine any condition that gave rise to the declaration of a building as a problem building; and
 - (ii)report to the Building Control Officer on the nature and extent of the steps to be taken, which in the opinion of the competent person, need to be taken in order to make the problem building safe;

- (n) giving notice to occupiers to vacate the problem building within a specified time period; and
- (o) complying with any provision of this By-law or any other law.

7. Engagement with occupiers

- (1) If a problem building is occupied, the Municipality must serve a compliance notice on the occupiers and affix a copy of the compliance notice at the main entrance to the building, advising that—
- (a) the building has been declared a problem building;
 - (b) the owner has been instructed to take specified steps within a specified period of time;
 - (c) continued occupation of the problem building is unsafe; and
 - (d) the Municipality will seek the eviction of the occupiers if the owner fails to comply with the compliance notice.
- (2) In the event that the owner of a problem building which is occupied by residents fails to comply with the compliance notice, the Municipality must serve a further notice on the occupiers and affix a copy of the notice at the main entrance to the building—
- (a) advising that the owner of the problem building has failed to comply with the notice;
 - (b) warning that continued occupation of the problem building is not safe;
 - (c) advising that the Municipality intends seeking the eviction of the occupiers;
 - (d) listing the details of possible alternative accommodation; and
 - (e) providing the contact details of a municipal official available to assist the occupiers in finding alternative accommodation.

8. Eviction

Where the owner of a problem building fails to comply with a compliance notice, the Municipality may, after having complied with the engagement process contemplated in terms of section 7, apply to court for the eviction of the occupiers.

9. Unsafe problem buildings

- (1) In the event that the Building Control Officer has reason to believe that the condition of any problem building is such that steps should immediately be taken to protect life or property, he or she may take such steps as may be necessary in the circumstances without having to comply with any other provision of this By-law and may recover the costs incurred from the owner.
- (2) In the event that the Building Control Officer deems it necessary to act in terms of subsection (1) he or she may for the purposes of ensuring the safety of any person, by notice in writing order—
- (a) the owner of a problem building to—
 - (i) remove, within a period specified in the notice, any person residing in or otherwise occupying such problem building; and
 - (ii) take reasonable steps to ensure that no person who is not authorised by the Municipality enters such problem building; and
 - (b) any person residing in or otherwise occupying a problem building, to vacate such problem building.
- (3) A person may not enter or continue to occupy, use or permit the occupation or use of any problem building in respect of which a notice was served in accordance with subsection (2), unless he or she has been given written permission to do so by the Municipality.

CHAPTER IV ENFORCEMENT

1. Entry by Building Control Officer— (1) A Building Control Officer may enter any building at any reasonable time with a view to—

- (a) Determine whether the building or site is in contravention of any of the Municipal By-Laws;

- (b) Serve any notice required in terms of this By-Law;
 - (c) Determine whether the owner has complied with any compliance notice issued in terms of this By-Law; or
 - (d) Enforce any provision of this By-Law.
- (2) A person may not hinder or obstruct any Building Control Officer in the exercise of his or her powers or duties in terms of this By-Laws.
- (3) A Building Control Officer must, when entering the building or site as contemplated in subsection(1) produce a valid identification document issued to him or her by the Newcastle Municipality, to the owner, agent, or any person responsible for that particular site who asks to see the identification document.

2. Powers of Building Control Officer— A Building Control Officer may, when entering a site

- (a) Inspect, monitor and investigate the site;
- (b) Question the owner, agent or any person responsible for the site;
- (c) Take photos which may confirm contravention;
- (d) Take samples; and
- (e) Do anything necessary to implement the provisions of the By-Laws

3. Service of Notices— Whenever a compliance notice is required to be served on a person in terms of these By-Laws, it is deemed to have been effectively and sufficiently served on such person-

- (a) When it has been delivered to him or her personally;
- (b) When it has been left at his or her place of residence or business in the Republic South Africa with a person apparently over the age of 16 years;
- (c) When it has been posted by registered or certified mail to his or her last know residential address or business address in the Republic of South Africa and an acknowledgment of the posting thereof is produced;
- (d) If his or her address in the Republic of South Africa is unknown, when it has been served on his or her agent or representative in the Republic of South Africa in the manner contemplated in subsection (a), (b) or (c); or
- (e) If his or her address and agent in the Republic of South Africa are unknown, when it has been affixed to a conspicuous place in the premises.

4. Combined Notices— The Municipality is not restricted, when issuing notice in terms of these By-Laws for-

- (a) Multiple contraventions of the provisions of these By-Laws or any of the By-Laws in respect of controversial site;
 - (b) Multiple failures or refusal to comply with a compliance notice in terms of these By-Laws,
- to serve a combined notice dealing with all of those contraventions, failures or refusals, as the case may be.

5. Indemnity— The Municipality and any Building Control Officer is not liable for any damage caused by anything lawfully done or omitted by the Municipality or Building Control Officer in carrying out any function or duty in terms of these By-Laws

6. Lawful Instructions— Failure to comply with a lawful instruction of any Building Control Officer constitutes a contravention of these By-Laws.

7. Recovery Of Cost— (1) In the event that a person;

- (a) Contravenes the provisions of these By-Laws or of any other Municipal By-Laws;
 - (b) Fails or refuse to comply with a compliance notice issued in terms of these By-Laws, such person is guilty of an offence and the Municipality may take any steps required to remedy the contravention and recover the costs from such person.
- (2) The recovery of costs contemplated in subsection (1) is in addition to any fine which may be imposed on the person concerned and may be charged to the owner's municipal account.

8. Offences— Any person who;-

- (a) Contravenes any provision By-Law;
- (b) Fails to comply with a compliance notice;
- (c) Fails to comply with any lawful instruction given in terms of these By-Laws;
- (d) Threatens, resists, interfere with or obstruct any Building Control Officer in the performance of his or her duties or functions in terms of these By-Laws;
- (e) Deliberately furnishes false or misleading information to a Building Control Officer, is guilty of an offence.

9. Penalties— (1) Any person who is convicted of an offence under these By-Laws is liable to—

- (a) A fine of an amount not exceeding R500 000;
 - (b) Imprisonment for a period not exceeding three years;
 - (c) Both such fine and imprisonment contemplated in paragraph (a) and (b).
- (2) In the case of a continuing offence;-
- (a) An additional fine of an amount not exceeding R5 000; or
 - (b) Imprisonment for a period not exceeding 10 days,

for each day on which such offence continues, or both such fine and imprisonment will be imposed.

10. Right of Appeal to Council.—Every person who is directly affected thereby shall have a right of appeal to the General Services Committee of the Council against any decision by the Building Control Officer or the issue of a notice by him under this part of Chapter I; provided that in the case of a notice issued in terms of section 28 (1) the person to whom such notice is addressed shall comply with the terms thereof pending the outcome of the appeal.

11. Schedule of fines: -

NO.	OFFENCE	PENALTY	DERIVED FROM
1	Building prior to Local Authority Approval.	R 118,86 per day	Section 4 (4) of the National Building Regulations and Building Standards Act 103 of 1977.
2	Commencement and erection of structures without approved building plans having been warned by Council (first offence).	R 10 400,00	Section 4 (4) of the National Building Regulations and Building Standards Act 103 of 1977.
3	Commencement and erection of structures without approved building plans having been warned by Council (second offence).	R 31 200,00	Section 4 (4) of the National Building Regulations and Building Standards Act 103 of 1977.
4	Commencement and erection of structures without approved building plans having been warned by Council (third offence).	R 62 400,00	Section 4 (4) of the National Building Regulations and Building Standards Act 103 of 1977.
5	Occupying a building prior to issue of occupation certificates by Local Authority.	R 5 100,24	Section 14 (4) read with section 24 (General Penalty Clause) of the National Building Regulations and Building Standards Act 103 of 1977.
6	Changing the use of a building without consent of Local Authority and not complying with notice to cease the new use.	R 5 100,24	Regulations A25 (1) read with A25 (2) and further read with section 24 of the National Building Regulations and Building Standards Act 103 of 1977.
7	Deviation from approved plans to material degree.	R 5 100,24	Regulation A25 (5) of the National Building Regulations and Building Standards Act 103 of 1977.
8	Carrying out plumbing work by person other than trained plumber or exempted person.	R 5 100,24	Regulation A18 (4) read with Regulation A18 (1) and further read with section 24 of National Regulations Act 103 of 1977.

Schedule of fines: -

NO	OFFENCE	PENALTY	DERIVED FROM
9	Putting into use a drainage system prior to inspection testing and approval by Local Authority.	R 5 100,24	Regulation P.7 (3) read with regulation P.7 (4) of the National Building Regulations and further read with Section 24 of the National Building Regulations and Building Standards Act 103 of 1977.
10	No notice given for inspection and testing of sewer and drainage installation.	R 5 100,24	Regulation A22 (c) read with regulation A22 (4) of the National Building Regulations and further read with 24 of the National Regulations and Building Standards Act 103 of 1977.
11	Backfilling drainage (sewer) installation prior to testing and approval.	R 5 100,24	Regulation A22 (3) read with Regulation A22 (4) of the National Building Regulations and further read with Section 24 of National Building Regulations and Building Standards Act 103 of 1977.
12	No notice given of intention to erect or demolish a building.	R 5 100,24	Regulation A22 (1) (a) (b) read with Regulation A22 (4) of the National Building Regulation and further read with section 24 of the National Building Regulations and Building Standards Act 103 of 1977.
13	No notice given for inspection of trenches or excavations prior to placing concrete for foundations.	R 5 100,24	Regulation A22 (2) (b) read with Regulation A22 (4) of the National Building Regulations and further read with Section 24 of the National Building Regulations and Building Standards Act 103 of 1977.
14	Constructing foundation before approval of trenches.	R 5 100,24	Regulation A22 (3) read with Regulation A22 (4) of the National Building Regulations

			and further read with Section 24 of the National Building Regulations and Building Standards Act 103 of 1977.
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Schedule of fines: -

NO	OFFENCE	PENALTY	DERIVED FROM
15	Failing to comply with a notice to cut or lay open work to carry out tests.	R 5 100,24	Regulation F.7 (1) read with regulation F.7 (5) of the National Building Regulations and further read with Section 24 of the National Building Regulations and Building Standards Act 103 of 1977.
16	Erecting or demolishing a building without providing sanitary facilities for employees.	R 5 100,24	Regulation F.11 (1) read with F.11 (2) of the National Building Regulations and Building Standards Act 103 of 1977.
17	Demolishing a building without permission from the Local Authority.	R 5 100,24	Regulation E.1 (1) read with Regulation E.4 of the National Building Regulations and further read with Section 24 of the National Building Regulations and Building Standards Act 103 of 1977.
18	Erecting or demolishing a building without erecting a hoarding.	R 5 100,24	Regulation F.1 (1) read with Regulation F.1 (6) of the National Building Regulations and further read with Section 24 of the NATIONAL Building Regulations and Building Standards Act 103 of 1977.

Schedule of fines: -

NO	OFFENCE	PENALTY	DERIVED FROM
19	Leaving a building in course of demolition in a state dangerous to the public or any adjoining property.	R 5 100,24	Regulation E.1 (3) read with Regulation E.4 of the National Building Regulations and further read with Section 24 of the National Building Regulations and Building Standards Act 103 of 1977.
20	Failing to comply with a notice to remove rubble, rubbish and/or debris from a building site.	R 5 100,24	Regulation F.8 (1) read with Regulation F.8 (2) of the National Building Regulations and further read with Section 24 of the National Building Regulations and Building Standards Act 103 of 1977.
21	Failing to comply with a notice to remove surplus material and material from the site or land or public street or place arising from building or demolition.	R 5 100,24	Regulation F.9 (1) read with F.9 (2) of the NATIONAL Building Regulations and further read with Section 24 of the National Building Regulations and Building Standards Act 103 of 1977.
22	Permitting sewerage to enter a street, stormwater drain of stormwater system.	R 5 100,24	Regulation P.3 (1) read with Regulation P.3 (5) of the National Building Regulations and further read with Section 24 of the National Building Regulations and Building Standards Act 103 of 1977.
23	Permitting stormwater to enter any sewer installation.	R 5 100,24	Regulation P.3 (2) read with Regulation P.3 (5) of the National Building Regulations and further read with National Building Regulations and Building Standards Act 103 of 1977.

Schedule of fines: -

NO	OFFENCE	PENALTY	DERIVED FROM
24	Failing to control access to a swimming pool.	R 5 100,24	Regulation D.4 (1) read with Regulation D.4 (2) of the National Building Regulations and further read with Section 24 of the National Building Regulations and Building Standards Act 103 of 1977.
25	When an unoccupied/vacant property is kept in an unsightly objectionable and not in the interest of good health and hygienic condition.	R 6 018,72	Section 10 (1) (a) (b), and (2) of the National Building Regulations and Building Standards Act 103 of 1977.
26	Hindering or obstructing a Building Inspector (Authorized by Council) in the exercise of his powers.	R 51 056,46	Section 15 (2) read with sub-section (1) and further read with Section 24 of the National Building Regulations and Building Standards Act 103 of 1977.

NOTE: -

BUILDING TRANSGRESSION PENALTIES/FINES ARE BEING REVIEWED AND AMENDED BY THE MUNICIPALITY IN TERMS OF THE SECTION 24 (2) (c) (i) OF THE MUNICIPAL FINANCE MANAGEMENT ACT, 56 OF 2003, AND SECTION 74 AND 75 OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT, 32 OF 2000 AS AMENDED, IN LINE WITH THE NEW TARIFF OF CHARGES.