

SALDANHA BAY MUNICIPALITY
BY-LAW RELATING TO THE SUBMISSION OF BUILDING PLANS

By virtue of the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Saldanha Bay Municipality enacts as follows-

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1. Definitions

In this by-law, the English text shall prevail in the event of an inconsistency between the different texts, and unless the context indicates otherwise—

“Building Act” the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and includes the Building Regulations;

“Building Regulations” the National Building Regulations promulgated under GN R2378 of 12 October 1990;

"municipality" means the Saldanha Bay Municipality and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

“organ of state”

- (a) any government department or administration in the national, provincial or local government sphere; or
- (b) any other functionary or institution-
 - (i) that performs a power or function in terms of the Constitution or a provincial constitution; or
 - (ii) that performs a public function or power in terms of legislation, but excludes a court or judicial officer.

“person” includes any natural person, juristic person, association or organ of state;

2. Purpose of by-law and application

- (1) The purpose of this by-law is to ensure uniformity with regard to the submission, consideration and approval of building plans in the jurisdictional area of the municipality.
- (2) Subject to sub section (3), this by-law does not derogate from the provisions of the Building Act.
- (3) Notwithstanding conflicting provisions in any act, including the Building Act, all persons, including organs of state, must submit building plans and specifications for consideration and approval by the municipality.

3. Interpretation

Any provision in this by-law relating to procedures for the submission of and consideration of applications for approval of the erection of a building as well as compliance requirements, must be interpreted as a reference to applicable corresponding provisions in the Building Act and Building Regulations.

4. Compliance and enforcement

- (1) Where a person erects a building in contravention of the provisions of this by-law, or materially deviates from an approved building plan, the municipality may instruct such person forthwith to stop the erection of the building concerned or to comply with the approved building plan as the case may be.
- (2) Where the person served with a notice contemplated in sub section (1) fails to comply with such notice, the municipality may approach the magistrate's court for an order prohibiting any person from proceeding with the erection of such building or authorising the municipality to demolish such building if the magistrate is satisfied that such erection is contrary to or does not comply with the provisions of this by-law or any approval or authorization granted there under.

5. Determination of tariffs

The municipality may, in terms of its Tariff By-law, determine tariffs and fees for any service rendered in terms of this by-law which must be reviewed annually during the budget process.

6. Offences and penalties

- (1) A person who erects a building contrary to the provisions of this by-law, or who fails to comply with a notice issued in terms of this by-law, commits an offence and shall upon conviction be liable to-
 - (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and,
 - (b) in the case of a continuing offence, to an additional fine for each day on which such offence is continued.

(2) Failure to comply with a notice, direction or instruction referred to in this by-law constitutes a continuing offence.

(3) In addition to any fines imposed in terms of sub paragraphs (a) and (b), a further amount equal to any costs or expenses found by the court to have been incurred by the municipality as result of such contravention or failure, may be imposed by the court.

(4) The provisions of sub sections 1 and 2 shall not apply to an organ of state, in which case the provisions of section 4 shall apply.

7. Short title and commencement

This by-law shall be known as the Saldanha Bay Municipality By-law Relating to the Submission of Building Plans and shall come into operation of the date of promulgation thereof in the Provincial Gazette.