

## REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER

### STRATEGIC PLANNING AND ADMINISTRATION DIVISION

#### FINES AND LEVIES: NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 103 OF 1977

##### 1 PURPOSE

To obtain Council's approval for the imposition of fines and levies applicable to the National Building Regulations and Building Standards Act, 103 Of 1977 (As Amended)

##### 2 BACKGROUND

The National Building Regulations and Building Standards Act, 103 Of 1977 (As Amended) provides as follows:

###### Section 22

*"Power of Local Authorities Relating to Rates, Taxes, Fees and Other Moneys*

*The provisions of this Act shall not derogate from any power conferred by or under any other law upon any local authority to levy, receive or charge any rates, taxes, fees or other moneys in respect of any building or land or to levy, receive or charge moneys in connection with the examination of plans, specifications or information or the performance of any other duties in terms of this Act"*

###### Section 26

*"Payment of Certain Moneys to Local Authorities*

*Notwithstanding anything to the contrary contained in any law all moneys recovered by way of fines or estreated bail in connection with any offence in terms of this Act, except an offence referred to in section 20(2), shall be paid to the local authority concerned"*

##### 3 DISCUSSION

There were previously fines and levies promulgated for transgressions of the National Building Regulations and Building Standards Act, 103 of 1977, but the amounts are minimal and do not cover all transgressions. A process was started prior to Covid to develop and review the fines and levies. The Magistrates approval was also required which was obtained following a long process. The proposed fines and levies are now presented to Council for approval.

##### 3.2 FINES / LEVIES FOR CONTRAVENTIONS IN TERMS OF THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 103 OF 1977 (AS AMENDED)

SECTION/REG	DESCRIPTION OF CONTRAVENTION	PROPOSED NEW FINE
Sec 4 (1)	Erecting a building without consent.	R100.00 for each day on which the person was

SECTION/REG	DESCRIPTION OF CONTRAVENTION	PROPOSED NEW FINE
		engaged in erecting such building
Sec 14 (4)	Occupation or use of building without occupancy certificate	<b>R2 000.00</b>
Sec. 15(1)(2)	To hinder or obstruct any municipal office in exercising his or her duty	<b>R500.00</b>
Sec. 12(1)	Failure to comply with notice served in terms of Art. 12(1)	<b>R100.00</b> for each day on which the person so contravened
Sec. 12(2)	Failure to notify local authority of building, land or earthworks that can be dangerous to lives or property.	<b>R100.00</b> for each day on which the person so contravened
Sec. 12(3)	Failure to comply with notice issued in terms of section 12(3)	<b>R100.00</b> for each day on which the person so contravened
Sec. 12(4)	Failure to comply with notice issued in terms of section 12(3)	<b>R100.00</b> for each day on which the person so contravened.
Reg. A 18(1)(2)(4), / NBR, SANS 10400	Practicing Plumbing without qualification	<b>R1 500.00</b>
Reg. A 22(1)/ NBR, SANS 10400	Failure to notify local authority on commencement of work.	<b>R1 500.00</b>
Reg. A 22(2)/ NBR, SANS 10400	Failure to notify local authority regarding inspections.	<b>R1 500.00</b>
Reg. A 22(3)/ NBR, SANS 10400	Proceed building work without inspection.	<b>R1 500.00</b>
Reg. A 25(1)/ NBR, SANS 10400	Using building for other purposes.	<b>R1 500.00</b>
Reg. A 25(2)/ NBR, SANS 10400	Failure to comply with notice regarding illegal use.	<b>R1 500.00</b>
Reg. A 25(5)/ NBR, SANS 10400	Deviation from approved plans.	<b>R1 500.00</b>
Reg. A 25(6) read with Reg. A 25 (11) of the NBR, SANS 10400	Failure to comply with notice to stop erection of building.	<b>R1 500.00</b>
Reg. A. 25(10) / NBR, SANS 10400	Non-compliance with a notice served in terms of Reg. A 25(10) of the SANS.	<b>R1 500.00</b>
Reg. D 4(1) SANS read with Reg. D4(2) / NBR, SANS 10400	Failure to control access to a swimming pool.	<b>R1 000.00</b>
Reg. E 4 / NBR, SANS 10400	Failure to comply with demolition requirements as per Reg. E(1) SANS.	<b>R1 500.00</b>
Reg. F 1 NBR, SANS 10400	Failure to protect the public at any site where building or demolition activities are in progress.	<b>R1 500.00</b>
Reg. F 1(4) NBR, SANS 10400	Failure to confine building operations to suite boundaries.	<b>R1 500.00</b>
Reg. F 8 NBR, SANS 10400	Failure to comply with notice regarding excessive waste before or during building operations on site.	<b>R800.00</b>
Reg. F 9(1) NBR, SANS 10400	Failure to comply with notice regarding the cleaning of site.	<b>R800.00</b>

<b>SECTION/REG</b>	<b>DESCRIPTION OF CONTRAVENTION</b>	<b>PROPOSED NEW FINE</b>
Reg. F 9(1) NBR, SANS 10400	Failure to comply with notice regarding the removal of building material from pavements / streets.	<b>R800.00</b>
Reg. F 10(2) NBR, SANS 10400	Failure to construct or locate builders shed to the satisfaction of the Local Authority	<b>R800.00</b>
Reg. F 11 NBR, SANS 10400	Failure to provide approved sanitary facilities for personnel on site.	<b>R2 000.00</b>
Reg. G 1 NBR, SANS 10400	Failure to notify the Local Authority of the intention to excavate.	<b>R1 500.00</b>
Reg. P (1)1 NBR, SANS 10400 - 1990	Failure to provide suitable drainage system.	<b>R1 500.00</b>
Reg. P 1(2) NBR, SANS 10400	Failure to connect to available sewer system.	<b>R1 500.00</b>
Reg. P 3(1)(a) NBR, SANS 10400	To discharge from any sanitary fixture to enter any storm water drain or storm water sewer.	<b>R1 500.00</b>
Reg. P 3(1)(b) NBR, SANS 10400	To discharge sewage into natural water course.	<b>R1 500.00</b>
Reg. P 3(1)(c) NBR, SANS 10400	To discharge sewage into the street or other site.	<b>R1 500.00</b>
Reg. P 3(2) NBR, SANS 10400	To let storm water enter the drainage system.	<b>R1 500.00</b>
Reg. P 3(3) NBR, SANS 10400	Failure to comply with notice issued regarding prevention measures in terms of Reg P3(1) and Reg P3(2).	<b>R1 500.00</b>
Reg. P 3(4) NBR, SANS 10400	To discharge water from a swimming pool directly or indirectly into the street, public place or other site.	<b>R1 500.00</b>
Reg. P 4 NBR, SANS 10400	Industrial effluent installation deviates from plans.	<b>R2 400.00</b>
Reg. P 5(1) & P5(2) NBR, SANS 10400	Failure to seal disconnected drainage and or soil pipes.	<b>R1 500.00</b>
Reg. P 5(3) NBR, SANS 10400	Failure to notify the Local Authority about the disconnection of drainage installation.	<b>R1 500.00</b>
Reg. P 6(1) NBR, SANS 10400	Unauthorized connection or interference with any part of a drainage system.	<b>R1 500.00</b>
Reg. P 7(3) NBR, SANS 10400	Using a drainage installation before it was inspected and approved by Local Authority.	<b>R1 500.00</b>
Reg. T1(1)(e) NBR, SANS 10400	Failure to provide adequate access and equipment for detecting, fighting, controlling and extinguishing fires.	<b>R2 400.00</b>
Reg. T2(1) NBR, SANS 10400	Fire extinguishers not complying with SANS specification or failure to maintain fire extinguishers or failure to install fire extinguishers.	<b>R1 500.00</b>
Reg. T2(2) NBR, SANS 10400	Hinder or prevent the escape of any person from a building in case of fire.	<b>R1 500.00</b>

#### **4 LEGAL IMPLICATIONS**

- The National Building Regulations and Building Standards Act, 103 Of 1977 (As Amended)

## 5 FINANCIAL IMPLICATIONS

Additional income for the Municipality

## 6 PERSONNEL IMPLICATIONS

None

## 7 MANAGEMENT RECOMMENDATION

- (l) That the following fines and levies be approved for contraventions of the National Building Regulations and Building Standards Act, 103 of 1977 (as amended)

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Sec 4 (1)	Erecting a building without consent.	<b>R100.00</b> for each day on which the person was engaged in erecting such building
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Sec. 15(1)(2)	To hinder or obstruct any municipal office in exercising his or her duty	<b>R500.00</b>
Sec. 12(1)	Failure to comply with notice served in terms of Art. 12(1)	<b>R100.00</b> for each day on which the person so contravened
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