

PRINCE ALBERT MUNICIPALITY:
BUILDING CONTROL BYLAW, 2026



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PREABLE AND PURPOSE

WHEREAS there is a need to provide a regulatory framework for the construction, alteration, maintenance and demolition of buildings within the jurisdiction of Prince Albert Municipality in accordance with the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and to enforce the building standards related thereto and provide for offences and penalties;

WHEREAS section 24 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to an environment that is not harmful to their health or well-being and to have that environment protected for the benefit of present and future generations;

WHEREAS section 32 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right of access to any information held by the State and any information held by another person that is required for the exercise or protection of any rights;

WHEREAS section 156(1) of the Constitution confers upon municipalities the executive authority and the right to administer the local government matters listed in Parts B of Schedules 4 and 5;

WHEREAS sections 156(2) and 156(5) of the Constitution provide that a municipality may make and administer by-laws for the effective administration of matters which it has the right to administer and may exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

WHEREAS section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), authorises municipalities to make and adopt by-laws;

WHEREAS section 4 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), empowers the Municipality to consider and grant approval for applications relating to the erection of buildings;

WHEREAS section 7 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), empowers the Municipality to regulate and control the design, erection and construction of buildings within its area of jurisdiction;

WHEREAS the Construction Regulations, 2014, promulgated under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), prescribe the requirements and obligations applicable to construction work in order to ensure that such work is carried out in a manner that safeguards the health and safety of persons;

WHEREAS Prince Albert Municipality recognises the importance of preserving its unique architectural, cultural and heritage character while promoting sustainable development, public safety and the orderly regulation of building activities within its area of jurisdiction;

WHEREAS this By-law is supplementary to the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and is intended to ensure uniformity with regard to building standards, the erection of buildings, and the submission, consideration and approval of building plans within the jurisdiction of Prince Albert Municipality.

NOW THEREFORE, the Prince Albert Municipality enacts this Building Control By-law in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read together with the applicable provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

Chapter 1

Interpretation

1. Definitions

In this By-law, unless the context indicates otherwise—

"Act" means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), as amended from time to time;

"Agent" "agent" means a person authorised in terms of a power of attorney to make an application on behalf of the owner of land or property.

"Applicant" means a person who submits an application in terms of this By-law;

"Application" means an application submitted to the Municipality for approval, consent, permission, exemption or any other matter contemplated in this By-law;

"Approved" means approved by the Municipality in writing;

"Authorised Official" means an employee of the Municipality who has been delegated or authorised to perform any duty or exercise any power in terms of this By-law;

"Beacon" means a survey beacon or boundary marker defining the extent of a property in terms of applicable legislation;

"Boundary" means a lawfully established property boundary;

"Boundary Wall" means a wall, fence or similar structure erected on or adjacent to a property boundary;

"Building" shall have the meaning assigned to it in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and includes any structure, whether temporary or permanent;

"Building Control Committee" means the committee established by the Municipality in terms of this By-law to consider and make recommendations on matters relating to building control;

"Building Control Officer" or "BCO" means a person appointed by the Municipality in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

"Building Inspector" means a Municipal Building and Drainage Inspector appointed by the Municipality in terms of this By-law;

"Certificate of Occupancy" means a certificate issued by the Municipality authorising the occupation of a building;

"Competent Person" means a person recognised as competent in terms of the National Building Regulations and applicable legislation;

"Council" means the Municipal Council of Prince Albert Municipality;

"Demolition" means the complete or partial dismantling, removal or destruction of a building or structure;

"Minor Building Works" means building work contemplated in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and any regulations made thereunder;

"Municipality" means Prince Albert Municipality and includes any duly authorised official acting in terms of delegated authority;

"Occupancy" means the lawful use or occupation of a building for its intended purpose;

"Owner" means the registered owner of a property and includes any person authorised to act on behalf of the owner;

"Person" includes a natural person, juristic person, partnership, trust, organ of state or any other legal entity;

"Plans Examiner" means a suitably qualified official designated by the Municipality to assess building plan applications and related documentation;

"Property" means any erf, stand, lot, portion of land, farm or other land unit registered or capable of being registered in a deeds registry;

"SANS 10400" means the South African National Standard for the Application of the National Building Regulations, as amended from time to time;

"Temporary Building" means a building or structure intended for use for a limited period and approved by the Municipality subject to conditions;

"This By-law" means the Prince Albert Municipality Building Control By-law and includes any schedules attached thereto.

2. Application of By-law

(1) This By-law applies to all land, buildings and building activities within the jurisdiction of Prince Albert Municipality and binds all persons, organs of state and the Municipality to the extent permitted by law.

(2) No person may erect, alter, extend, convert, occupy, demolish or use a building except in accordance with this By-law, the Act and any other applicable legislation.

(3) This By-law supplements the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and shall be read together with all applicable national and provincial legislation.

(4) Where a conflict exists between this By-law and national or provincial legislation, the national or provincial legislation shall prevail to the extent of the conflict.

(5) Compliance with this By-law does not exempt any person from complying with any other applicable legislation, approval, permit, licence, condition of title, zoning requirement or servitude affecting a property.

3. Principles, Policies, Norms and Standards

(1) Any development principles, norms and standards applicable to building control in terms of national or provincial legislation shall apply within the jurisdiction of the Municipality.

(2) The Municipality may adopt policies, procedures, guidelines and standard operating procedures consistent with applicable legislation and this By-law to facilitate the administration and implementation of building control functions.

(3) In administering this By-law, the Municipality shall promote—

- (a) public health and safety;
- (b) sustainable development;
- (c) environmental protection;

- (d) accessibility and universal access principles;
 - (e) compliance with building standards and regulations;
 - (f) transparency, fairness and consistency in decision-making; and
 - (g) the protection of the heritage, character and built environment of Prince Albert.
- (4) Any policy, guideline or procedure adopted by the Municipality shall not override or conflict with any provision of applicable legislation or this By-law.

CHAPTER 2

MUNICIPAL BUILDING CONTROL APPROVAL AUTHORITIES: ESTABLISHMENT, FUNCTIONS AND POWERS

4. Building Control Officer ("BCO")

- (1) The Municipality must appoint a Building Control Officer in accordance with the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), to perform the powers, duties and functions assigned under the Act and this By-law.
- (2) The Municipality may delegate or sub-delegate powers and functions relating to building control in accordance with applicable legislation.
- (3) The Building Control Officer shall—
- (a) administer and enforce the provisions of this By-law and applicable building legislation;
 - (b) consider and make recommendations on applications submitted in terms of this By-law;
 - (c) ensure compliance with any condition, instruction or requirement imposed by the Municipality;
 - (d) coordinate the assessment of building plan applications;

- (e) consider reports and recommendations from municipal departments, external authorities and the Building Control Committee where applicable;
- (f) enter and inspect any property or building at a reasonable time, subject to applicable legislation, for the purposes of monitoring and enforcing compliance;
- (g) investigate complaints relating to building control matters;
- (h) issue notices authorised by this By-law, including compliance notices and stop-work notices;
- (i) consider applications for Certificates of Occupancy and Temporary Certificates of Occupancy;
- (j) maintain records relating to building control matters; and
- (k) perform any other function reasonably necessary for the effective administration of this By-law.

5. Building Inspector

- (1) The Municipality may appoint one or more suitably qualified persons as Building Inspectors to perform inspections and enforcement functions in terms of this By-law.
- (2) Building Inspectors may be appointed as Peace Officers in accordance with applicable legislation.
- (3) A Building Inspector may—
 - (a) inspect any property, building or building work at a reasonable time to determine compliance with applicable legislation;
 - (b) monitor building work during construction, alteration, extension, demolition or occupation;
 - (c) enforce the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), SANS 10400 and this By-law;
 - (d) investigate complaints relating to unauthorised building work, dangerous structures, encroachments and drainage installations;
 - (e) issue inspection reports and notices authorised by this By-law;
 - (f) report contraventions to the Building Control Officer;
 - (g) verify compliance with approved building plans and conditions of approval; and

(h) perform any other function assigned by the Building Control Officer or the Municipality.

6. Building Control Plans Examiner

(1) The Building Control Officer may designate a suitably qualified official as a Building Control Plans Examiner to assess building plan applications and supporting documentation.

(2) The Plans Examiner shall—

- (a) examine building plan applications and supporting documents for compliance with applicable legislation, this By-law and municipal requirements;
- (b) verify the completeness of applications and the payment of prescribed fees;
- (c) assess plans, specifications and technical documentation submitted in support of an application;
- (d) circulate applications to relevant municipal departments and external authorities where comments are required;
- (e) review comments received and incorporate such comments into the assessment process;
- (f) prepare recommendations regarding the approval, conditional approval or refusal of applications;
- (g) liaise with applicants, owners, architects, engineers and other professionals regarding compliance matters;
- (h) conduct site inspections where necessary;
- (i) provide technical advice to the Building Control Officer; and
- (j) perform any other duty reasonably necessary for the effective administration of building plan assessments.

(3) The same person may simultaneously hold more than one office or perform more than one function contemplated in this By-law, provided that such appointment is consistent with applicable legislation and the operational requirements of the Municipality.

CHAPTER 3

KEEPING OF RECORDS AND ACCESS TO INFORMATION

7. Record of Applications for Building Plan Approval and Access

(1) The Municipality must maintain a register of all applications submitted for Building Plan Approval in terms of this By-law.

(2) The Municipality must retain copies of approved building plans, application forms, supporting documentation, certificates and any other records relating to building plan applications for administrative, operational and legal purposes.

(3) Access to building plan records and associated documentation shall be regulated in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), and any applicable municipal policies and procedures.

(4) An owner shall be entitled to request access to approved building plans and related records pertaining to his or her property, provided that the owner submits—

(a) proof of ownership of the property;

(b) proof of identity;

(c) where applicable, a power of attorney, proxy or written authorisation together with proof of identity of the authorised representative;

(d) any additional information reasonably required by the Municipality to verify ownership or authority; and

(e) proof of payment of any prescribed administrative fee.

(5) The Municipality may refuse access to building plans or related records where the applicant fails to provide the information required in subsection (4), where the applicant is not the owner or a duly authorised representative of the owner, or where disclosure is prohibited by law.

(6) Nothing in this section prevents the Municipality from disclosing information where required to do so by a competent court, applicable legislation, or any lawful directive issued by a competent authority.

8. Owner's Record of Building Plan Approval, Certificate of Occupancy and Other Building Records

(1) Every owner is responsible for retaining copies of approved building plans, certificates of occupancy, temporary certificates of occupancy and any other records relating to building work undertaken on the property.

(2) An owner must take reasonable steps to ensure that such records are preserved and made available to successors in title upon transfer of ownership of the property.

(3) Prior to the transfer of a property, the owner must disclose to any prospective transferee—

(a) any outstanding contravention notice, compliance notice, enforcement order or penalty issued by the Municipality;

(b) the absence of a Certificate of Occupancy where one is required by law;

(c) the terms and conditions of any Temporary Certificate of Occupancy issued by the Municipality;

(d) any building, structure, alteration or addition that does not have approved building plans; and

(e) any other building control matter that may materially affect the lawful use, occupation or development of the property.

9. Lodging of Public Complaints

- (1) Any member of the public may lodge a complaint relating to a property, building, building work, or any matter regulated by this By-law within the jurisdiction of the Municipality, in the manner and form prescribed by the Municipality.
- (2) Upon receipt of a complaint, an Authorised Official shall assess the complaint and, where appropriate, refer it to the relevant municipal department, business unit or authority for investigation and action.
- (3) The Authorised Official may assign the matter to a Building Inspector or any other authorised person to investigate the complaint and report on the findings.
- (4) Following the investigation, the Municipality shall take such lawful steps as may be necessary to address the complaint and, where appropriate, inform the complainant of the outcome of the investigation and any action taken.
- (5) The Municipality must maintain a register of all complaints received, investigations conducted and actions taken in respect thereof.
- (6) The lodging of a complaint does not oblige the Municipality to take enforcement action where no contravention of this By-law, applicable legislation, or any condition of approval is found to exist.

CHAPTER 4

ESTABLISHMENT AND ROLE OF THE BUILDING CONTROL COMMITTEE

10. Role of the Building Control Committee

(1) The Building Control Committee shall act as a technical and advisory body to the Municipality on matters relating to building control, building plan applications, architectural design, heritage considerations, urban character, unauthorised building work and any other matter referred to it by the Municipality, the Building Control Officer or an Authorised Official.

(2) The Committee may consider and provide recommendations on—

- (a) building plan applications;
- (b) departures from approved building plans;
- (c) unauthorised building work;
- (d) applications affecting heritage resources or heritage areas;
- (e) applications involving complex or unusual building designs;
- (f) occupancy matters;

- (g) applications referred to the Committee by the Municipality; and
 - (h) any other building control matter requiring technical consideration.
- (3) The Committee shall act in an advisory capacity only and shall not approve, refuse or determine any application or matter contemplated in this By-law.
- (4) All recommendations made by the Committee shall be considered by the Municipality, the Building Control Officer or an Authorised Official when exercising powers and performing duties in terms of this By-law and applicable legislation.

11. Establishment of the Committee

- (1) The Municipality may establish a Building Control Committee comprising municipal officials and external specialists with appropriate qualifications, expertise and experience in architecture, building control, engineering, heritage conservation, town planning, construction management or any other discipline relevant to the functions of the Committee.
- (2) The Committee shall consist of the following members—
- (a) one (1) Building Control Officer and/or Building Inspector;
 - (b) one (1) Town Planner;
 - (c) one (1) representative from Technical Services;
 - (d) one (1) Heritage Representative;
 - (e) two (2) community representatives appointed by the Municipality based on their knowledge, experience or interest in the built environment, heritage, planning or community development.
- (3) External members may be appointed by the Municipality through a transparent nomination and selection process and shall serve for a period determined by the Municipality.

- (4) The Municipality may invite representatives from other municipal departments, government institutions or specialist disciplines to attend meetings and provide technical input on applications where their expertise is required.
- (5) Invited representatives shall participate in discussions and provide recommendations but shall not have voting rights unless appointed as members of the Committee.
- (6) The Municipality shall appoint a Chairperson from amongst the members of the Committee.
- (7) The Municipal Manager shall designate an employee of the Municipality to act as Administrator of the Committee and may designate additional employees to provide administrative support.
- (8) The Administrator shall—
- (a) arrange and coordinate meetings of the Committee;
 - (b) distribute agendas, reports and supporting documentation;
 - (c) liaise with applicants, municipal departments and Committee members;
 - (d) maintain a register of matters referred to the Committee;
 - (e) record and maintain minutes, recommendations and decisions of the Committee; and
 - (f) perform any other administrative function necessary for the effective operation of the Committee.

12. Participation in Meetings

- (1) Meetings of the Committee shall be held at such times and places as determined by the Municipality.
- (2) A quorum for any meeting of the Committee shall be four (4) members, provided that at least one municipal official and one external specialist are present.
- (3) An applicant may make an oral representation to the Committee regarding a matter under consideration, provided that a written request is submitted to the Authorised Official at least five (5) business days before the meeting at which the matter will be considered.
- (4) The Chairperson may permit any person with relevant expertise or interest in a matter before the Committee to attend and make representations to the Committee.
- (5) Committee meetings shall not be open to the public unless otherwise determined by the Municipality.

13. Decisions and Recommendations

(1) Where it is necessary for the Committee to vote on a matter, each member present shall be entitled to one vote and any recommendation shall be determined by a simple majority of members present and voting.

(2) In the event of an equality of votes, the Chairperson shall have a casting vote.

(3) The Committee shall communicate its recommendations to the Municipality within fifteen (15) working days after consideration of the matter.

(4) Recommendations of the Committee shall be advisory in nature and shall not constitute an approval, refusal or final decision on any application.

(5) The final decision on any application or matter considered by the Committee shall remain with the Municipality or a duly authorised official acting in terms of delegated authority and applicable legislation.

(6) The Municipality shall communicate the outcome of any application or matter to the applicant in accordance with the provisions of this By-law and applicable legislation.

7. Meetings will be conducted based on the need and type of application submitted.

CHAPTER 5

APPLICATION FOR BUILDING PLAN APPROVAL

14. Application and Requirements

- (1) An application for Building Plan Approval shall be submitted in writing in the form and manner prescribed by the Municipality.
- (2) An application may be submitted by—
 - (a) the registered owner of the property;
 - (b) a person authorised in writing by the owner; or
 - (c) any person with a legal interest in the property and authority acceptable to the Municipality.
- (3) Proof of ownership or authority shall accompany the application.
- (4) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
- (5) Building plans submitted to the Municipality shall be prepared and signed by a suitably qualified person registered with the relevant statutory professional council where required by law.
- (6) The Municipality may require proof of professional registration and competence before accepting any building plans for consideration.
- (7) An application must be accompanied by—

- (a) the plans, drawings, specifications and supporting documentation required by the Municipality;
 - (b) any additional information reasonably required by the Municipality;
 - (c) a copy of the relevant title deed and any conditions of title applicable to the proposed development;
 - (d) proof of registration of any competent person or registered professional involved in the application; and
 - (e) proof of payment of the prescribed fees.
- (7) Any application resubmitted more than one (1) year after the original submission shall be regarded as a new application and shall be subject to the prescribed fees.
- (8) The Municipality shall endeavour to process and determine all applications within thirty (30) days from the date on which a complete application, together with all required documentation and prescribed fees, has been received.
- (9) Where additional information, specialist reports, amendments, external comments or referrals are required, the processing period may be suspended until such information has been received.
- (10) The processing period shall not constitute automatic approval of any application.

15. Erection of Buildings Requiring Building Plan Approval

- (1) No person may erect, alter, extend, convert, occupy or demolish a building without obtaining prior Building Plan Approval from the Municipality where such approval is required by law.
- (2) Buildings and structures requiring Building Plan Approval include, but are not limited to—
- (a) dwellings and dwelling additions;
 - (b) garages, carports and outbuildings;
 - (c) swimming pools, koi ponds and water features exceeding 300 mm in depth;
 - (d) awnings and retractable awnings;
 - (e) signs, billboards and advertising structures;
 - (f) telecommunication towers and associated infrastructure;

- (g) floodlight structures exceeding 3 metres in height;
- (h) underground and above-ground fuel storage tanks;
- (i) silos;
- (j) timber decks intended for public use or exceeding 900 mm above ground level;
- (k) Wendy houses exceeding 10 m² in floor area;
- (l) alterations to roof designs;
- (m) internal structural alterations;
- (n) reservoirs and bridges; and
- (o) any other building work requiring approval in terms of applicable legislation.

16. Minor Building Works

- (1) Minor Building Works may be undertaken in accordance with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).
- (2) The Municipality may require the submission of sketch plans, specifications or any other information necessary to determine whether the proposed work qualifies as Minor Building Works.
- (3) Where the Municipality determines that the proposed work does not qualify as Minor Building Works, a formal Building Plan Approval application shall be submitted.

17. Temporary Building Works

- (1) No person may erect a temporary building or structure without the written approval of the Municipality.
- (2) An application for a temporary building shall specify—
 - (a) the intended use of the structure;
 - (b) the period for which it is required;
 - (c) the location of the structure; and
 - (d) any other information required by the Municipality.
- (3) The Municipality may impose conditions relating to safety, health, appearance, duration, removal and reinstatement of the site.

(4) The Municipality may require the removal of any temporary building upon the expiry of the approval period.

18. Certificate of Occupancy and Completion Certificate

(1) No person may occupy or permit the occupation of a building for which a Certificate of Occupancy is required unless such certificate has been issued by the Municipality.

(2) Upon completion of building work, the owner shall apply for a Certificate of Occupancy in the prescribed manner.

(3) The Municipality may conduct inspections to verify compliance with approved plans, conditions of approval and applicable legislation before issuing a Certificate of Occupancy.

(4) The Municipality may issue a Temporary Certificate of Occupancy subject to conditions where appropriate.

19. Demolition of Buildings

(1) No person may demolish a building without obtaining any approval required by applicable legislation and the Municipality.

(2) The Municipality may require the submission of a demolition plan, method statement, safety plan or any other documentation deemed necessary.

(3) The owner shall ensure that demolition work is carried out safely and in accordance with all applicable legislation.

20. Disposal of Building Rubble

(1) The owner or contractor shall ensure that all building rubble generated during construction, alteration or demolition activities is removed and disposed of at an authorised waste disposal facility.

(2) No person may dispose of building rubble on a public place, open space, road reserve, watercourse or any area not authorised for such purpose.

(3) Where an owner has paid a rubble disposal fee to the Municipality and subsequently provides proof, to the satisfaction of the Municipality, that the building rubble was lawfully removed and disposed of at an authorised disposal facility at the

owner's expense, the Municipality may credit the amount paid to the owner's municipal account.

(4) No refund contemplated in subsection (3) shall be paid in cash or by electronic transfer to the owner, and any approved refund shall be effected solely by means of a credit against the owner's municipal account.

(5) The Municipality may require the submission of disposal receipts, weighbridge tickets, waste disposal certificates or any other proof deemed necessary before any credit is granted.

21. Storm-water

(1) Every owner shall ensure that adequate storm-water management measures are provided and maintained on the property.

(2) No storm-water may be discharged onto neighbouring properties or public infrastructure in a manner that causes nuisance, damage or danger.

22. Sewage

(1) All sewage installations shall comply with applicable legislation, municipal requirements and approved plans.

(2) No person may connect, alter or interfere with a sewage system without the approval required by the Municipality.

23. Water

(1) All water installations shall comply with applicable legislation, municipal requirements and approved plans.

(2) No person may connect, alter or interfere with a water system without the approval required by the Municipality.

24. Environmental, Water and Heritage Authorisations and Permits

(1) Where environmental, water use, heritage or any other statutory authorisation is required by law, the applicant shall obtain such authorisation before the Municipality considers the application for approval.

(2) The submission of an application in terms of this By-law shall not exempt an applicant from complying with any other applicable legislation.

25. Boundary Walls and Beacons

(1) No person may erect a boundary wall except in accordance with approved plans where such approval is required.

(2) The owner shall be responsible for locating and protecting all property beacons before commencing any building work.

(3) The Municipality may require a land surveyor's certificate where the position of a boundary or beacon is disputed or uncertain.

26. Emergency Approval

(1) In the event of an emergency that poses an immediate risk to life, property or public safety, the Municipality may authorise emergency building work subject to such conditions as it may determine.

(2) The owner shall submit any plans, reports or supporting documentation required by the Municipality within the period specified by the Municipality following the emergency work.

(3) Emergency approval shall not exempt any person from complying with applicable legislation or obtaining any further approval required by the Municipality.

27. Withdrawal of application or power of attorney

(1) An applicant may, at any time before the Municipality makes a decision on an application submitted by the applicant, withdraw the application by giving written notice of the withdrawal to the Municipality.

(2) The owner of land must in writing inform the Municipality if he or she has withdrawn the power of attorney given to his or her former agent and confirm whether he or she will personally proceed with the application.

28. Duties of agent

(1) An agent must ensure that he or she has the contact details of the owner on whose behalf he or she is authorised to act.

(2) An agent may not provide information or make a statement in support of an application which information or statement he or she knows or believes to be misleading, false or inaccurate.

CHAPTER 6

BUILDING COMPLETION, DELAYS AND OPERATION

28. Commencement and Completion of Building Work

(1) Building work approved in terms of this By-law shall commence within twelve (12) months from the date of approval, failing which the approval may lapse unless an extension has been granted by the Municipality.

(2) If the owner has appointed an agent, the owner must take steps to ensure that the agent notifies him or her of the decision of the Municipality.

(3) The owner shall notify the Municipality of the commencement of building work in the manner prescribed by the Municipality.

(4) Building work shall be carried out in accordance with the approved plans, conditions of approval and applicable legislation.

(5) The owner shall ensure that building work is completed within a reasonable period and in accordance with any conditions imposed by the Municipality.

(6) Where building work has not commenced or has been discontinued for a period exceeding twelve (12) consecutive months, the Municipality may require the owner to apply for the renewal or amendment of the approval.

(7) The Municipality may grant an extension of time upon written application by the owner and on such conditions as it may determine.

29. Building Site Controls

- (1) The owner and contractor shall ensure that every building site is maintained in a safe, orderly and environmentally responsible manner.
- (2) Adequate measures shall be taken to safeguard members of the public, adjoining properties and municipal infrastructure from any danger arising from building activities.
- (3) Building materials, rubble, equipment and machinery shall be stored in a manner that does not create a nuisance, obstruction or danger to persons or property.
- (4) No person may deposit building materials, rubble, equipment or waste on a public road, sidewalk, public open space or municipal property without the prior written approval of the Municipality.
- (5) The owner shall ensure that suitable measures are implemented to control dust, noise, storm-water runoff and any other environmental impacts associated with building activities.
- (6) Every building site shall be provided with adequate sanitary facilities for workers where required by applicable legislation.
- (7) The owner and contractor shall comply with all applicable occupational health and safety legislation during the execution of building work.
- (8) The Municipality may require the erection of temporary fencing, hoarding, screening or other protective measures where necessary to safeguard the public or adjoining properties.
- (9) The owner shall ensure that no building activity causes damage to municipal services, roads, sidewalks, storm-water infrastructure or any other municipal asset.
- (10) Any damage caused to municipal infrastructure as a result of building activities shall be repaired by the owner to the satisfaction of the Municipality or, where the Municipality undertakes such repairs, the cost thereof shall be recovered from the owner.
- (11) The Municipality may issue a notice requiring the owner or contractor to remedy any unsafe condition, nuisance, obstruction or contravention identified on a building site within a specified period.
- (12) Failure to comply with a notice issued in terms of subsection (11) may result in enforcement action in accordance with this By-law.
- (13) The Municipality may require the suspension of building work where conditions on the site pose a risk to public safety, municipal infrastructure or the environment.

(14) Upon completion of building work, the owner shall ensure that the site is cleared of all rubble, waste materials, temporary structures and construction-related debris and restored to a condition satisfactory to the Municipality.

(15) No person shall use or permit the use of any machine, engine, apparatus, tool, equipment or contrivance in connection with building work—

(a) before 06:00 or after 18:00 on Mondays to Fridays;

(b) before 06:00 or after 17:00 on Saturdays; or

(c) on Sundays or Public Holidays.

(16) No building work, demolition work, excavation, construction activity or any related operation shall be undertaken on Sundays or Public Holidays without the prior written approval of the Municipality.

(17) The Municipality may, upon written application and where exceptional circumstances exist, authorise building activities outside the hours prescribed in subsection (15), subject to such conditions as it may determine.

(18) Any person undertaking building work shall take all reasonable measures to prevent excessive noise, vibration, dust or any other nuisance which may adversely affect neighbouring properties or the public.

CHAPTER 7

EARLY COMMENCEMENT

30. Early Commencement of Building Work

(1) No person may commence with any building work requiring Building Plan Approval before such approval has been granted by the Municipality, except where written authorisation for early commencement has been issued in terms of this Chapter.

(2) Early commencement may only be considered where the Municipality is satisfied that the proposed work will not prejudice the consideration of the application, public safety, municipal services, neighbouring properties or any applicable legislation.

(3) The granting of early commencement shall not constitute approval of the building plan application and shall not create any right or expectation that the application will be approved.

(4) Any building work undertaken prior to the approval of a building plan shall be entirely at the risk of the owner and applicant.

31. Application and Requirements for Early Commencement of Building Work

(1) An application for early commencement shall be submitted in writing to the Municipality and shall contain such information as the Municipality may require.

(2) The Municipality may require the submission of—

- (a) site plans, drawings and specifications;
- (b) a motivation setting out the reasons for the request;
- (c) proof of ownership or authority to act on behalf of the owner;
- (d) proof of appointment of any competent person required by law;
- (e) details of the proposed work to be undertaken prior to approval; and
- (f) any other information considered necessary by the Municipality.

(3) The Municipality may approve, approve subject to conditions, or refuse an application for early commencement.

(4) Conditions imposed by the Municipality may include restrictions relating to—

- (a) the extent of work permitted;
- (b) public health and safety;
- (c) protection of municipal infrastructure;
- (d) environmental and heritage considerations;
- (e) time periods within which the authorised work must be completed; and
- (f) any other matter deemed necessary by the Municipality.

(5) The Municipality may withdraw an approval for early commencement at any time if—

- (a) any condition of approval is breached;
- (b) information submitted by the applicant is found to be false or misleading;
- (c) the work being undertaken differs from that authorised by the Municipality; or
- (d) the Municipality considers such withdrawal necessary in the interests of public safety, compliance or the proper administration of this By-law.

(6) Where a building plan application is subsequently refused, the owner shall, at his or her own cost and within the period specified by the Municipality—

- (a) cease all building work immediately;
- (b) remove any unauthorised work where required by the Municipality; and
- (c) restore the property to a condition acceptable to the Municipality.

(7) The Municipality shall not be liable for any loss, damage, cost or expense incurred by an applicant or owner arising from the granting, refusal or withdrawal of an early commencement authorisation, or from the subsequent refusal of a building plan application.

CHAPTER 8

ENFORCEMENT

32. Offences and Penalties

(1) A person commits an offence if that person—

- (a) erects, alters, extends, converts, occupies or demolishes a building without the approval required in terms of this By-law or any applicable legislation;
- (b) commences building work contrary to any condition imposed by the Municipality;
- (c) occupies or permits the occupation of a building without a Certificate of Occupancy where such certificate is required;
- (d) fails to comply with a notice, directive, condition or instruction lawfully issued in terms of this By-law;
- (e) obstructs, hinders or interferes with an Authorised Official, Building Control Officer, Building Inspector or any person acting under lawful authority in the exercise of a power or performance of a duty in terms of this By-law;
- (f) knowingly provides false, misleading or inaccurate information in any application, document, certificate, declaration or representation submitted to the Municipality;

- (g) undertakes building work contrary to approved building plans or approved conditions;
 - (h) damages, removes or interferes with municipal infrastructure, survey beacons or any municipal property in connection with building activities;
 - (i) contravenes or fails to comply with any provision of this By-law; or
 - (j) causes or permits any other person to commit an offence in terms of this By-law.
- (2) A person convicted of an offence in terms of this By-law shall be liable to a fine or imprisonment, or both such fine and imprisonment, as determined by a court of competent jurisdiction.
- (3) The Municipality may, in addition to any criminal proceedings, recover any costs incurred as a result of a person's failure to comply with this By-law.
- (4) The remedies provided for in this By-law are in addition to any remedy available to the Municipality in terms of any other law.

33. Notices

- (1) Where the Municipality reasonably believes that a provision of this By-law, a condition of approval or any applicable legislation has been contravened, it may issue a written notice to the owner, occupier, contractor or any other responsible person.
- (2) A notice issued in terms of subsection (1) may—
- (a) require the cessation of any unlawful activity;
 - (b) require compliance with approved plans or conditions of approval;
 - (c) require the submission of plans, reports, certificates or any other information;
 - (d) require the repair, alteration, removal or demolition of unauthorised building work;
 - (e) require the restoration of any property or municipal infrastructure affected by the contravention; or
 - (f) require any other action reasonably necessary to achieve compliance.
- (3) A notice shall specify—
- (a) the nature of the contravention;

- (b) the steps required to remedy the contravention;
 - (c) the period within which compliance must occur; and
 - (d) the consequences of failing to comply.
- (4) A notice may be served—
- (a) personally on the recipient;
 - (b) by registered mail to the recipient's last known address;
 - (c) by electronic mail where an electronic address has been provided;
 - (d) by affixing the notice to a conspicuous place on the property concerned; or
 - (e) in any other manner permitted by law.
- (5) Failure to comply with a notice issued in terms of this section constitutes an offence.
- (6) Any person who fails to comply with a notice, contravention notice, stop-work notice or directive issued in terms of this By-law within fourteen (14) working days from the date of receipt thereof shall be liable for the payment of a penalty or fine as prescribed in the Municipality's approved Tariff Schedule applicable for the relevant financial year.
- (7) The Municipality may impose additional penalties for continued non-compliance in accordance with its approved Tariff Schedule and applicable legislation.
- (8) Where a penalty or fine imposed in terms of this By-law remains unpaid after the due date, the Municipality may recover such amount by debiting the owner's municipal account, without prejudice to any other enforcement action available to the Municipality.
- (9) The imposition of a penalty or fine shall not relieve any person from the obligation to comply with the notice, remedy the contravention or obtain any approval required in terms of this By-law.
- (10) The Municipality may institute civil or criminal proceedings in addition to imposing any penalty or fine contemplated in this section.

34. Entry by Building Inspector

- (1) A Building Inspector, Building Control Officer or Authorised Official may, subject to applicable legislation, enter and inspect any property, building or building site at a reasonable time for the purpose of—

- (a) monitoring compliance with this By-law;
 - (b) investigating a complaint;
 - (c) verifying compliance with approved plans or conditions of approval;
 - (d) determining whether an offence or contravention has occurred; or
 - (e) exercising any power or performing any duty contemplated in this By-law.
- (2) The owner, occupier or person in control of the property shall provide reasonable access and assistance to an official exercising powers in terms of subsection (1).
- (3) No person may obstruct, hinder, threaten, intimidate or interfere with an official acting lawfully in terms of this By-law.
- (4) Where access is refused or where circumstances require it, the Municipality may obtain a warrant or take such steps as may be permitted by law.
- (5) The Municipality may issue a Stop-Work Notice where building work is being undertaken—
- (a) without the required approval;
 - (b) contrary to approved plans;
 - (c) in contravention of a condition of approval;
 - (d) in a manner that poses a risk to public safety, health or municipal infrastructure; or
 - (e) in contravention of this By-law or any applicable legislation.
- (6) Upon receipt of a Stop-Work Notice, all building activities identified in the notice shall cease immediately and may not recommence until written authorisation has been issued by the Municipality.
- (7) The Municipality may remove, secure or take any reasonable action necessary to prevent danger to persons or property arising from unauthorised or unsafe building work, and may recover the costs thereof from the owner or responsible person.

CHAPTER 9

APPEALS

35. Right of Appeal

(1) Any person whose rights are affected by a decision taken in terms of this By-law may appeal against such decision in accordance with the provisions of applicable legislation.

(2) An appeal shall be lodged in writing with the Municipal Manager within twenty-one (21) days of the date on which the appellant became aware of the decision.

(3) The appeal shall clearly state—

(a) the decision being appealed against;

(b) the grounds of appeal;

(c) any supporting documentation relied upon by the appellant; and

(d) the relief sought by the appellant.

36. Consideration of Appeals

- (1) Upon receipt of an appeal, the Municipal Manager shall ensure that the appeal is considered in accordance with the provisions of the applicable legislation.
- (2) The Municipal Manager may request additional information or documentation from the appellant or any municipal official involved in the matter.
- (3) The appellant may be afforded a reasonable opportunity to make written representations in support of the appeal.
- (4) The appeal authority may confirm, vary or revoke the decision that is the subject of the appeal.

37. Effect of Appeal

- (1) The lodging of an appeal shall not automatically suspend the operation of the decision appealed against unless otherwise provided for by law or directed by the appeal authority.
- (2) The appeal authority may, upon written request and for good cause shown, direct that the implementation of the decision be suspended pending the outcome of the appeal.
- (3) The decision of the appeal authority shall be communicated in writing to the appellant and any affected party and shall be final, subject to any right of review or appeal provided for in law.

CHAPTER 10

GENERAL PROVISIONS

38. Delegations

(1) The Municipal Council or Municipal Manager may delegate any power or duty assigned in terms of this By-law to an authorised official in accordance with applicable legislation and the Municipality's system of delegations.

(2) A delegation does not prevent the Municipal Council or Municipal Manager from exercising the delegated power or performing the delegated duty.

39. Limitation of Liability

(1) The Municipality and its officials shall not be liable for any loss or damage arising from the lawful exercise of powers or performance of duties in terms of this By-law.

(2) The approval of building plans, the issuing of a Certificate of Occupancy, the granting of any permission, or the inspection of building work by the Municipality shall not relieve the owner, applicant, contractor or competent person from responsibility for compliance with applicable legislation, approved plans and sound building practices.

40. Service of Documents and Notices

(1) Any notice, order, directive or other document required to be served in terms of this By-law may be served—

- (a) personally upon the recipient;
- (b) by registered mail to the recipient's last known address;
- (c) by electronic mail where an electronic address has been provided for correspondence;
- (d) by affixing the notice to a conspicuous place on the property concerned; or
- (e) by any other lawful method recognised by applicable legislation.

(2) A notice shall be deemed to have been received on the date of delivery, transmission or affixing, as the case may be.

41. Repeal and Transitional Arrangements

(1) In the event of a conflict between this By-law and any existing municipal building control policy, procedure, guideline or practice, the provisions of this By-law shall prevail.

(2) Any application submitted prior to the commencement of this By-law shall be dealt with in terms of the legislation and municipal requirements applicable at the time of submission, unless the applicant elects otherwise and the Municipality agrees.

(3) Any approval, certificate, notice or enforcement action issued before the commencement of this By-law shall remain valid and enforceable as if issued under this By-law.

42. Short Title and Commencement

(1) This By-law shall be called the Prince Albert Municipality Building Control By-law, 2026.

(2) This By-law shall come into operation on a date determined by the Municipality .

(3) From the date of commencement, this By-law shall apply to all building control matters within the jurisdiction of Prince Albert Municipality.