



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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N\$2.00

WINDHOEK - 18 October 2010

No. 4587

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## General Notice

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### OPUWO TOWN COUNCIL

No. 293

2010

#### BUILDING REGULATIONS: LOCAL AUTHORITIES ACT, 1992

The Council of the Town of Opuwo has, after consultation with the Minister of Regional and Local Government, Housing and Rural Development, under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), read with section 94B(1) of that Act and section 14*bis* of the Standards Act, 1962 (Act No. 33 of 1962), adopted as its regulations Chapter 1, part V of Chapter 2, Chapters 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of the Standard Building Regulations, published in Government Notice R.1830 of 23 October 1970, as amended by Government Notice 1266 of 23 July 1971 and Government Notice R.1431 of 17 August 1973, with the modifications set out in the Schedule.

**G.W. TJIPUEJA**  
**CHAIRPERSON OF THE COUNCIL**  
**BY ORDER OF THE COUNCIL**

Opuwo, 1 October 2010

## SCHEDULE

**Substitution of regulation 1 of Chapter 1**

1. The following regulation is substituted for regulation 1 of Chapter 1 -

**“1. DEFINITIONS APPLICABLE THROUGHOUT THE STANDARD BUILDING REGULATIONS**

In these regulations a word or expression defined in the Local Authorities Act, 1992 (Act No. 23 of 1992) has that meaning, and unless the context indicates otherwise -

*ASTM* means the American Society for Testing of Materials.

*Approved* means approved by the Local Authority or by a staff member of the Local Authority to whom its power of approval may have been delegated in terms of these regulations or any other law.

*Engineer* means the town engineer appointed by the Local Authority as such, or any other person designated as such by the Local Authority for a particular purpose or for the purpose generally of performing the functions of the Engineer under these regulations.

*Local Authority* means the Town Council of Opuwo.

*The Act* means the Local Authorities Act, 1992 (Act 23 of 1992).

*These regulations* means the Standard Building Regulations referred to in paragraph (k) of section 3 of the Standards Act, 1962 (Act No. 33 of 1962) (hereinafter referred to as the principal Act), including any amended thereof adopted by the Local Authority in whole or in part with or without amendment as its own regulations.

The word *employee* wherever it occurs in these regulations is substituted for the word *staff member*.”.

**Amendment of regulation 1 of Part V of Chapter 2**

2. Regulation 1 of Part V of Chapter 2 is amended in subregulation (1) by -

(a) the deletion of the definitions of *Approved*, *Engineer*, *Local Authority* and *These regulations*;

(b) the substitution of the following paragraph for paragraph (c) of the definition of *owner* -

“(c) vested in the State or the Local Authority and disposed of (whether transfer of such Property has taken place or not), the person in favour of whom the disposition has been made,”;

(c) the substitution of the following definition for the definition of *Public nuisance* -

*Public nuisance* means any act, omission, or condition which is offensive or injurious or dangerous to health, or which materially interferes with the ordinary comfort, convenience, peace or quiet of the public, or adversely affects the safety of the public and not being a nuisance as described in section 122 of the Public Health Act, 1919 (Act 36 of 1919) as applied to Namibia by the Public Health Proclamation, 1920 (Proclamation 36 of 1920);

- (d) the substitution of the following definition for the definition of *Public places and streets* -

*Public places and street* means all squares, other open space, gardens, parks and other enclosed spaces and all roads, thoroughfares, foot-paths, sidewalks, lanes or other rights of way and shall include bridges, culverts, and drains therein which have been or are at any time set apart and appropriated by a competent authority for the use and benefit of the public, or to which the inhabitants of the Local Authority have acquired or at any time acquire a common right, and which are vested in the Local Authority in trust to keep open (save as is otherwise provided in any law) and in repair, so far as the finances of a Local Authority will permit, for the use and benefit of the inhabitants.”.

#### **Substitution of regulation 5 of Part V of Chapter 2**

3. The following regulation is substituted for regulation 5 of Part V of Chapter 2 -

##### **“5. FEES**

- (a) The fees and charges determined by the Local Authority under section 30(1)(u) of the Act shall be paid to the Local Authority in respect of plans of any building or structure intended to be elected, which are submitted to the Local Authority in terms of these regulations.
- (b) Notwithstanding paragraph (a), any tariff or other provision of a regulation prescribing fees, charges or monies payable in respect of the provision of a service by the Local Authority relating to building and other related services remain in force until repealed or replaced by charges, fees or monies determined by the Local Authority under section 30(1)(u) of the Act.”.

#### **Substitution of regulation 12 of Part V of Chapter 2**

4. The following regulation is substituted for regulation 12 of Part V of Chapter 2 -

##### **“12 ENFORCEMENT OF REGULATIONS**

The chief executive officer or any staff member designated by the Local Authority may, for the purposes of enforcing these regulations, perform the duties or exercise the powers given or conferred in terms of section 91 of the Act.”.

#### **Substitution of regulation 30 of Part V of Chapter 2**

5. The following regulation is substituted for regulation 30 of Part V of Chapter 2 -

##### **“30 SERVICE OF NOTICES, ETC**

Any notice, order, demand or other document required or authorized to be served on a person in terms of these regulations shall be served in accordance with the provision of section 93 of the Act.”.

#### **Substitution of regulation 31 of Part V of Chapter 2**

6. The following regulation is substituted for regulation 31 of Part V of Chapter 2 -

##### **“31. PENALTIES**

- (a) Any person who is convicted of an offence in terms of these regulations is liable to a fine not exceeding N\$ 2000 or, in default of payment, to imprisonment for a period not exceeding six months.

- (b) Any person continuing to contravene any provision of these regulations after he or she has been ordered in writing by the chief executive officer or any staff member designated by the Local Authority to cease such contravention, or continues any offence after conviction thereof, commits a continuing offence and is, on conviction, liable to a further fine not exceeding N\$80 for every day on which such offence continues or, in default of payment, to such imprisonment as the court may order.”
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