

BELIZE:

BELIZE BUILDING (AMENDMENT) ACT, 2017

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BELIZE:

BILL

for

AN ACT to amend the Belize Building Act, Chapter 131 of the Substantive Laws of Belize, Revised Edition 2011 to strengthen and clarify the relationship between the Central Building Authority, local authorities and Local Building Authorities, and to provide for matters connected therewith or incidental thereto.

(Gazetted, 20.....)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

1. This Act may be cited as the

Short Title and construction.

BELIZE BUILDING (AMENDMENT) ACT, 2017

and shall be read and construed as one with the Belize Building Act, which, as amended, is hereafter referred to as the principal Act.

2. Section 2 of the principal Act is amended by,

Amendment of Section 2

- (a) by inserting in the appropriate alphabetical sequence the following definitions,

“ “applicant” in relation to any permit issued under this Act, means an applicant for the permit;

“ building permit” means a permit for the construction or demolition of a building issued under section 13 ;

“Building Unit” means a Building Unit appointed under section 3;

“Long Term Habitation” means not more than 3 months;

“municipal boundary” means the limits of a city or a town established by the Belize City Council Act, the Belmopan City Council Act or the Town Councils Act, as the case may be;

“occupancy permit” means a permit for the occupancy of a building issued under this Act;

“public building” means a building that is occupied by, or accessible to, the general public, and every place of public resort, including but not limited to school, college or place of instruction, church, chapel and other place of worship, clinic, hospital, theatre, public hall and concert room, place of public assembly, hotel, community centre and any facility officially designated as an emergency facility by the National Emergency Management Organization;

“rural area” means any place outside of a municipal boundary, as per the Belize City Council Act, Belmopan City Act and Town Council Acts;

“Technical Manager” means the Technical Manager of a Building Unit appointed under section 11;

“Tribunal” means the Tribunal established under section 22;”

(b) by deleting the definition of “building” and substituting therefor the following,

““building” means any structure or erection of whatever kind or nature whatsoever, whether temporary or permanent, and every part thereof, including any fixture thereto, not being a structure or erection consisting of, or ancillary to,

(a) any road, whether public or private, including in the case of a public road (but not in the case of a private road) any bridge or culvert on which the road is carried;

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- (b) any sewer or water main which is, or is to be, vested in a public authority;
 - (c) any aerodrome runway;
 - (d) any railway line;
 - (e) any telegraph line and its supports;
 - (f) any electricity supply line and its supports which is or is to be vested in a public authority; or
 - (g) any reservoir which is or is to be vested in a public authority;

but does not include,

- (h) a vehicle or craft that is not used or adapted for use as a class of building or structure classified under the building code;
- (i) a transportable building, mobile home, caravan or similar that,
 - (i) is not used for long-term habitation; and
 - (ii) is readily transportable without being disassembled or removed from associated components including a footing, pier, stump, rigid annex or an attached building or similar or prevent theft or for some other reason not related to the building;
- (j) an outhouse (not used for human habitation) not exceeding 100 square feet;
- (k) a subsistence farm building (not used for human habitation) not exceeding 200 square feet; or
- (l) a domestic storage shed (in a rural area) (not used for human habitation) not exceeding 150 square feet.”

- (c) by deleting the definition of “Building Inspector” and substituting the following,

““Building Inspector” means an engineering or architectural technician appointed under section 11 to assist the Director in the performance of his duties or to assist a Building Unit in the performance of its duties;”; and

- (d) by deleting the definition of “Court”.

Amendment of section 4.

- 3.** The principal Act is amended in section 4 by the repeal of subsection (6:02) and the substitution of the following therefor,

“(6:02) The Mayor of each local authority, shall in accordance with regulations made under this Act, constitute a Building Unit with the responsibility of approving building permits and occupancy permits on behalf of the Authority for the area under the jurisdiction of the local authority.”.

Amendment of section 7.

- 4.** Section 7 of the principal Act is amended by deleting the words “and the Minister shall approve”.

Amendment of section 8.

- 5.** Section 8 of the principal Act is amended-

- (a) in subsection (1), by inserting after the words, “the Authority” the words “or Building Unit”;
- (b) in subsection (2), by inserting after the word “Secretary” the words “members or employees of a Building Unit.”;
- (c) in subsection (3), by deleting the words “ten thousand dollars and to imprisonment for a term not exceeding two(2) years” and substituting “twenty thousand dollars and to imprisonment for a term not exceeding three years.”; and
- (d) in subsection (4) by-
- (i) deleting the words, “ten thousand”, and substituting therefor the words, “twenty thousand.” ;
- (ii) deleting the words “two years” and substituting, “four years”.

6. Section 9 of the principal Act is amended ,
- Amendment of section 9.
- (a) in subsection (1), by substituting the word, “registered”, for the word, “professional”; and
- (b) in subsection (3) by deleting the words “The Authority” and substituting therefor “The Minister”.

7. Section 11 of the principal Act is repealed and the following substituted therefor ,
- Amendment of section 11.

“Technical Managers and Building Inspectors.

11.—(1) For the purposes of this Act, each local authority shall appoint a Technical Manager, who shall be responsible for the administration of the Building Unit for the local authority, and in particular for reviewing plans and other documentation submitted in support of applications for a building permit or an occupancy permit, and inspecting or causing to be inspected construction or demolition to determine compliance with the terms of the building permit.

(2) The Technical Manager shall also undertake such other duties as may be assigned under this Act.

(3) For the purposes of this Act, each local authority shall appoint at least one Building Inspector for its Building Unit.

(4) Each Building Inspector shall inspect construction to determine compliance with the terms of the building permits and shall undertake such other duties as may be assigned by the Technical Manager.”.

8. Section 12 of the principal Act is amended by inserting after the word “Director” the words “any officer of a Building Unit”.
- Amendment of section 12.

9. The principal Act is amended by the insertion next after section 12 of the following as section 12A -
- Insertion of new section 12A.

“Reports **12A.**—(1) On or before the 1st June in each year the Director shall prepare an annual financial report on the activities of the Authority including all income and expenditure of the preceding year along with the annual financial report of all Building Units, which he shall submitted to the Minister.

(2) Thereafter, the Authority shall publish the reports in the *Gazette* and on the Authority’s website.

(3) The Technical Manager of each Building Unit shall on or before the 1st March of each year submit to the Authority an annual financial

report for the Building Unit including all income and expenditure of the preceding year.

Amendment of
section 13.

10. Section 13 of the principal Act is amended by,

(a) repealing subsection (1) and substituting the following therefor,

“(1) Any person who proposes to construct or demolish a building described in subsection (1A) shall submit to the Authority an application for a permit to do so.

(1A) A building referred to in subsection (1) is a building that is a public building or a building that is outside of a municipal boundary.

(1B) Any person who proposes to construct or demolish a building described in subsection (1C) shall submit to the relevant Building Unit an application for a permit to do so.

(1C) A building referred to in subsection (1B) is a building that is within a municipal boundary.”;

(b) in subsection (2), by inserting after the words, “in writing”, the words, “or electronically”; and

(c) by repealing subsection (3) and substituting therefor the following,

“(3) Subject to section 9(3) -

(a) the Technical Manager of a Building Unit shall, within fourteen days, in the case of buildings of 5,000 square feet or less, respond to the applicant in writing either by issuing a permit or refusing the application;

(b) the Technical Manager of a Building Unit shall, within thirty days, in the case of buildings of over 5,000 square feet, respond to the applicant in writing, either by issuing a permit or refusing the application;

(c) the Director shall within fourteen days, in the case of buildings of 5,000 square feet or less, being constructed in areas outside of a municipal boundary, respond to the applicant in writing, either by issuing a permit or rejecting the application;

- (d) the Director shall within thirty days, in the case of buildings of over 5,000 square feet, being constructed in areas outside of a municipal boundary, respond to the applicant in writing, either by issuing a permit or refusing the application;
- (e) the Director shall within thirty days or such other period as may be specified in Regulations made for that purpose, in the case of public buildings, respond to the applicant in writing, by either issuing a permit or refusing the application,

and where an application is refused, the response to the applicant shall indicate the reasons therefor.

11. The principal Act is amended by the insertion of new sections 13A, 13B, 13C and 13D as follows,

Insertion of new sections 13A, 13B, 13C and 13D.

“Advertisement restriction.

13A.—(1) No person shall erect any advertisement on a major highway or other public road that is outside of a municipal boundary, without the permission of the Authority.

(2) No person shall erect any advertisement within a municipal boundary, without the permission of the respective Building Unit.

(3) Any person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for twelve months or both.

(4) For the purposes of this section,

“advertisement” includes a sign or display, whether on a hoarding or in electronic or other form;

“major highway”, means the George Price Highway, the Phillip Goldson Highway, the Hummingbird Highway, the Southern Highway and the Coastal Road;

“public road” has the same meaning as under the Public Roads Act.

Certification.

13B.—(1) The Authority shall, within six months after the coming into force of this section, conduct a certification for each Building Unit.

(2) In order to be duly certified under this section, a Building Unit will have to satisfy such requirements as may be prescribed or otherwise

specified, including the employment thereto of a Technical Manager and a Building Inspector.

Jurisdiction. **13C.** A Building Unit upon certification by the Authority under section 13B has jurisdiction to receive applications for, process and make determinations as to the grant or refusal of building permits for all buildings within their municipalities, except for public buildings.

Scope of jurisdiction. **13D.** Each Building Unit shall have jurisdiction within its municipality subject to the following enactments,

CAP. 85. (a) the Belize City Council Act,

CAP. 86. (b) the Belmopan City Council Act; and

CAP. 87. (c) the Town Councils Act

Decertification. **13E.**—(1) The Authority may revoke the certification of a Building Unit in the following circumstances,

(a) where the Building Unit is not staffed with a Technical Manager and a Building Inspector;

(b) where employees or officers of the Building Unit have consistently failed to comply with the requirements of this Act or regulations thereunder;

(c) where the Building Unit has failed within thirty days after receipt of the findings of an audit conducted by the Authority to begin to implement the recommendations specified in the audit in respect of its operations;

(d) where the Building Unit has failed to submit to the Authority all building applications, approved building plans, building permits, inspector reports, occupancy certificates and monthly reports.

(2) Where a Building Unit has been decertified in accordance with subsection (1), the Authority shall exercise all the jurisdiction in respect of pending or new applications.”.

Amendment of section 14.

12. Section 14 of the principal Act is amended,

(a) in subsections (1), (2) and (3) respectively, by –

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- (i) inserting after the word “Director” in each case, the words “ or Technical Manager, in the case of a Building Unit”;
- (ii) inserting after the word “Authority” in each case, the words “ or Building Unit, as the case may be”;
- (b) by deleting subsection (4) and substituting the following,
- “(4) A person by whom or on whose behalf, plans have been deposited shall within thirty days in the case of plans deposited with the Authority or fourteen days in the case of plans deposited with the Building Unit, be notified in writing by the Director in the case of plans submitted to the Authority, or by the Building Unit in the case of plans submitted to the Building Unit, whether those plans have been approved or rejected.”;
- (c) in subsection (7:03), by deleting the words, “and shall not be enquired into by a court of law”.
- 13.** Section 17 of the principal Act are amended in subsections (1) and (2) by inserting after the word,
- Amendment of section 17.
- (a) “Director”, wherever it appears, the words “or the Technical Manager, in the case of a Building Unit”; and
- (b) “Authority”, the words “or Building Unit”.
- 14.** Section 18 of the principal Act is amended by inserting after the word,
- Amendment of section 18.
- (a) “Director”, wherever it appears, the words “or the Technical Director, in the case of a Building Unit”; and
- (b) “Authority”, in each case, the words “ or Building Unit.”
- 15.** Sections 19 and 20 of the principal Act are amended by deleting the words “Local Building Authority”, wherever they appear, and substituting the words “Building Unit”.
- Amendment of sections 19 and 20.
- 16.** Section 22 of the principal Act is amended by deleting section 22 and substituting as follows,
- Amendment of section 22.
- “**22.**–(1) Any person aggrieved by reason of delay, maladministration or by any decision made under this Act may within fourteen days after

receipt of the decision appeal to a tribunal to be appointed by the Minister for that purpose, and the tribunal shall make such orders and issue such directions as to it may seem just in all the circumstances of each case.

(2) The tribunal appointed under subsection (1) shall consist of four members, of which two shall be representatives of the Association of Professional Engineers and two shall be representatives of the Association of Professional Architects.

(3) The members of the tribunal shall elect from their number a chairperson of the tribunal and the tribunal shall regulate its own procedure.

(4) The chairperson of the tribunal shall have an original and a costing vote.

(5) The decision of the tribunal shall not be the subject of any appeal.”.

Amendment of section 23.

17. Section 23 of the principal Act is amended,

(a) by inserting after the word “Authority” wherever it appears the words “or Building Unit”; and

(b) in subsection (2), by inserting after the words “Director with the consent of the Authority” the words “, or Technical Manager with the consent of the Building Unit,”.

Amendment of section 25.

18. Section 25 of the principal Act is amended by inserting after the word “Director”, wherever it appears, the words “ or Technical Manager, as the case may require,”.

Amendment of section 26.

19. Section 26 of the principal Act is amended by,

(a) inserting in subsection (1), after the word “Director” the words “or the Technical Manager”; and

(b) inserting in subsection (2), after the word “Authority” the words “or Building Unit”.

Amendment of section 29.

20. Section 29 of the principal Act is repealed and replaced as follows,

“Public buildings.

29.—(1) Every person who erects or owns a public building shall cause it to be examined at least once in every four years by an engineer or architect, for the purpose of ascertaining whether it is safe for the purpose for which it was erected, and he shall deposit with the Authority a report of the engineer or architect upon the conditions of the building at least once every four years from the time when it was first constructed as a public building.

(2) Notwithstanding subsection (1) the Authority may at any time upon complaint made to the Authority as to the condition of the building, require any person who owns a public building to cause it to be examined by an engineer or architect for the purpose of ascertaining whether it is safe for the purpose for which it was erected, and shall deposit with the Authority a report of that competent engineer upon the condition of the building.

(3) The report required under subsection (1) or (2) shall contain information on the following matters relating to the building,

- (a) fire protection;
- (b) mechanical;
- (c) plumbing;
- (d) electrical; and
- (e) structural.

(4) If upon review of the report submitted in accordance with subsection (1) or (2), the Authority is satisfied that the building is not safe for the purposes for which it was erected it shall by written notice to the owner of the building require the owner to undertake such remedial work as is necessary to ensure that the building is safe for the purposes for which it was erected and if the owner fails to undertake such remedial work then the Authority may effect such remedial works and may recover from the owner the expenses reasonably incurred in doing so.

(5) Any owner who fails to comply with a written notice issued under subsection (4) commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars or to three years imprisonment.

(6) Any person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.”.

21. Section 31(3) of the principal Act is amended by inserting after the words “ten thousand dollars” the words “ or to two years imprisonment”.

Amendment of section 31.

22. Section 33 of the principal Act is amended by,

Amendment of section 33.

- (a) deleting from subsection (2) the words “five hundred”,

and substituting therefor the words “five thousand”, and deleting the words “one hundred” and substituting therefor the words “three hundred”; and

(b) by deleting from subsection (5) the words “one thousand”, and substituting the words, “five thousand”.

Amendment of section 34.

23. Section 34 of the principal Act is amended by inserting after the word,

(a) “Director”, wherever it appears, the words “or the Technical Director, in the case of a Building Unit”; and

(b) “Authority”, wherever it appears the words “ or Building Unit.”

Amendment of section 36A.

24. The principal Act is amended by inserting immediately after section 36, the following new section as section 36A,

“Prosecutions.

36A.—(1) Subject to subsection (2), the Authority or a Building Unit, as the case may require, may appoint any person to prosecute offences under this Act or any regulations made thereunder in respect of permits granted by the Building Unit.

(2) No prosecution for an offence under this Act or any regulations, except with the prior authority of the Director of Public Prosecutions.”.

Amendment of section 37.

25. Section 37(2) of the principal Act is amended by,

(a) renumbering paragraph (k) as paragraph (l); and

(b) inserting of the following as paragraph (k),

“(k) prescribing a National Building Code;”.

Amendment of section 38.

26. Section 38 of the principal Act is amended by adding thereto the following as subsection (4),

“(4) Section 42 of the Housing and Town Planning Act is hereby repealed.”.