

CAYMAN ISLANDS



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**THE DEVELOPMENT AND PLANNING LAW
(2003 REVISION)**

THE BUILDING CODE (AMENDMENT) REGULATIONS, 2005

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The Governor in Cabinet, in exercise of the powers conferred by section 42 of the Development and Planning Law (2003 Revision), makes the following regulations -

1. These regulations may be cited as the Building Code (Amendment) Regulations, 2005. Citation

2. The Building Code Regulations (2003 Revision) are amended in the First Schedule as follows – Amendment of First
Schedule to the Building
Code Regulations (2003
Revision) - exceptions,
adaptations and
modifications

(a) in Division 1, Chapter 1 -

(i) by inserting the following item and the particulars relating thereto in the appropriate numerical place -

“Provision of the Southern Building Code affected	Exceptions, adaptations and modifications
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Section 103.5	Repeal section 103.5 and substitute the following -
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“Section 103.5 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the

building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

103.5a Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

103.5b Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the notice.

103.5c Method of service. Such notice shall be deemed properly served if a copy thereof is –

- (a) delivered to the owner personally;
- (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or
- (c) delivered in any other manner as prescribed by the Development and Planning Law (2003 Revision).

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the

foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

103.5d Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of section 104.1.4 and Chapter 34”;

- (ii) by repealing the item ‘Section 104.1’ and the particulars relating thereto;
- (iii) by inserting the following item and the particulars relating thereto in the appropriate numerical place -

“Provision of the Southern Building Code affected

Exceptions, adaptations and modifications

Section 104.1.4

Repeal section 104.1.4 and substitute the following -

“Section 104.1.4 Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar

pipng, electric wiring or mechanical or other work affecting public health or general safety.”;

and

- (iv) by repealing the item ‘Section 104.6.1’ and the particulars relating thereto and substituting the following -

“Provision of the Southern Building Code affected

Exceptions, adaptations and modifications

Section 104.6.1

Amend section 104.6.1 as follows -

- (a) by repealing the words “within 6 months” and substituting the words “within 1 year”; and
- (b) by inserting after the words “for the permit.” the words “An extension of time, for a further period of six months, may be allowed for the permit in any case where the extension is necessary due to the occurrence of a national disaster.”;

and

- (b) in Division 1, Chapter 2 by inserting the following definition in its appropriate alphabetical place -

“ “national disaster” includes hurricane, fire, flood, earthquake, outbreak of pestilence, outbreak of infectious disease or any other calamity whether similar to the foregoing or not;”.

Made in Cabinet the 22nd day of March, 2005.

CARMENA WATLER

Clerk of the Cabinet.

A draft of these Regulations was approved by the Legislative Assembly on the 21st day of February, 2005, by Government Motion No. 8/2004-05 in compliance with section 42(3) of the Development and Planning Law (2003 Revision).

WENDY LAUER EBANKS

Clerk of the Legislative Assembly.