

Local Order No. (3) of 1999

Concerning

Regulation of Construction Works in the Emirate of Dubai

We, Hamdan Bin Rashid Al Maktoum

Chairman of Dubai Municipality

- Upon review of the powers vested in us by law pursuant to Decree of Establishing Dubai Municipality;
- Building Regulations of 1970 of the Emirate of Dubai, as amended;
- Local Order No. (48) of 1990 Concerning Imposing and Amendment Certain Fees provided for in the Building Regulations of 1970;
- Local Order No. (89) of 1994 Concerning “Regulation of Practicing Engineering Consultancy in the Emirate of Dubai”; and
- upon proposal of the Director General of the Municipality;

Issued the following Local Order:

Article (1): This Local Order shall be called “Local Order No. (3) of 1999 Concerning Regulation of Construction Works in the Emirate of Dubai”.

Article (2): This Order shall apply to all private and public buildings which are existing or which may be constructed after enforcement of this Local Order.

Section One

Definitions

Article (3): In applying the provisions of this Order, unless otherwise required by the context, the following terms and words shall have the meanings set forth against them respectively:

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| Emirate: | The Emirate of Dubai |
| Municipality: | Dubai Municipality |
| Director General: | The Director General of the Municipality |
| Concerned Department: | The Buildings and Public Housing Department |
| Owner: | The public or private natural or corporate person in whose name the plot or the Building is registered as an owner or as a possessor. |
| Applicant for Permit: | The Owner or his legal representative who submits an application for issuance of Building Permit in accordance with this Order and its Implementing Regulations and the directives issued by the Concerned Department. |
| Building Permit: | The permit issued by the Concerned Department for permitting the intended construction works in accordance with the provisions of this Order and its Implementing Regulations. |
| Building: | Any construction of rocks, concrete, clay, steel, wood or any other material used in construction of buildings including foundations, walls, ceilings, projections, exterior walls and others. |
| Construction Works: | The works of construction, destruction or variation, addition of works to or maintenance of Buildings. Construction Works include also excavation and backfill works. |
| Main Construction Works: | All works relating to the main structure of the Building. |
| Sub Construction Works: | The specialized works which supplement the Main Construction Works such as piling works, dewatering works, sanitary and electrical works, paint, etc. |
| Temporary Construction Works: | Works which are not included in the main structure of the Building which are necessary for implementation of the Construction Works such as installation of scaffoldings, shoring, ceiling holders, surrounding walls, temporary offices, etc. |
| Violating Construction Works: | Works which are not authorized in accordance with the provisions of this Order and its Implementing Regulations or Construction Works which are non-compliant with the issued permit or which are non-compliant with the technical and professional |

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| | engineering practice approved or recognized in this field. |
| Inspector: | The engineer or the controller of the Concerned Department |
| Engineer: | The natural or corporate person entrusted with the functions of design and/or supervision of the Construction Works, who is licensed to practice Engineering Consultancy in the Emirate in accordance with the applicable legislations. |
| Contractor: | The natural or corporate person entrusted with implementation of the Construction Works, who is licensed to carry on the activity of building contracting in accordance with the applicable legislations in the Emirate. |
| Subcontractor: | The natural or corporate person entrusted with implementation of Sub Construction Works or Temporary Construction Works, who is licensed to carry on such works in accordance with the applicable legislations in the Emirate. |

Section Two

Procedures of Issuance of Permit

Article (4): A public or private natural or corporate person shall not carry out any complete or partial, Permanent or Temporary Construction Works, or any change to the features of any plot or property without issuance of the necessary Permit for the same by the Concerned Department.

Article (5): The application for issuance of the Permit shall be submitted to the Concerned Department on the form prepared for the purpose signed by the Applicant for Permit and accompanied by the necessary documents and papers.

The Implementing Regulations shall specify the required documents.

- Article (6):
- a. The Construction Works Permit or any subsequent amendment thereto shall be issued in the form prepared for the purpose and shall be signed by the Director General or his representative upon fulfillment of the conditions and requirements provided in this Local Order and its Implementing Regulations.
 - b. In case of transfer of title to the property concerning which the Building Permit is issued the Building Permit may be transferred to the new Owner in accordance with the procedures applicable in this respect at the Municipality.
- Article (7): In the case of rejection of the application for Permit, the decision issued to that effect shall be grounded. The concerned person may appeal the rejection decision by a petition filed with the Director General or his representative. The appeal shall be resolved within one month from the date of filing. The decision issued in the appeal shall be final.
- Article (8): With the exception of land leased by the Government, the Building Permit term shall be six months from the date of issuance, and shall be renewable for similar term(s) from the expiry date for a maximum of three times unless an amendment is made to the Building Regulations during such period or a reason requiring cancellation or non-renewal of the same under the then applicable regulations or resolutions has materialized.
- Article (9): The Director General or his representative may, upon recommendation of the Concerned Department, pass a decision for cancellation of the issued Permit if:
- a. it is proved that the Permit was issued on basis of inaccurate or misleading details or illegal documents submitted by the Applicant for Permit;
 - b. it is proved that the Permit was issued contrary to the provisions of this Order or its Implementing Regulations or any regulations or resolutions applicable at the Municipality; or

- c. the Construction Works are not commenced within three months from the date of issuance of the Permit or if the Construction Works stopped at the site of the project for more than three successive months.

The decision issued on cancellation of the Permit shall be without prejudice to the right of the Municipality to take any other legal action as provided in this Order or in any other applicable legislation in the Emirate.

Section Three

Fees and Deposits

Article (10): On filing an application for Building Permit a fixed fee shall be charged per square foot or per linear foot of the total area of the Building or surrounding wall, for which the Building Permit is applied for, in the amounts specified in Schedule (2) to this Order approved by us.

Article (11): A fixed fee shall be charged on the transactions and services listed in Schedules (1), (3), (4), (5), (7) and (8) to this Order, approved by us, in the amounts and in accordance with the provisions set out against them respectively.

Article (12): A Building Permit shall be issued only upon payment of the necessary deposit to ensure taking serious procedures by the Applicant for Permit for commencement and implementation of the Construction Works on the conditions of the issued Permit, and indemnity of the damages that may be sustained by third parties as a result of such works.

The regulating provisions shall specify the types and amounts of building deposits that should be paid to the treasury of the Municipality and the cases of confiscation of the same by resolution issued by the Director General in this respect.

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Article (13): All government departments, federal ministries, public entities and public corporations shall be exempted from the building fees and securities referred to in Articles (10), (11) and (12) of this Order.

Section Four

Technical and Regulatory Provisions

Article (14): The Construction Works must be implemented pursuant to the approved plans, drawings and conditions on which the Permit is issued, and in accordance with the engineering and technical practices applicable in this respect. No amendment or change shall be made to these documents without approval of the Concerned Department.

Article (15): The specifications of the materials used in the Construction Works shall be compliant with the standard specifications determined for those materials and approved by the Municipality.

Article (16): All requirements and technical, professional, organizational and operative methods necessary for the conduct of work at the Construction Works site shall be provided, and precautions shall be taken for ensuring safety of workers and pedestrians at the site and the adjacent properties.

Article (17): The procedures and controls specified by the Concerned Department shall be complied with, prior to commencement of implementation of the concrete works for any of the main parts of the Building or any of its attachments.

The Implementing Regulations shall specify these procedures and controls.

Article (18): The general technical conditions and specifications to be complied with on implementing Construction Works and other relevant conditions and specifications shall be specified by resolution issued by the Director General.

Implementation of works for installation, extension and connection of water, electricity, telephone and other services shall be in accordance with the conditions and specifications designated by the concerned authorities of such services in the Emirate.

Section Five

Obligations and Liabilities

Article (19): The Contractor and the Engineer shall be jointly liable for the implementation and safety of the Construction Works during and after the implementation period, in accordance with the provisions of the applicable laws and the provisions of this Order and its Implementing Regulations. The liability of the Contractor and the Engineer shall extend to the Buildings adjacent to the site in which such works are implemented and to any public facility for any damages which may be sustained by them as a result thereof.

However, the Municipality and its employees shall not accept any liability upon performing auditing of the plans, construction calculations, ground or work site inspection before, during and after the Construction Works.

Article (20): Without prejudice to the provisions of liability referred to in the previous Article:

1. The Contractor shall be liable for any violation committed at the Construction Works Site, whether such violation is committed by the Owner or by any other party, from the time of receipt of the site to the time at which any of the causes of termination of the contractual relationship between the Contractor and the Owner materializes, unless the Contractor stops work at the site and gives notice of such violations to the Concerned Department.

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2. The Engineer shall be jointly liable if he explicitly or implicitly approves such violating works. Implicit approval shall include failure to issue the necessary instructions to stop or to remove such violations.
3. The Engineer shall be required to stop work at the site immediately and to give notice to the Concerned Department if the Contractor commits any acts that are contrary to the provisions of this Order or its Implementing Regulations, or to the directives issued by the Concerned Department.

Article (21): The Main Construction Works, the Sub Construction Works and the Temporary Construction Works at the site are considered to be duties of the Contractor; however:

1. The Owner or the Engineer may delegate those Works to another Contractor upon receiving the explicit approval of the Contractor.
2. The Contractor may vest certain Sub Construction Works to subcontractors, unless a provision of the contract agreement prevents the Contractor from doing so or unless the nature of such works requires the Contractor to perform them personally.

The Implementing Regulations shall specify the scope of liability of the Contractor for the acts of the subcontractors committed in violation of the provisions of this Order and its Implementing Regulations.

Article (22): The Engineer may vest certain specialized works relating to design or supervision to another Engineer subject to obtaining the necessary written approvals in this respect from the Concerned Department.

Article (23): The Owner, in the case of existing Buildings, and the Contractor and the Engineer, in the case of Buildings under construction – as the case may be- shall immediately give notice to the Concerned Department upon the occurrence of any accident or collapse, or observing any cracking or leaning in the Building and

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shall immediately take the necessary measures in this respect pursuant to the instructions and directives issued to them by the said Department.

Article (24): On completion of the Construction Works, the Contractor shall remove all temporary constructions, debris and wastes within the time specified by the Concerned Department.

Article (25): Occupation upon completion of the construction of the Building shall be allowed only after inspection by the Inspector and verification of its conformity with the Permit conditions, and issuance of completion certificate in this respect. However, the Concerned Department may give occupation permit for part of the Building in which the work has been completed when it finds that the same is fit for occupation.

However, electricity and other services shall not be connected on permanent or temporary basis to any Buildings, facilities or sites in the Emirate except with the approval of the Concerned Department.

Article (26): The Director General or his representative may issue the resolutions and directives necessary for removal of ramshackle Buildings, Buildings affected by the public planning or dilapidated Buildings, and for removal of violating Construction Works, carrying out the necessary maintenance for Buildings or removal of debris and wastes of Construction Works. However, the Municipality may perform the aforesaid works by use of its own equipment or with the assistance of a specialized third party, if the violating party fails to perform the same within the time period specified by the Municipality.

Without prejudice to the penalties determined for such acts, the violating party shall pay the cost of removal and the administrative expenses at the rate of 20% of the cost of removal or maintenance.

Section Six

Control, Inspection and Penalties

Article (27): Inspectors and officers of the Concerned Department, and the Municipality employees appointed by the Director General for this purpose shall have the capacity of investigation officers in establishing the acts committed contrary to the provisions of this Order and the resolutions issued in implementation hereof, and shall have to that end access to Construction Works sites under construction and access to the areas designated for public use in any existing commercial or residential Buildings or facilities for the purposes of inspection of the constructional and architectural status of such Buildings and facilities, and shall prepare the necessary minutes of seizure in this respect.

Article (28): Without prejudice to any more severe penalty provided for in any other local order or law, a person who violates the provisions of this Order or its Implementing Regulations shall be subject to one or more of the following penalties:

1. Financial penalty not exceeding Dirhams fifty thousand (Dirhams 50,000), which shall be doubled upon repetition of the violation or committing another violation.
2. Disconnection of all the utilities in the Building or the site where the violation is committed for the term specified by the Concerned Department.
3. Suspension of issuance of new Building Permits or renewal of any Building Permits issued to the offender in case of repetition of the violation.
4. Suspension of the professional or commercial license of the Engineer or the Contractor on temporary or permanent basis in case of repetition of the violations.

The Implementing Regulations shall specify the acts violating the provisions of this Order and the penalties designated to them respectively.

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Section Seven

Final Provisions

- Article (29): For the purposes of ensuring compliance by all with the provisions of this Order and its Implementing Regulations, the Municipality may seek assistance of any other government departments and public entities and corporations in the Emirate, including seeking assistance of the police. All such entities shall extend assistance as soon as possible upon request.
- Article (30): The fees and penalties collected under the provisions of this Order and its Implementing Regulations shall inure to the treasury of the Municipality.
- Article (31): The Building Regulations of 1970, as amended, shall hereby be cancelled and any provision to the contrary of, or inconsistent with, the provisions of this Order shall hereby be cancelled. Pending issuance of the Director General's resolutions referred to in Articles (12) and (18) of this Order, the provisions of Building Securities and the general conditions and specifications for implementation of the Construction Works applicable at the Municipality shall continue to be applicable.
- Article (32): The Director General shall issue the resolutions and directives necessary for implementation of the provisions of this Order.
- Article (33): This Order shall be published in the Official Gazette and shall come into effect after three months from the first day of the month following its publication.

Hamdan Bin Rashid Al Maktoum

Chairman of Dubai Municipality

Issued on the Fifteenth day of November 1999 G.

Corresponding to the Seventh day of Shaaban 1430H.

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Schedule (1)

Fees of Filing Applications for Engineering Auditing of Plans

| Ser. No. | Description | Initial Filing | Fees of Filing Engineering Auditing Application (Final) | |
|----------|--|----------------|---|---------------------|
| | | | First Time | Second time or more |
| 1 | Plans for Buildings (villas, private residence houses) and plans for variations and minor additions | Dirhams 100 | Free of Charge | Dirhams 100 |
| 2 | Plans for ordinary projects, villa complex and multi-story Buildings consisting of ground floor plus up to seven floors, plans of variations and major additions | Dirhams 100 | Free of Charge | Dirhams 200 |
| 3 | Plans of private projects (shopping malls, hospitals/ towers) exceeding ground floor plus seven floors | Dirhams 150 | Free of Charge | Dirhams 250 |
| 4 | Plans for floor area ratios | 250 | Free of Charge | Dirhams 250 |

Schedule (2)

Construction Works Permit Fees

| Ser. No. | Description | Fee |
|----------|---|-------------------------|
| 1 | Private residential Buildings and private farms | Fils 30 per square foot |
| 2 | Walls surrounding private residential buildings and farms | Fils 10 per linear foot |
| 3 | Villa complex, labor camps, commercial Buildings, warehouses, offices, swimming pools and other facilities designated for commercial purposes | Fils 30 per square foot |
| 4 | Walls surrounding villa complex, labor camps, commercial Buildings, warehouses, offices, swimming pools and other facilities designated for commercial purposes | Fils 10 per linear foot |
| 5 | Floor ratios projects | Fils 30 per square foot |
| 6 | Not covered concrete floors | Fils 10 per linear foot |

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Schedule (3)

Fees of Extension of the Term of Keeping Certified Plans

| Ser. No. | Description | Fee |
|----------|--|-------------|
| 1 | Extension of the term of keeping certified plans concerning which the Building Permit has not been issued within nine months from the date of approval of the auditing application for additional three months | Dirhams 300 |

Schedule (4)

Building Permit Renewal Fee

| Ser. No. | Description | Fee |
|----------|--|--|
| 1 | Renewal of expired Building Permit for additional six months | 10% of the total fees paid on the issuance of the original Building Permit |

Schedule (5)

Fees of Permit for Decoration Works and Conversion of a Building into a Hotel

| Ser. No. | Description | Fee |
|----------|---|--|
| 1 | Decoration works permit | Dirhams 100 per 200 square foot of the place area subject to a minimum fee of Dirhams 200 and to a maximum fee of Dirhams 1000 |
| 2 | Permit for conversion of a Building into a hotel, furnished apartments or motel | Fils 15 per square foot of the area included in the variations (excluding rooms) in addition to Dirhams 100 for every room included in the variations subject to a minimum fee of Dirhams 1500. However, the |

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| | | maximum variation fees shall not exceed 50% of the fees payable for the same area in case of a new Building. |
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Schedule (6)

Fees of Applications for Variations and Additions to the Approved and Authorized Plans

| Ser. No. | Description | Fee |
|----------|--|-------------------------|
| 1 | Issuance of plan for residential additions (Building Plan) | Dirhams 100 |
| 2 | All types of variations for villas, private houses and servant quarters | Dirhams 200 |
| 3 | All types of ordinary variations to (investment/industrial/entertainment) Building and villa complexes | Dirhams 300 |
| 4 | All types of average variations to (investment/industrial/entertainment) Building and villa complexes | Dirhams 500 |
| 5 | All types of major variations to (investment/industrial/entertainment) Building and villa complexes | Dirhams 1000 |
| 6 | Amendment of the entire design approved for the Building | Fils 30 per square foot |
| 7 | Change of ceiling of an existing building | Fils 10 per square foot |

Schedule (7)

Fees of Issuance of Various Building Permits

| Ser. No. | Description | Fee |
|----------|---|---|
| 1 | <u>Building Destruction Permit:</u> a. Private residence (Cultural house/ villa/villa complex) b. Other buildings: - Building in which the floor built area does not exceed (10,000 square feet) | Dirhams 150 per building Dirhams 200 per floor |

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| | - Building in which the floor built area is from (10,001 square feet) to (20,000 square feet) - Building in which the floor built area exceeds (20,000 square feet) | Dirhams 400 per floor Dirhams 600 per floor |
| 2 | Wall destruction permit | Dirhams 100 |
| 3 | Piling and/or shoring permit | Dirhams 500 |
| 4 | <u>Excavation and site preparation permit</u> (prior to issuance of the Building Permit or approval of the shoring): a. Private villa b. Villa complex and (investment/industrial/entertainment) multistory Buildings consisting of ground floor and four typical floors c. (investment/industrial/entertainment) multistory Buildings consisting of more than ground floor and four typical floors | Dirhams 250 per villa Dirhams 500 Dirhams 1000 |
| 5 | <u>* Maintenance Works Permit:</u> a. Private residence consisting of (villa/house) b. Building consisting of one ground floor c. Building consisting of ground floor and typical floors | Dirhams 100 Dirhams 250 Dirhams 250 for the ground floor plus Dirhams 100 per floor over that |

- No fees shall be payable if the maintenance works applied for are only external paint works for the Building.

Schedule (8)

Fees for Various Applications Relevant to Construction Works

| Ser. No. | Description | Fee |
|----------|--|--------------------------|
| 1 | Issuance of certificate to whom it may concern establishing certain facts for the concerned person | Dirhams 15 |
| 2 | Site inspection for issuance of completion certificate of the Building | Dirhams 100 per visit |
| 3 | Application for replacement of the Contractor of the project | Dirhams 500 |
| 4 | Application for replacement of the consultant of the project | Dirhams 500 |
| 5 | Application for cancellation of approved permit documents | Full fee payable for the |

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| | | permit |
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| 6 | Application for cancellation of permit documents prior to approval or checking for three or more times | Dirhams 100 |
| 7 | Application for considering decoration works permit application for the building prior to issuance of the completion certificate | Dirhams 500 |
| 8 | Approval of plans for installation of signboards on roof tops | Dirhams 500 |
| 9 | Certification of additional plans as true copies | Dirhams 100 |
| 10 | Copying any of the plans permitted to be copied for the concerned persons: a. private residential Buildings b. commercial Buildings consisting of four or less floors c. Buildings of more than four floors | Dirhams 100 Dirhams 300 Dirhams 500 |
| 11 | Applications relating to approval of new buildings systems and methods: a. Application for carrying out initial study for a new building system or method b. Application for site inspection for implemented new building method or system model c. Approval and registration of new building method or system in the name of the applicant | Dirhams 500 Dirhams 250 per site Dirhams 2000 |
| 12 | Application for reactivation of processes of suspended Contractor or engineering consultancy office | Dirhams 500 |
| 13 | Application for obtaining computer recorded details and statistics | Dirhams 10 per page |

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