

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY

Sections

1. Title
2. Application
3. Interpretation

PART II BUILDINGS

4. Inspection of buildings and structure
5. Notice and plans of new building
6. Charges
7. Approval of building plans
8. Lapsing of approval
9. Erection of new building
10. Completion of new building
11. New building contrary to plans or drawings
12. Compliance with standards in new building
13. Particular building and structures
14. Minor alterations
15. Swimming baths
16. Over-crowding
17. Unhealthy stands
18. Demolition and repair of certain buildings and structures

Title

1. These by-laws may be cited as the Mberengwa Rural District Council (Building) By-laws, 2023.

Application

2. These by-laws shall apply to all areas under the jurisdiction of the council.

Interpretation

3. in these by laws-
“approved” means approved by the Council;

“aqua-privy” means a latrine from which human excreta is discharged directly into a septic tank without mechanical flushing with water

“Council” means the Rural District Council;

“external wall” means the outside wall of a building

“drain” means that portion of a drainage system which conveys the discharge of any soil-water or waste water from soil pipe, waste pipe or other drainage-pipe from any building to a septic tank or which discharges any effluent from any septic tank or any waste water from any waste-pipe to a French drain;

“Fixed date” means the date of commencement of these bylaws;

“French drain” means a sub-soil drain constructed in accordance with section 28;

“Habitable room” means a room used or intended to be used as a sleeping, living or work room;

“latrine” means any-

- (a) water-closet, aqua-privy, earth-closet, pail-latrine, pit-latrine, borehole-latrine or chemical closet; or
- (b) other device approved by a medical officer of health which is being or has been or is intended to be used for the disposal of human waste;

“new building” means-

- (a) a building or structural alteration to an existing building, the erection of which was started after the fixed date; or
- (b) a building which has been taken down, burnt or destroyed for more than half its cubic content, and the re-erection of which was started after the fixed date; or
- (c) a building the cubic content of which at the fixed date has thereafter been increased by an amount equal to or more than the cubic content of the building at such date; or

“part wall” means a wall forming part of a building and used or intended to be used in any part of its length or height for either the separation of adjoining buildings which belong to different owners or the sub-division of a building for occupation under separate tenancy;

“occupier” means, in relation to any stand or premise-

- (a) any person in actual occupation of such stand or premises and having charge or management thereof; or
- (b) in the event of the stand or premises being unoccupied by any person other than the employee of the person having charge or management thereof, any person having such charge or management;

“owner” means, in relation to any stand or premises, the person in whose name the title to such stand or premise is registered, and includes an agent of the owner or any person receiving or entitled to receive rent in respect of such stand or premise

“pail-latrine” means any temporary latrine in which human excreta or excremental matter is deposited directly into a pail or other movable vessel;

“pit-latrine” means any latrine or cesspit in which human excreta or excremental matter is deposited directly into a pit dug into the subsoil;

“premise” means any building or part thereof, store, shop, tenement or other erection above or below the ground and the land used or occupied in connection therewith;

“public building” means any –

- (a) church, chapel, meeting-house or other premises used for divine workshop
- (b) theater, hall, exhibition building or premises open to the public, with or without payment;
- (c) other institution in which more than five persons are intended to be gathered at one time;

“designated officer” means an officer designated by the Council for the purposes of these by-laws;

“septic tank” means any construction for the reception of soil-water and the subsequent treatment thereof by anaerobic bacterial action, but does not include any construction used solely for the reception of bath-waste water, kitchen-waste water, industrial waste fluids or storm-water;

“soil-pipe” means any pipe which received and conveys soil-water from any soil-water fitment, with or without discharge from any other fitment, to the drain;

“soil water” means the discharge from any soil-water fitment;

“soil water fitment” means any closet, pan, urinal, bidet, slope-sink, bedpan-sink or any other fitment intended to receive any matter of an excremental nature;

“stand” means a lot or plot shown on-

(a) a general plan of an established growth point, district service center, rural service center or ordinary business centre or;

(b) an approved diagram;

“street” means any street, square, road, lane, foot-path, sidewalk, thoroughfare or public place extending in width from the boundary of any stand or area of land to the boundary of the opposite stand or area of land, and shall include any work thereon forming part thereof or connected with such street;

“structure” means a wall over 2 meters in height, a swimming-bath, paddling-pool, reservoir, water tower, play-house, changing room, shelter and any fixtures appurtenant thereto, save where such erection constitutes a building;

“waste-pipe” means any pipe which receives or conveys waste water from any waste-water fitment to a gully trap, grease-trap, soil-pipe or drain;

“waste-water” means any discharge of a non excremental nature from any waste-water fitment, gully trap, grease-trap or laundry;

“waste-water fitment” means any bath, hand basin, lavatory basin, kitchen sink, scullery sink; butlers sink, shower-bath, washing-machine or wash-tub;

“water-closet” means any latrine from which human excreta is removed directly by water-carriage operated by mechanical flushing.

PART II

BUILDINGS

Inspections of buildings and structures

4. (1) Upon payment of the prescribed fee for each of the 12 stages of inspection by a stand owner,
an inspector may inspect any building or structure, whether completed or in the course of erection or alteration, to ascertain whether the building or structure-
 - a) Complies with these by-laws; or
 - b) Is unhealthy, insanitary or dangerous to life.

- (2) An inspector may enter and inspect a building or structure which is being used as a dwelling only-
 - a) If he has reasonable grounds to suspect that-
 - I. A contravention of these by-Laws has been, is asked or is about to be committed in such building or structure, or
 - II. Evidence relating to a contravention of these by-laws is to be found in the building or structure; or
 - b) To ascertain whether the building or structure is unhealthy, insanitary or dangerous to life.
- (3) Reasonable facilities for the carrying out of any inspection in terms of subsection (1) or (2) shall be offered to an inspector by the owner or occupier of the building or structure.

Notices and plans of new buildings

5. (1). Any person intending to erect a new building shall deposit at the offices of the Council-
 - a) a notice of such intention in the form prescribed; and
 - b) triplicate, fully dimensioned and annotated plans, elevations and sections, drawn to a scale of not less than one inch to eight feet, of a proposed new building; and
 - c) triplicate block plans, drawn to a scale of not less than one inch to forty feet, showing the position all proposed and existing buildings and structures, the boundaries of the stand upon which the new building is to be erected and the drainage runs to septic tanks and French drains;
provided that, where a stand exceeds two acres in extent, the boundaries thereof may be committed from the triplicate block plan and an approved locality plan deposited at the offices of the Council in substitution therefore.
- (2) One set of each of the plans referred to in subsection (1) may be a print and shall be-
 - a) On linen
 - b) Digital format; and
 - c) Retained by the Council.
- (3) Any part of a building intended to be used for human habitation shall be shown on the plans referred to in subsection (1)
- (4) Subject to the prior approval of the designated officer, sketch-plans may be deposited in respect of a new building not exceeding US\$..... in value in place of the plans referred to in subsection (1).

Charges

6. The person depositing the notice and plans referred to in section 4 shall pay to council such charge as may from time to time be levied by the council.

Approval of building plans

7. (1) if the council considers the erection of the proposed new building will-
 - a) Contravene these by-laws; or
 - b) Lead to conditions which are unhealthy, insanitary or dangerous to life, or
 - c) Be objectionable by reason of the nature of the building itself, the use to which it will be put or its situation or environment;

It may withhold its approval of any plans deposited in terms of section 4.

(2) The council shall signify, in writing, its approval or disapproval of the plans of a proposed new building within thirty days of receiving the notice, plans and charges referred to in sections 4 and 5

Lapsing of approval

8. If the erection of a new building has not been started within 12 months after the date of approval of the plans by the council referred to in section 4, the approval shall lapse, unless good cause for the delay is shown, to the satisfaction of the council.

Erection of new buildings

9. No person shall start to erect a new building before he has received written approval of the plans referred to in section 4 from the council.

Completion of new buildings

10. (1) Within 14 days of the completion of the erection of a new building, the owner of the building shall deliver to the offices of the council notice, in writing, of such completion.
 - (2) No person shall occupy or use, or permit the occupation or use of, a new building until an inspector has granted a certificate stating the new building is-
 - a) Fit for occupation; and
 - b) Built in the accordance with plans approved by the council:

Provided that, where an inspector is satisfied that it is necessary to occupy a portion of a new building before the completion of the whole building, the inspector may grant a certificate in respect of that portion only.
 - 3) no part of the building not specially shown on the plans submitted to and approved by the council as intended for human habitation shall be used for that purpose.

New building contrary to plans or drawings

11. (1) if a person constructs a new building other than in accordance with the plans or working drawings approved by the council, the Council may order the new building to be altered or demolished.

(2) if a person fails to comply with an order made in terms of subsection (1) within three months of notification thereof, the council may enter upon the stand, effect the alteration or demolition and recover the cost thereof from the owner.

Compliance with standards in new buildings

12. (1) the Second Schedule shall be applicable to all new buildings other than those for which provision is made in section 12.

(2) subject to these by-laws, all construction work and alterations shall be carried out in accordance with general usage and recognized current building practice.

Particular building and structures

13. (1) a person who proposes to erect separate employee accommodation, garages, tool sheds, change rooms or fowl-houses shall comply with the provisions of this section.

(2) foundation shall be constructed of concrete or burnt bricks, and the width thereof shall be double the width of the superstructure wall and the depth thereof shall be equal to the thickness of the wall.

(3) walls shall be constructed of brickwork or concrete blocks of a thickness of not less than 11mm:

Provided that, if such walls exceed 3m 23cm in length, piers of not less than 23cm square shall be erected at intervals of not less than 3m.

(4) concrete blocks and brickwork, other than face brick-work, shall be cement-plastered in the proportion of one volume of cement to five volumes of sand.

(5) roofs shall be constructed in accordance with paragraph 17 of the Second Schedule.

Minor alterations

14. (1) small alterations to any building, including the enlargement of a window or the insertion of a door in place of a window, may, except where such alterations materially affect the design and external appearances of the building, be affected upon receipt of permission, in writing, from the council.

(2) the council may prohibit an alteration referred to in subsection (1) on any of the grounds set out in subsection (1) of section 6 and may, by order in writing, require the owner to remove or alter any such alteration.

(3) no person shall refuse to comply with an order made in terms of subsection (2).

Swimming-baths

15. A person who proposes to construct a swimming-bath shall submit plans and specifications of the swimming-bath for the approval of the council.

Overcrowding

16. (1) no room in a building shall be used for human habitation unless there is provided-
- a) For every person over the age of fourteen years 3 cubic meters of air space and 10 square meters of floor space; and
 - b) For every person under the age of fourteen years 270 cubic meters of air space and 9 square meters of the floor space
- (2) for the purposes of subsection (1), no height exceeding 2,4 meters from the floor shall be reckoned in estimating any cubic capacity.

Unhealthy stands

17. No person shall erect a building which contains or is constructed with any substance whatsoever which constitutes a danger to health.

Demolition and repair of certain buildings and structures

18. (1) where a building, structure or part thereof is, in the opinion of the council-
- a) Insanitary, dangerous, unhealthy, objectionable or unsuitable; or
 - b) Likely to cause neighboring properties to depreciate in value; or
 - c) Likely to cause annoyance to the inhabitants of the neighborhood;

The council may, by order in writing, require the owner thereof to repair, alter, and remove or demolish the building, structure or part thereof.

(2) in an order made in terms of subsection (1) the Council shall state the period within which the order shall be complied with.

(3) if an order made in terms of subsection (1) is not complied with within the period stated in the order, the council may enter upon the building, structure or part thereof referred to in the order and repair, alter, remove or demolish the building, structure or part thereof and recover the cost of so doing from the owner.

(4) No person shall occupy a building or structure which is unhealthy, insanitary or a danger to life.

PART III

GENERAL

Offences and penalties

19 Any person who contravenes any of the provisions of these by-laws shall be guilty of an offence and liable to a Level two fine, or, in the case of a continuing offence, a Level three fine and, if the offence has continued for more than twenty-five days, a Level One fine for each day during which the offence has continued.