

City of Victoria Falls (Building) By- laws,

ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Minister of Local Government and Public Works has, in terms of section 229 of the Urban Councils Act [*Chapter 29:15*], approved the following by-laws made by the Victoria Falls City Council.

Title

1. These by-laws may be cited as the Victoria Falls City Council (Building) By-laws

Interpretation

2. In these by- laws—

“authorised officer” means any person employed or delegated by the Council to carry out any function in terms of these by-laws;

“approved” means approved by Victoria Falls City Council

“boundary peg” means an object or mark on the ground defining or indicating a corner of a piece of land in respect of which a general plan or diagram has been approved by the Surveyor General;

“building inspector” means the officer for the time being lawfully acting in the capacity for the council;

“Council”; means Victoria Falls City Council

“latrine” means water closet, aqua-privy, earth closet, pail latrine device other than specified in this paragraph and approved by a Medical Officer of Health and State Health inspector, which is being, has been, or intended to be used for the disposal of human waste or excremental matter;

“new building” includes alteration of a building after the date of commencement of the by-laws by which the cubic content of the building is increased by an amount of a third or more of the original cubic content of the building, or any building erected for the temporary purpose or period of new building;

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

“premises” means—

(a) any building or any building room, garage, store room, hut, or any other erection, above or below the ground, and the land authorised for occupation or used in connection herewith; or

(b) any premises used, or intended to be used, for carrying on any trade or business;

“private dwelling” means any dwelling- house or proportion of a building or flat designed for occupation by an individual or family and in which facilities are provided for cooking or the installation of cooking equipment;

“property” means any land, including a stand;

“stand” means a lot or plot shown on an approved general plan or diagram relating to any area within the jurisdiction of the council;

“Town Clerk” means Town Clerk appointed in terms of the Urban Councils Act.

Notices of Plans

3. (1) Any person intending to erect any new building shall lodge with the Town Clerk
 - (a) a notice of such intention in the form prescribed in the First Schedule; and
 - (b) in triplicate, fully dimensioned and annotated plans, elevations and sections of the work intended to be performed, drawn to a scale of not less than ten millimetres to every one meter, giving full details of size and materials to be used in constructing the building and structural details shown; and
 - (c) in triplicate, site plans drawn to a scale of not less than ten millimetres to every five meters, showing the positions of all proposed and existing wells, boreholes, rivers or watercourses on the property, the proposed or existing vehicular access to the property and the direction of true north and scales used; and
 - (d) any written authority required by the condition of establishment of any private township establishment in terms of the Regional, Town and Country Planning Act [*Chapter 29:12*].
- (2). Subsection (1) shall not apply to any building situated on a construction site and used for storage or as an office, a house or latrine during the course of, and for the purposes of construction of a building.

Fees

4. Within ten working days of the receipt of plans lodged with the Town Clerk in terms of section 3, the council shall, in writing, approve of such plan or any part thereof upon payment of building plan approval fees specified in the Council budget tariff schedule.

Approval or dismissal of plans

5. (1) All stand beneficiaries shall prepare and submit their building plans for Council approval within six months from the date of authorization of developments allocation.

The Council may refuse to approve any plans submitted in terms of section 3 on the grounds that a new building to which the plans relate will—

- (a) contravene these by-laws or any other enactment; or
- (b) contravene any approved layout plans or general plan; or
- (c) lead to conditions which are unhealthy or dangerous; or
- (d) be objectionable by reason of the nature of the building itself, the use to which it will be put or its situation or environment.

- (2) Any plans which are not reasonably clear or complete in details may be dismissed by the Council.

(3). In approving any plans, the Council may impose such conditions as it considers necessary to ensure compliance with these by-laws.

(4). No person shall commence any work on any new building until the plans thereof have been approved by the Council in accordance with this section.

Copy of approved plans to be kept on site

6.(1) An approved copy or photocopy of a plan which has been submitted to, and approved by the Council in terms of these by-laws shall be kept at the site where the building is being erected.

(2). The approved copy or photocopy of the plan referred to in subsection (1) shall be made available for inspection by a building Inspector or authorized officer at any reasonable time.

Works not in accordance with approved plan or by-laws

7. (1) Where the building has been erected otherwise than in accordance with the plans approved in terms of section 5 or any other requirement of these by-laws, the Council may in writing, direct that such building be altered, removed or demolished, and that any further work on the building shall cease until requirements of these by-laws have been complied with.

(2) If a directive made in terms of subsection (1) is not obeyed within such time as may be specified, the Council may enter upon the property and alter, remove or demolish the building subject to section 74 of the Constitution.

(3) Notwithstanding this section, minor variations from the approved plans may be authorised, in writing, by the Council.

Lapse of council's approval

8. Council's approval of any plans shall lapse if the erection of a building has not commenced within 24 months after the date of approval, unless the council, on good cause agrees otherwise.

Boundaries

9. (1) The owner of any property on which a new building is being erected shall—

- (a) cause the boundary pegs of the property to be clearly exposed; and
- (b) where required by a building inspector or an authorized officer, furnish a certificate that buildings being erected on the stand named in the approved plan, and that the boundary pegs indicated on the plans are those of the property in question.

(2) Where the owner of the property requires re-identification of the pegs for whatsoever reason, the council shall charge the re-identification fee specified in the Second Schedule.

Completion, occupation and use of buildings

10. (1) Within fourteen days of the completion of a new building, the owner of the building shall give a notice to council in writing of such completion.

(2) The building inspector or an authorised officer shall at all reasonable times within seven days after receiving the notice referred to in subsection (1) have access to the completed new building for the purpose of ensuring that these by-laws have been complied with.

(3) The owner shall be issued a certificate of occupation upon completion of the buildings and payment of the fees specified in the Second Schedule.

Buildings not completed

11. No building shall be occupied without it being completed and having a certificate of completion issued.

Temporary buildings

12. (1) Every person intending to erect separate employee accommodation, garages, tool-sheds, change-rooms, or fowl-houses shall state in writing, the intention to erect such a temporary building and the period during which such building is intended to remain in existence.

(2) On receipt of the information referred to in subsection (1) the Council may, in writing—

- (a) approve the construction of the temporary building subject to such conditions as may be imposed; or
- (b) refuse the construction of temporary building.

(3) No person shall—

- (a) use or permit use on his or her property of any temporary building purposes other than those authorised by council or for the period in excess of that prescribed by the Council; or
- (b) erect, use or permit the erection on his or her property of any temporary buildings without the written approval of the Council.

Powers of inspection

13. The building inspector or an authorized officer may enter upon any property at any reasonable time—

- (a) to ascertain whether any works which require the approval of the Council are carried out; or
- (b) to inspect any work at any stage of its progress; or
- (c) to inspect any building or structure to ascertain whether it is in such condition as to be ruinous, dangerous or likely to be prejudicial to the safety or health of the occupants;

Provided that the inspections identified in this section shall be at the cost of the Council.

Cleansing site on completion of work

14. As soon as any buildings are completed, all refuse, debris, and temporary latrines or similar structures, shall be removed by the owner from the site on which works have been carried out and from any adjoining land which may have been used for storage of refuse or debris.

Offences and penalties

15. Any person who—

- (a) contravenes any provision of these by-law; or
- (b) fails to comply with an order or prohibition given in terms of these by-laws; or
- (c) fails to comply with any terms or conditions attached to any permission authority or approval given in terms of these by-laws ;or
- (d) obstructs or hinders any official in the execution of his duties under these by-laws.

shall be guilty of an offence and liable to a fine not exceeding level five (5) or to imprisonment for a period not exceeding three months or to both such a fine and such imprisonment.

FIRST SCHEDULE (Section (3)(a))

Notice of intention to erect new buildings

Every notice of intention to erect new buildings to be accompanied with:

- a) The prescribed fees specified in the Second Schedule
- b) Triplicate plans, elevations and drawn to scale not less than 1:100 giving full details of sizes, materials and where required fittings and furnishings
- c) Triplicate block plans drawn to scale not less than 1:500 clearly indicating true north and showing position of all proposed and existing buildings, proposed or existing domestic worker does quarters, details of sanitary arrangements, exist wells or boreholes any rivers of water courses and the proposed or existing vehicular access to the property.

1. Stand numberName of road.....

2. Owner (name and address).....

.....

3. Architect (if any) (name and address).....

.....

4. Estimated cost US \$.....

5. Is it new work, alteration or additions?.....

6. What is to be constructed?.....

7. For what purposes are the buildings to be used?.....

8. Floor area to be covered by the buildings to be used?.....

a) Main building.....

b) Out building.....

9. When are works to commence?

Date.....Signature.....

SECOND SCHEDULE (Section (4), (9) and (10))

Fees

<i>Description</i>	<i>Fees</i>
Approval fees	As prescribed in the Council Budget
Inspection fees	As prescribed in the Council Budget
Certificate of Occupation	As prescribed in the Council Budget
Replacement of lost pegs	As prescribed in the Council Budget
Resubmission fee	As prescribed in the Council Budget
Plan re-approval fee	As prescribed in the Council Budget
	As prescribed in the Council Budget