

## **Ashaiman Municipal Assembly (Building) Bye-law, 2017**

IN exercise of the powers conferred on the Ashaiman Municipal Assembly (ASHMA) by section 181 sub section 1 of the Local Governance Act, 2016 (Act 936) this Bye-law is hereby made.

### **Building permit**

1. (a) A person who proposes to develop land for any purpose or make changes to an existing building shall apply to the ASHMA for a building permit and shall commence only after obtaining a building permit for its development.  
(b) The prospective developer shall purchase a set of application forms and complete same for consideration by the ASHMA.

### **Application**

2. (a) An application for a building permit must contain or be accompanied by particulars of the following documentary evidence;
  - i) Evidence of title to the land to be developed,
  - ii) The drawings of the building to be developed signed by a qualified architect and a structural engineer where necessary.
  - iii) **The completed application forms with the said documents shall be submitted to the ASHMA after paying the requisite fee fixed by the Assembly.**

### **Inspection of site**

3. (a) On receipt of the application form, **the Technical** Sub-Committee of the Statutory Planning Committee of the ASHMA together with the applicant shall proceed to the site of the proposed development within one week and inspect the area earmarked for the development,  
(b) Where the applicant's building will obstruct the flow of water, drain and other elements or sit in a road or part of it and or for any other reason, the ASHMA shall refuse the granting of the permit and notify the applicant in writing the reason(s) for refusing the application.  
(c) The ASHMA shall monitor and ensure that such a person does not develop the proposed site.  
(d) The ASHMA where satisfied that the proposed development will not obstruct access and further satisfies all the conditions laid under the law, shall approve same and grant the building permit to the prospective developer who shall commence building.

### **Development without a permit**

4. (a) This Bye-law applies if building work has been carried out without a building permit.  
(b) The ASHMA shall, upon finding development without a building permit write to the owner, owner's agent or representative to whom the building work relates, to stop work and go through the application process before continuing with the development.  
(c) The said applicant shall pay a fine of 200 penalty units and purchase the application forms and follow the procedure spelt out above.

(d) Where the owner of the property ignores the notice to apply for a building permit before continuing, the ASHMA shall issue out a criminal summons before a judge or a before a Law court to compel the owner to procure the building permit.

(e) Where the building is located at an unauthorized location by virtue of non-conformity to the prescribed zoning in the planning scheme, the ASHMA shall proceed to court for authority to demolish the structure and surcharge the owner of the development for the cost of destruction.

(f) A building permit is necessary to ensure that the work complies with each relevant requirement of this Bye-law and the National Building Regulations.

### **Consideration of factors for the grant**

5. (a) For the purpose of granting the building permit, the ASHMA shall take into consideration the following factors;

(i) There are appropriate provisions for the early warning of fire, and the appropriate means of escape in case of fire;

(ii) Faecal containment structure placement in the house;

(iii) Wastewater discharge from the house;

(iv) Drainage systems and adequate provision for toilets and baths in the house

(b) The ASHMA shall ensure that the construction of drainage systems shall substantially affect the granting of the building permit.

(c) The ASHMA shall ensure that no drainage system constructed by a landlord shall flood and cause nuisance to the neighbourhood. Where the drainage floods the area, the landlord shall rectify the situation by directing the wastewater to the main drainage system provided in the area concerned.

(d) A household whose wastewater passes through the surface of a road shall lay pipes with the advice and supervision of the officers of ASHMA to join the main drainage system provided in the area concerned.

### **Ventilation**

6. (a) A building must have adequate ventilation and lighting for people in it.

(b) The immediately preceding Bye-law does not apply to a building or space within a building that is used solely for storage or is a garage.

### **Access**

7. The ASHMA shall ensure that in granting a building permit, there shall be reasonable provision for people to gain access to and to use, the building and its facilities.

### **Penalty**

8. Any person who contravenes the provisions of this Bye-law commits an offence and shall on conviction be liable to a fine of between 100 to 250 penalty units or in default of payment, to imprisonment for a term not exceeding six (12) months or to both.

### **Application**

8. This Bye-law shall apply within the jurisdiction of the ASHMA.

**Title**

9. This Bye-law may be cited as the Ashaiman Municipal Assembly (Building) Bye-law, 2017.

**Revocation**

10. Any Bye-law on Building in existence within the area of authority of the ASHMA before the coming into force of this Bye-law is hereby revoked.

**Interpretation**

11. In this Bye-law, unless the context otherwise requires –  
“ASHMA” means Ashaiman Municipal Assembly

“Building” means –

- (a) A permanent or temporary structure with a roof;
- (b) A part of a building;

“Building permit” means a license that authorizes work to be carried out for which authority is required in pursuance of a provision of this Bye-law;

“Adequate ventilation” means the kind of ventilation as elaborated in the building regulations LI 1630

“Title” means an acceptable documentary proof of ownership which shall include a lease, an allocation note with a site plan, and a devise in a will among others.

Made at a meeting of the Ashaiman Municipal Assembly held on the .....

SIGNED  
*Presiding Member*  
*Ashaiman Municipal Assembly*

SIGNED  
*Municipal Co-ordinating Director*  
*and Secretary of ASHMA*

Approved by the Regional Co-ordinating Council, Greater Accra on behalf of the Ministry of Local Government.

**Regional Minister**

**Director**

**Regional Coordinating**