

(Building) Bye-Laws, 2017

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

Title

This Bye-law may be cited as Adentan Municipal Assembly (Building) Bye-Law, 2017.

Building permit

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

Application

2. (1) an application for a building permit must contain or be accompanied by the following documents;
 - a) Evidence of title to the land to be developed,
 - b) The drawings of the building to be developed signed by a licensed building surveyor, a qualified architect and a structural engineer where necessary.
 - c) The completed application forms with the annexure shall be submitted to the AdMA after paying the requisite fee fixed by the Assembly.

Inspection of site

3. (a) on receipt of the application form, the Physical Planning Department of the AdMA 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 AdMA shall refuse the granting of the permit and notify the applicant in writing the reason(s) for refusing the application.
- (c) The AdMA shall monitor and ensure that such a person does not develop the proposed site.
- (d) The AdMA 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 to which this Bye-law applies has been carried out without a building permit.
- (b) The AdMA shall upon finding development without a building permit would write to the owner, owner's agent or representative to which 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 100 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 AdMA 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 AdMA 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 required 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.(1) for the purposes of granting the building permit the AdMA shall take into consideration the following factors;
 - (a) There are appropriate provisions for the early warning of fire; and the appropriate means of escape in case of fire;
 - (b) Faecal containment structure placement in the house;
 - (c) Waste water discharge from the house;
 - (d) Drainage systems and adequate provision for toilets and baths in the house
- (i) The AdMA shall ensure that the construction of drainage systems shall substantially affect the granting of the building permit.
- (ii) The AdMA 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 land lord shall rectify the situation by directing the waste water to the main drainage system provided in the area concerned.
- (iii) A household whose waste water passes through the surface of a road shall lay pipes with the advice and supervision of the officers of AdMA 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) This provision of the 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 AdMA 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

- 1. Any person contravening or failing to comply with any of the provisions of this Bye-law, shall be guilty of an offence and shall on conviction be liable to a fine of 150 penalty units or in default of payment to imprisonment for a term not exceeding six months or to both.

Application

- 9. This Bye-law shall apply within the jurisdiction of the Adentan Municipal Assembly.

Revocation

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

Interpretation

11. In this Bye-law, unless the context otherwise requires –

“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 accordance with this Bye-law;

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

“AdMA” means Adentan Municipal Assembly

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.

Presiding Member
(Hon. Odai- Boye Joseph)

Municipal Coordinating Director
(Moirra Nancy Ewa)

Regional Minister

Regional Co-ordinating Director