

GOVERNMENT NOTICE No. 242 of 24/10/2004

THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT
(CAP. 288)

REGULATIONS

THE LOCAL GOVERNMENT (URBAN AUTHORITIES) (DEVELOPMENT
CONTROL) REGULATIONS, 2008

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THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT
(CAP. 288)

REGULATIONS

Made under sections 62 and 63

THE LOCAL GOVERNMENT (URBAN AUTHORITIES) (DEVELOPMENT
CONTROL) REGULATIONS, 2008

PART I

PRELIMINARY PROVISIONS

Citation
and
applica-
tion

1.—(1) These Regulations may be cited as the Local Government (Urban Authorities) (Development Control) Regulations, 2008.

(2) These Regulations shall apply to—

Cap. 288

(a) urban authorities established under the Local Government (Urban Authorities) Act; and

Cap. 287

(b) township authorities established under the Local Government (District Authorities) Act.

Interpre-
tation
Cap. 288

2. In these Regulations, unless the context otherwise requires—
“Act” means the Local Government (Urban Authorities) Act;
“Authority” means Township Authority, Town Council, Municipal Council and City Council;
“basement” means any room conforming to these Regulations as regards ventilation and light, the floor of which is lower than any ground within 10 feet of the wall of that room;
“building of the warehouse class” means a warehouse, shop, factory, manufactory, brewery or distillery and includes a store or godown;
“building” means any structure of whatsoever material constructed, and includes billboards and telecommunication towers;
“cellar” means any room, other than a basement, the floor of which is lower than any ground within 10 feet of the wall of that room;
“common lodging house” means a house or part of a house, including the

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veranda thereof which is let or sublet in lodgings or otherwise, either by storeys, by flats, by rooms, or by portions of rooms, or which is occupied by members of more than one family;

“court” means any court of competent jurisdiction within the area of the Authority and includes a ward tribunal established under the Ward Tribunals Act;

“cross wall” means a wall used or constructed to be used in any part of its height as an inner wall of the building, that building being wholly in, or being constructed or adapted to be wholly in, one occupation;

“dangerous or offensive trade or business” means the trade or business of any of the following—

bow and arrows, spears, prisons, *panga*, knives, sword, assegais, loaded or spiked sticks, knobkerries, knuckle dusters, sandbags, axes or pick axes and any other trade or business which the Minister may by notice in the *Gazette* declare to be included in the said term for the purpose of these Regulations;

“Director” in relation to a township means a Township Executive Officer for that township, in relation to a town means the Town Director for that town, in relation to a municipality means the Municipal Director for that Municipality, and in relation to a city, means the City Director for that city;

“external wall” means an outer wall or vertical enclosure of a building and not being a party wall even though adjoining a wall of another building;

“footpath” includes any causeway or path at the side of any street or any part of a street constructed or set apart for the use or accommodation of pedestrians and includes the verges of any carriageway;

“foundation” in reference to a wall having footings, means the solid ground or artificially formed support on which the footing of a wall rests;

“horse” includes mule and donkey, and any cattle when used for transport purposes;

“living room” means any room which is ordinarily used for living purposes;

“Market Officer” means a person holding the appointment of or acting in the capacity of Market Officer of the Authority;

“Medical Officer of Health” means a qualified Medical Officer in the service of Authority or an officer authorized by the Authority to perform the functions of a Medical Officer of Health;

“occupier” includes any person in actual occupation of land or premises without regard to the title under which he occupies;

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- "owner" in relation to any premises means the person holding or deemed by any written law to be holding such premises under a right of occupancy, and includes any person claiming or holding himself out as being the owner and entitled to a right of occupancy in respect of the premises, or in the case where the owner of such premises cannot be found, the person in actual occupation of such premises;
- "premises" includes lands, buildings, vehicles, railway carriages or other conveyances and tents, vans, structures of any kind, streams, lakes, sea-shore drains, ditches, or places open, covered or enclosed, whether built on or not, and whether public or private, and whether natural or artificial, and whether maintained or not under statutory authority, and any ship, boat or canoe or other vessel lying in any sea, river, harbour, or other water, or *ex adverso* of any place within the limits of the Authority;
- "produce" includes agricultural produce, fish, fruit, meat, poultry, eggs and vegetables;
- "rat-proof material" means material, or a combination of materials, which cannot be penetrated by rats or similar rodents;
- "rat-proof netting" means wire netting of galvanized iron or steel or brass or other rust-proof alloy, of half-inch mesh, B. W. gauge 10, or other rat-proof material which has been approved by the Authority;
- "rats" includes mice;
- "residential building" means any building not being a public building or of the warehouse class;
- "shop" or "store" means any shop, store or other building used or intended to be used for business purposes and for containing or storing grain, forage or other foodstuff, hides, material or articles likely to attract or harbour rodents; and includes any office, stable, workshop or similar structure in connection therewith;
- "sleeping room" means any room which between the hours of sunset and sunrise is ordinarily used for sleeping purposes;
- "stall" includes any building, room, kiosk, stand, table, space, receptacle, plot or other place in a market used or intended to be used for the sale of goods;
- "street" includes any street, road, path, lane, sanitary lane, sandy lane, thoroughfare or public space to which the public have access and includes a bridge over which a roadway runs;
- "vehicle" means any cart, wagon, carriage, bicycle, tricycle, motor cycle, motor car or rickshaw, and includes any conveyance for the carriage of persons or goods however propelled or kept in motion;

“party wall” means-

- (a) a wall being used or constructed to be used in any part thereof for separation of adjoining buildings occupied or adapted to be occupied by different persons;
- (b) a wall forming part of a building or projecting in any part of its length other than the projection of the footing upon land not being part of the plot or sub-plot upon which such building stands;

“to erect a building” includes-

- (a) to construct a new building;
- (b) to re-erect any building, the walls of which have been wholly or partially pulled down or have fallen down;
- (c) to make addition to any building;
- (d) to make any alteration in the structure of any building;
- (e) to convert a building intended for any purpose into a building intended for a different purpose;
- (f) to convert into more than one building a building originally constructed as one building;
- (g) to cover any open space between walls or buildings.

PART II

POWERS AND DUTIES OF THE AUTHORITY

3.-(1) The Authority shall-

- (a) in respect of sanitation-
 - (i) take lawful, necessary and reasonable measures to prevent the occurrence of or deal with any out-break prevalence of any infectious or communicable and non communicable diseases;
 - (ii) cause an appropriate Environmental Impact Assessment Study to be conducted for all activities as may be provided for under the Environmental Management Act;
 - (iii) safeguard and promote public health standards in its area through creation of awareness and educational campaigns;
 - (iv) issue notice for rectification of any breach of public health standards;
 - (v) make inspection with a view to ascertain nuisances that exist;

Powers
and duties
of
Authorities

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- (vi) call for abatement of the nuisance under the powers given under these Regulations; or
- (vii) enforce the powers vested to the Authority relating to public health, so as to secure the proper sanitary condition of all premises, streets and drains within the area under the Authority;
- (b) in respect of market, prohibit or regulate and supervise all public markets;
- (c) in respect of buildings-
 - (i) issue or subject to its satisfaction, ratify any drawings for building purpose;
 - (ii) upon satisfaction, issue building permit;
 - (iii) regulate building plans; and
 - (iv) where satisfied that a building is unfit for human habitation, condemn it and where necessary order its demolition; and
- (d) for the purpose of controlling traffic, regulate the movement of certain vehicles to be specified.

Inspectors 4.-(1) An inspector shall perform such duties as may be assigned to him by the Authority and all acts done in pursuance of his duties under these Regulations shall be deemed to be done by the Authority.

(2) For the purpose of these Regulations, "inspector" means Medical Officer of Health, sanitary inspector, Environmental Health Practitioner, environmental health officer, or any other person so authorised by the Authority.

Powers of entry 5. A Medical Officer of Health with his assistants may enter any premises and inspect any vessel, boat or canoe and any railway carriage or other conveyance-

- (a) for the purpose of examining as to an existence of any nuisance liable to be dealt with summarily under these Regulations at any time;
- (b) where under these Regulations a nuisance has been ascertained to exist or any order in respect thereto has been made by a court then at any such time as aforesaid until the nuisance is abated or the work ordered to be done is completed or the order is cancelled as the case may be;

- (c) where any order made by a court in respect of any nuisance has not been complied with or has been infringed, at all reasonable hours for the purpose of securing the execution of the order;
- (d) for the purpose of inspecting and examining any article solid or liquid sold or exposed for sale or deposited for the purpose of sale or preparation for sale and intended for man and beast;
- (e) for the purpose of carrying out the supervision of the sanitation and safeguarding the health within the area of Authority;
- (f) for the purposes of instituting or taking legal proceeding;
- (g) at any hour of the day or night under the authority of any order in that behalf granted by any court if it is believed that:
 - (i) any building or premises or part of any building or premises is so over crowded as to be a nuisance; or
 - (ii) a closing order under these Regulation is being contravened; or
 - (iii) a room is being used as a sleeping room contrary to these Regulations;
- (h) generally for the purpose of carrying out any of its powers or duties under these Regulations.

(2) The Medical Officer of Health may, in exercising the powers under this regulation, institute or take legal proceedings against persons contravening the provisions of these Regulations.

6.—(1) The Medical Officer of Health may, where he is satisfied so to do, give an order or notice to a person who contravenes the provisions of these Regulations.

Servicing
of notice,
etc

(2) The order or notice issued under subregulation (1) shall if practicable be served personally upon the person to whom it is addressed by delivering to him a true copy thereof and showing him the original and every person upon whom an order or notice is so served shall sign a receipt therefore upon the original if so required by the serving officer.

(3) Where the addressee cannot by the exercise of due diligence be found the order or notice may be served by leaving a true copy with some adult member of his family or household and the person with whom the same is so left shall, if so required by the serving officer, sign a receipt therefore on the original order or notice.

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(4) Where service cannot by the exercise of due diligence be effected, the serving officer may affix a copy of the order or notice to some conspicuous part of the house in which the addressee ordinarily resides.

(5) Subject to sub regulation (4), where an order or notice is made in respect of any house, building, premises or area, the serving officer may affix a copy of such order or notice on a conspicuous part of the house, building, premises or area and thereupon the order or notice shall be deemed to have been duly served.

PART III

SANITARY

(a) *Suppression of mosquitoes*

Powers to search for mosquitoes

7.—(1) The Medical Officer of Health or any other officer authorised by the Authority may—

- (a) enter and inspect any lands or any house or building for the purpose of satisfying himself that there are no mosquitoes breeding upon such lands, premises, houses or buildings;
- (b) enter and inspect in any premises or lands on which water may have accumulated in any natural hollow.

(2) Where the Medical Officer of Health or any other officer authorised by the Authority finds mosquitoes breeding in a land, house, building or premises inspected under subregulation (1) may—

- (a) take such steps as he may consider necessary for the removal or insecticidal treatment of such water; or
- (b) order the owner or occupier of the land, house, building or premises to remove and destroy the mosquitoes breeding.

(2) An occupier or owner of any area, plot or premises on which mosquito larvae are found commits an offence.

(3) The occupier or owner of any land, house or premises upon which there is any well, barrel, tub, bucket or other receptacle for the storage of water shall provide it with a cover so constructed as to prevent the ingress of mosquitoes.

(4) A person who fails to provide a cover after reasonable notice has been given by the Medical Officer of Health commits an offence.

(b) Nuisances

8.—(1) No owner or occupier of a premises, building or land or any other person shall in any manner make a nuisance or cause a nuisance to be made to a person or public.

Nuisances
and its
contents

(2) For the purposes of this Part, "nuisance" includes the following -

- (a) any vehicle which is in such a state or condition to be injurious, hazardous or dangerous to health or offensive;
- (b) any building or premises or its part which is under construction or in a dirtiness state, verminous or damp as likely to be injurious, hazardous or dangerous to health or which is liable to favour the spread of any infectious disease;
- (c) any street, road or part, stream, pool, ditch, gutter, water course, sink, water tank, cistern, water closet, earth closet, privy, urinal, cesspool, soak away pit, septic tank, cesspit, soil pipe, water pipe, drain, sewer, garbage receptacle, dustbin, dung pit, refuse pit, latrine, slop tank, ash-pit or manure heap, so foul or in a state, situated or constructed as to be offensive or likely to be injurious or dangerous to health or offensive;
- (d) any growth of weeds, long grass, trees, under growth, hedge, bush or vegetation of any kind which is injurious, hazardous or dangerous to health or offensive and any vegetable that is in itself is dangerous to children or others either by its sewage effluent or through its leaves, seeds, fruits or any of the eaten part;
- (e) any well, other source of water supply, any cistern or other receptacle for water, whether public or private, the water used or likely to be used for human consumption or in connection with any dairy or milk products shop or manufacturing or preparation of any article of food intended for human consumption which is in a condition liable to render such water injurious, hazardous or dangerous to health or offensive;

- (f) any noxious matter or waste water flowing or discharged from any premises, wherever situated, into any public street, gutter, side channel of any street, any gully, swamp, watercourse, irrigation channel or its bed not approved for reception of such discharge;
- (g) any collection of water, sewage, rubbish, refuse or other fluid or solid substances which permit or facilitate the breeding or multiplication of animal or vegetative parasites of human being or domestic animals or of insects or other agents, which are known to carry such parasites or which may otherwise cause or facilitate the infection to domestic animals;
- (h) any collection of water any well, pool, gutter, channel, depression, excavation, barrel, tub, bucket or any other article found to contain any mosquitoes larvae;
- (i) any cesspit, latrine, urinal, dung-pit found to contain any mosquitoes larvae;
- (j) any stable, cow shed or other building or premises used for keeping of animals or birds which is constructed situated, used for kept as to be offensive or which is injurious, hazardous or dangerous to health or offensive;
- (k) any stray dog, cat or any other animal so kept as to be offensive, injurious or dangerous to health;
- (l) any accumulation or deposit of refuse, offal, manure or other matter whatsoever which is offensive or injurious, hazardous or dangerous to health;
- (m) any accumulation of stones, timber or other materials of any nature where it is likely to harbour rats or other vermins;
- (n) any building or premises which is overcrowded as to be injurious, hazardous or dangerous to the health or offensive of the inmates or is dilapidated or defective in its lighting or ventilation or it is not provided with or is situated in a place that it cannot be provided with sanitary accommodation to the satisfaction of an authorized officer;

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- (o) any building which is situated, constructed, used or kept as to be unsafe, injurious, hazardous or dangerous to health or offensive;
- (p) any factory or trade premises in a dirty condition or with offensive smell arising from any drain, privy, water closet, earth closet or urinal, not ventilated so as to destroy or render harmless and inoffensive as far as practicable, any gases, vapours, dust or other impurities generated, overcrowded, badly lighted or ventilated as to be injurious, hazardous or dangerous to the health of those employed by it or its community;
- (q) any factor or trade premises causing or giving rise to smell or sewerage effluents which is injurious, hazardous or dangerous to health;
- (r) any area of land kept or permitted to remain in an offensive state or likely to cause any infections, communicable disease, injury, hazard or danger to health;
- (s) any cemetery, burial place, crematorium or other place of sepulchre situated, crowded or otherwise conducted as to be offensive, injurious, hazardous or dangerous to health;
- (t) any gutter, drain, chute, stack pipe, down spout, water tank or cistern which by reason of its insufficiency or its defective condition causes dampness in any building;
- (u) any deposit of material on any building or lane which causes damp in such place so as to be injurious, hazardous or dangerous to health;
- (v) any dwelling house, public building, trade premises, workshop or factory provided with insufficient sanitary latrines or with latrines which are in such a state as to be injurious, hazardous or dangerous to public health and safety or offensive; and
- (w) any noise likely to be dangerous, hazardous or injurious to health or offensive and which is made by a person or group of

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persons, whether originating from a dancing hall, club, bar, restaurant, hotel, social hall, theatre, playground, dwelling house, premises or not, made irrespective of musical instrument or any other source.

(3) Any person affected by nuisance shall complain in writing to an inspector responsible in the respective area.

Powers to enter and inspect

9. Subject to sub-regulation (3) of regulation 8 an inspector may-

(a) upon receipt of a complaint from a person affected by nuisance; or

(b) where he has reasonable grounds for suspecting that a nuisance exists on any premises or building,

enter, inspect and make inquiries upon such premises, building or land at any time when operations suspected of causing the nuisance are believed to be in progress or are usually carried on, and may do any act or thing which may be necessary for the effectual examination of the said premises, building or land.

Notice to abate nuisance

10.-(1) Whenever a nuisance exists or reported to have existed on any land, premises, building or land and is likely to recur whether on that premises, building or land or on any other premises, building or land the inspector may serve a notice on the person by whose act, default or sufferance the nuisance exists or is likely to recur.

(2) Where a person under sub-regulation (1) cannot be found, the notice shall be served on the owner of such premises, building or land provided that-

(a) where the nuisance arises from any want or defect of a structural character or when the premises are unoccupied the notice shall be served on the owner;

(b) where the premises, building or land is occupied by more persons than once, the notice may be served on the owner of such premises, building or land.

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- (c) where the person causing the nuisance cannot be found and it is clear that the nuisance does not exist by the act or default or sufferance of the owner or occupier of the premises, building or land the Authority may abate the same and do what is necessary to prevent the recurrence thereof.

(3) The notice under sub regulation (1) may-

- (a) require the person served with a notice-
 - (i) to abate the nuisance within the time specified in the notice;
 - (ii) to execute such work as will be necessary to prevent the nuisance;
- (b) contain a specification of any works to be executed for the purpose of abating the nuisance or preventing its recurrence.

(4) Where a notice is served to any person under this regulation, and either the nuisance arose from wilful or culpable negligence of such person, or such person makes default in complying with the requisitions of the notice within specified period, that person commits an offence.

11.-(1) Where either-

- (a) the person on whom notice to abate a nuisance has been served makes default in complying with any of the requisitions within the time specified therein; or
- (b) the nuisance, though abated since the service of the notice, is, in the opinion of the Authority, likely to recur on the same premises,

then in such case if it is proved to the satisfaction of a Court that by reason of the nuisance a dwelling house, room or premises is unfit for human habitation, the Court may-

- (i) by order prohibit the use of such dwelling house, room or premises for human habitation; or
- (ii) order the Authority to enter upon the premises or land in respect of which the nuisance exists or is likely to recur and execute such works as may in the opinion of the

Failure to
abate
after
notice

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Authority be necessary to prevent the continuance or recurrence of the nuisance.

(2) Where the Authority executes works for purposes of abating or preventing the continuance or recurrence of the nuisance, it may recover the costs of so doing from the person on whom the notice was served, or in the manner provided in these Regulations.

Closed building not to be used for habitation

12. Where an order has been made by a court for the closing of any building or part of a building or for prohibiting the use thereof for human habitation, any person who after the date specified in such order and before the building or part of a building has been rendered fit for human habitation to the satisfaction of the Authority, inhabits or causes or suffers to be inhabited such building or part of a building commits an offence against these Regulations.

Cultivation in the Authorities

13. A person shall not plant or cultivate any plant of the varieties to be specified in the set out in the By laws made by the respective Authority unless such plantation or cultivation is—

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(d) in accordance with the terms of a right of occupancy granted under the Land Act or of a written permit issued by or on behalf of the Authority; and

(e) he takes such measures for the prevention or reduction of soil erosion as may be required by the Authority.

(c) Insanitary premises

Powers to destroy temporary structure

14.—(1) If, in the opinion of the Authority, any tent or hut constructed of wood, mud, or grass, or any other temporary erection used for human habitation is unfit for that purpose or is dangerous or is likely to be dangerous to health, the Authority may serve a notice upon the owner or occupier of such tent, hut or temporary erection to remove or destroy the same within the time specified in the notice.

(2) The owner or occupier who fails to comply with any of the terms of the notice under sub regulation (1), commits an offence, and the Authority may undertake the work of such removal or destruction the cost of which may be recovered from such owner or occupier in addition to any penalty that may have been imposed.

Local Government (Urban Authorities) (Development Control)

G.N. No. 242 (contd.)

15.—(1) Every person owning any building or premises used as a dwelling house shall provide such building or premises with proper and sufficient sanitary accommodation to the satisfaction of the Authority.

Latrines,
etc

(2) Every person owning or occupying any factory, workshop, school, eating-house, boarding-house, hotel, theatre or other public building or place of public entertainment or refreshment, or any recreation ground, shall provide to the satisfaction of the Authority and maintain in a clean and sanitary condition proper and sufficient sanitary accommodation for the separate use of the male and female frequenters and inmates of such premises and shall keep the same properly and sufficiently lighted.

(3) Every contractor or other person employing workmen for the erection of any building or other work shall provide for such workmen sufficient and convenient latrine accommodation to the satisfaction of the Authority.

(4) Every person owning or occupying premises on which two or more persons are employed shall supply a proper and sufficient latrine for the use of such persons to the satisfaction of the Authority.

(5) Where, in the opinion of the Authority, any latrine, earth closet, cesspool, urinal or privy on or within any premises has become insanitary or dangerous to health, the Authority may, by notice, require the owner or the occupier of the premises to reconstruct such latrine, earth closet, cesspool, urinal or privy to its satisfaction within the time specified in such notice.

(6) An owner or occupier who fails to comply with the notice given under sub regulation (1), commits an offence.

16.—(1) An owner or occupier of a premise shall not use or allow to be used a latrine, earth closet, urinal or privy which in the opinion of the Authority has become insanitary or dangerous to health until such time as the Authority shall certify that the same has been reconstructed to its satisfaction.

Certificate
of
satisfactory
reconstruction

(2) An owner or occupier of premises who contravenes the provisions of this regulation commits an offence liable on conviction to a fine of not exceeding fifty thousand shillings or imprisonment to a term not exceeding 12 months or to both such fine and imprisonment.

Local Government)Urban Authorities) (Development Control)

G.N. No. 242 (contd.)

Escape of
night soil,
etc.,

17. Any person whose premises has any escape of night soil or urine from any latrine, closet, cesspit or privy commits an offence.

Digging of
holes for
reception
of night
soil

18. Any person who digs or constructs any hole for the reception of night soil, urine, dirty water or rubbish of any description except as authorized under these Regulations or by written permission of the Medical Officer of Health or throws any foul matter or thing or dirty water or allows any such foul matter or thing or dirty water to flow on any yard, plot, street, footpath, public place or into any drain not constructed for the purpose of receiving such foul matter or thing or dirty water commits an offence.

Cleaning
and
disinfection

19.-(1) The Medical Officer of Health may, by notice, require the owner or occupier of any premises to limewash, decorate, clean or disinfect the premises.

(2) The owner or occupier of the premises under sub regulation (1) commits an offence if he fails to comply with the requirements made under sub regulation (1) and is liable on conviction to a fine of not exceeding fifty thousand shillings or imprisonment to a term not exceeding 3 months or to both such fine and imprisonment.

(3) Subject to sub regulation (2), the Medical Officer of Health or any person authorized by the Authority may enter the premises at any reasonable time and limewash, decorate clean or disinfect the premises and he may recover the cost incurred from the owner or occupier of the premise as the case may be.

(4) Where the owner or occupier fails to refund the costs incurred by the Authority under subregulation (3), the authority may takeover the premises and lease it or do any thing other than disposing it of to recover the costs incurred.

(5) Subject to subregulation (1), the Authority shall immediately after recovering the costs handover the premises to the owner.

(d) Disposal of refuse and night soil

Occupier
to provide
receptacle
or
dustbins

20.-(1) The occupier of any building or premises shall provide and maintain to the satisfaction of the Authority a receptacle or dustbin for ashes and other non-liquid domestic refuse of a sufficient size, and fitted

with a good and efficient lid and shall daily cause to be placed within such receptacle or dustbin the domestic refuse from the building or premises in so far as the receptacle or dustbin shall be sufficient to contain the same.

(2) Notwithstanding sub-regulation (1), where any house is occupied by more tenants than one, the owner shall be deemed to be the occupier for the purpose of this regulation.

(3) A person who contravenes the provisions of this regulation commits an offence.

21.-(1) Where a nuisance exists upon or near any premises by reason of domestic or trade refuse produced thereon or proceeding there from, the Authority may serve to the occupier of such premises, a notice in writing requiring the removal the nuisance within such period as may be specified in the notice and to prevent its recurrence.

Domestic
or trade
refuse

(2) Where after the expiry of the period specified in the notice under sub regulation (1) such nuisance continues or by act, default or sufferance of the person upon whom such notice has been served recur, such person unless he ceases to be the occupier of the premises commits an offence.

22. A person shall not throw or deposit or cause to be thrown or deposited in or upon any street or other public place any accumulation of dust, refuse, garbage, decaying animal, vegetable, or noxious matter.

Placing
refuse on
streets

23.-(1) The Authority may require the occupier or owner of a premises to make such arrangements for the removal and disposal of night soil as it may think fit, or provide for the removal and disposal of night soil and for that purpose may require the occupier or owner of any premise to—

Night soil

- (a) provide the number of latrine pails of such capacity and shape as it may think fit;
- (b) place such pails in such position as it may think fit; and
- (c) allow access for the removal of such pails at such hours as it may think fit.

Local Government (Urban Authorities) (Development Control)

G.N. No. 242 (contd.)

(2) A person shall not provide a mobile toilet service unless is allowed by the Authority upon such terms and conditions as may be prescribed by the Authority from time to time.

(3) A person shall not operate a vehicle as cesspit emptier unless is allowed by the Authority upon such terms and conditions as to emptying, parking, type and condition of the vehicle as may be prescribed by the Authority from time to time.

(4) Any owner of or a person charged to run a passenger carriage which has an in-built toilet facility and which operates within, or across an urban area shall not discharge the waste from the toilet facility anywhere or anyhow other than in the manner and areas designated for that purpose.

Depositing
refuse on
streets

24. The occupier of any plot or portion of a plot, or in the case of unoccupied plot, the owner thereof, shall not in any street or open place throw or lay down any dirt, filth, rubbish, or stone or building materials, or cause or allow any offensive matter to run from any house-pantry, dung heap, or the like.

(e) Water supply

Pollution
of water

25. A person who fouls or obstructs or causing or suffering to be fouled or obstructed any supply or means of supply of water commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Power to
close wells

26. Where the Authority is satisfied by a report from the Medical Officer of Health that a well or other means of supply of water is polluted or subject to pollution and is thereby injurious or dangerous to health it may, by notice served in the manner prescribed under these Regulations, order that the well or other means of supply be closed.

(f) Food protection and cleanliness

Food unfit
for human
consumption

27.—(1) The Medical Officer of Health may, at a reasonable time, inspect and examine any article exposed for sale or deposited in any place for the purpose of sale or preparation for sale and intended for human consumption.

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G.N. No. 242 (contd.)

(2) A burden of proof that the article was not sold, exposed or deposited shall be upon the person charged.

(3) Where any article appears to the Medical Officer of Health or any person authorized by the authority to be diseased, unsound, unwholesome or unfit for human consumption, he may seize it and order such article to be destroyed or disposed of.

(4) The person to whom the article belongs or did belong at the time of sale or exposure for sale or in whose possession or premises where such article was found commits an offence.

28.-(1) Every person engaged in serving meat to customers shall be clothed in a clean white apron or garment from neck to knee.

Regulations
as to
cleanliness

(2) Where the employee breaches these regulations the employer shall be liable for punishment equally with the employee.

(3) No premises used as a bakery or dairy or for the manufacture of aerated waters, ice-creams or for the preparation of cooked food shall be used as a dwelling or sleeping apartment.

(4) A person shall not spit in the market.

(5) Any owner or a person charged to supervise a market, dairy any other place where meat is exposed for sale shall not allow dogs in or around such market, or dairy or any place where meat is exposed for sale.

(6) All articles of food attractive to flies, kept, held, or offered for sale shall be protected by proper screening or otherwise, against contamination by flies or other insects.

(7) Any owner or occupier of a premises licensed for the sale of foodstuffs shall not allow a sheep, goat or cattle in or around the market.

29.-(1) Any person operating—

- (a) a restaurant;
- (b) an eating house;

Supply of
water

G.N. No. 242 (contd.)

- (c) a dairy;
- (d) a bakery;
- (e) a baker's shop;
- (f) a hair dressing salon;
- (g) a premises for the sale of intoxicating liquor or soft drink; or
- (h) any other business that needs the use of water.

shall provide and make use of a running hot water.

(2) A person who contravenes sub regulation (1) commits an offence.

Business permit for certain business

30.-(1) A person shall not carry on the business of a butcher, greengrocer fishmonger, barber, hair dressing saloon or restaurant-keeper or the preparation of food for sale and consumption without first obtaining a permit from the Authority.

(2) A person carrying on business under sub regulation (1) shall be required to comply with requirements of these Regulations as to the condition of the premises in which the business is conducted and the health of employees serving therein.

(3) A permit granted under this regulation may be suspended at any time if the Authority is satisfied that the condition of the business or the premises in which it is conducted is unsatisfactory until such time as the same is remedied to the satisfaction of the Authority.

Aerated water and drinks

31.-(1) No person shall carry on the business of the manufacture of aerated water, ice-creams, sherbet, or other cooling drinks, without a licence from the Authority, or at any other premises other than the place for which a licence is granted.

(2) The Authority may suspend without notice any licence if the conditions of manufacture or if the premises are found at any time to be unsatisfactory, until they are made satisfactory to the Authority.

(3) The Authority may at any time enter any premises and may inspect any plant, utensils, water or other thing used in the business, or arrange for the medical inspection of any person employed in the business.

(4) Where the Authority enters the premises it may take samples on payment and make tests as it may consider necessary for the purpose of

ascertaining other cooling

(5) Water Medical U

(a)

(b)

(c)

it may produce creams, aerated and manufactured

(6) A person who carries on any activity without the Authority's consent for such

(7) The Authority may become

32.-(1)

33.-(1) or public shall have and add

(2) A person who carries on and uses shall

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G.N. No. 242 (contd.)

ascertaining whether the aerated water or ice, ice-cream, sherbet, or other cooling drinks are fit for consumption.

(5) Where at any time the Authority is satisfied by a report of the Medical Officer of Health that—

- (a) the aerated water, ice, ice-creams, sherbet, or other cooling drinks are unfit for human consumption;
- (b) the premises are insanitary;
- (c) the plant, utensils, or substances used in the manufacture or that any condition under which the manufacture is carried on may render the aerated water or ice, ice-creams, sherbet, or other cooling drinks unfit for human consumption,

it may prohibit the further manufacture of aerated water or ice, ice-creams, sherbet, or other cooling drinks and may prohibit the sale of any aerated water, ice, ice-creams, sherbet, or other cooling drinks already manufactured on the premises.

(6) A person shall not sell or offer or expose for sale within the Authority any aerated water or ice manufactured in the country or premises outside the Authority, unless such premises is approved in writing by the Authority for such purposes.

(7) The approval under sub regulation (6) may be withdrawn by the Authority if at any time it appears to the Authority that the premises have become unsuitable for such purposes.

32.—(1) A person shall not sell or expose for sale contaminated milk.

Milk
selling

33.—(1) Every person who, himself or by his servant, in any highway or public resorts sells milk from a vehicle or from a can or other receptacle shall have conspicuously inscribed on the vehicle or receptacle his name and address.

Name and
address of
vendor to
be on
vehicle
and
receptacle

(2) A person who contravenes sub regulation (1) commits an offence and upon conviction shall be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months.

Local Government (Urban Authorities) (Development Control)

G.N. No. 242 (contd.)

Samples
of milk,
butter,
etc.

34. Any person offering milk, butter, cream or cheese for sale or any proprietor, occupier, or manager of a cowshed, dairy or place utilized for the sale of milk, butter, cream or cheese, or any person entrusted for the time being with the charge of any milk, butter, cream or cheese intended for sale shall not refuse Authority to take such quantity of milk, butter, cream or cheese as may be necessary for the purpose of analysis.

Impure
milk

35.—(1) A person shall not sell or offer for sale any milk in which anything has been added, or which contains less than 3 per cent of fats or less than 8.5 per cent of milk solids other than milk fat, and in case of a breach of this regulation by employee the employer shall be liable for punishment equally with the employee.

(2) Any person who contravenes or fails to comply with this regulation shall on conviction be liable to a fine not exceeding fifty thousand shillings.

Cowsheds

36.—(1) A person shall not operate cowshed, byre, building or other premises in which cows or goats are kept for the purpose of milk production unless the Authority approves it.

(2) The approval under subregulation (1) shall not be issued unless the said premises are deemed by the Medical Officer of Health or Veterinary Officer to be suitable for such purposes.

(3) A person shall not sell or offer or expose for sale within the Authority any milk, cream, butter or cheese which is the produce of cows kept and milked in premises outside the Authority, unless such person produces approval of the premises by Authority from where the milk was produced.

(4) An approval granted under sub regulation (1) may be withdrawn by the Authority if at any time it appears to the Authority that the premises have become unsuitable for such purposes.

(5) The Authority may suspend the approval if on inspection by the Medical Officer of Health, or his representative, or by the Veterinary Officer, it appears to the Authority that such premises are without a sufficient water-closet or privy, or that the premises are without suitable washing facilities.

(6) The Authority may suspend the licence if on inspection by the Medical Officer of Health, or his representative, or by the Veterinary Officer, it appears to the Authority that such cowsheds, byre, buildings, or premises are not kept in a proper sanitary condition.

(7) The Authority shall, before granting approval under subregulation (1) insure-

- (a) that the lighting, air-space, cleansing, drainage, and water-supply of the dairy or cowshed are such as necessary for-
 - (i) the health and good condition of the cattle;
 - (ii) the cleanliness of the milk vessels and all other utensils used in the manufacture of such milk, butter, cream or cheese; and
 - (iii) the protection of the milk, butter, cream or cheese against infection and contamination;
- (c) all floors and walls are of some impermeable material;
- (d) a drainage is on the surface, including a channel behind the stall not less than one foot in width and two to four inches in depth inclined towards the door or other outlet;
- (e) at least six hundred cubic feet is provided for each animal and every stall is at least four feet wide and six feet long;
- (f) the height of the building is at least ten feet.

(8) Notwithstanding sub regulation (6) the Authority may use its discretion as regards existing buildings and may withdraw existing approval in respect of buildings which are wholly unsuitable.

(9) Every person who is employed in premises where milk is produced for sale or is sold or exposed for sale shall when handling such milk-

- (a) be clothed from neck to knee in a clean white smock apron or other suitable garment, such garment to be maintained in a clean and hygienic condition;
- (b) at the beginning and during the course of such handling of milk, wash the hands thoroughly in soap water and maintain the hands in hygienic condition.

(10) Where the employee breaches the provisions of sub regulation (9), the employer shall be liable equally with the employee to a fine not exceeding fifty thousand shillings.

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G.N. No. 242 (contd.)

(11) The owner or occupier of any premises in which milk is produced for sale or in which milk is sold and in respect of which the approval has been granted shall give immediate notice to the Medical Officer of Health of any case or suspected case of infectious disease which may occur amongst the persons employed. •

Milk
vessels

37.—(1) Every person selling or offering milk or cream for sale shall keep the milk or cream in closed vessels which shall be kept clean.

(2) Milk vessels or other utensils used in the manufacture of milk butter, cream or cheese shall not be kept in the cowshed and shall be cleansed with scalding water as may be necessary to keep them clean and sweet, only clean water being used for this purpose.

Milk
receptacles

38.—(1) a person shall not sell milk, cream, butter, or cheese or offer milk, cream, butter or cheese for sale in any dirty receptacle or in any receptacle which in the opinion of the Medical Officer of Health is unsuitable for containing milk, cream, butter or cheese.

(2) A register of names and addresses of all persons engaged in the handling of milk for sale shall be kept in the premises and produced for inspection, when required, by the Medical Officer of Health, Veterinary Officer or any person authorised by Authority.

(3) Any Medical Officer of Health is empowered to call for and examine all employees at any place that he may at any time indicate.

Bakeries

39.—(1) No place shall be used as a bakery unless licensed as such by the Authority.

(2) No place shall be licensed as a bakery unless the Authority is satisfied that the lighting, ventilation, cleaning and drainage are proper and generally that the place is fit for the purpose.

(3) No trade other than that of a baker shall be carried on in a bakery without the permission of the Authority.

(4) Every house or premises used as a bakery shall have walls and ceiling limewashed every six months, or, if required by the Authority, within seven days of a written notice.

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G.N. No. 242 (contd.)

(5) No latrine or cesspit, whether in use or not in use, shall be situated within the premises used as a bakery, except at a suitable site and distance approved by the Authority.

(6) The cistern or other receptacle for holding water used in the bakery shall be kept in a condition satisfactory to the Medical Officer of Health any other person authorised by the Authority.

(7) The Authority may at any time suspend the licence if it considers the conditions of the bakery are unsatisfactory, until rendered satisfactory to be Authority.

40. The Authority shall for the purposes of insuring the quality of the baked products prescribe-

Baking
process

- (a) the required standard of baking equipment; and
- (b) the manner and process of baking.

(g) Laundries and trades

41.-(1) A person shall not carry on within the limits of any Authority the business of washing clothes unless he obtains a licence from the Authority.

Laundries

(2) A person shall not do washing under any licence at any other place than that approved by the Authority.

(3) A person living in a house in which there is a case of infectious or contagious disease shall not carry on the business of washing clothes or enter the premises in which such business is carried out.

(4) Nothing in this regulation shall be held to apply to any person washing on his own premises, or to any servant washing on the premises of his employer provided that such washing is intended for user on such premises or for use of persons resident in such premises.

(5) The floors of premises used as laundries, whether inside or outside a building, must be suitably drained to prevent accumulation of stagnant water and blocking of drainage with grease.

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G.N. No. 242 (contd.)

(6) Every laundry or premises used as such shall be open to inspection, and the licensee shall cause all water tanks and receptacles used in connection therewith to be regularly and properly cleaned out and shall carry out orders given by the Authority relating to cleanliness and sanitary management of the wash-house or laundry.

Employment in certain trades

42.--(1) A person shall not carry on the trade of a butcher, baker, dairyman, barber, laundryman, or fishmonger, or be employed in or about such trade, or be employed in the manufacture of aerated water, ice-cream, sherbet and other cooling drinks if he is suffering from any disease or disorder dangerous to public health.

(2) No person suffering from any contagious or infectious disease shall take any active part as employee or otherwise in any such business or trade.

(h) Slaughter-houses and animals

Slaughter-houses

43.--(1) No person shall slaughter an animal in a place other than the place registered by the Authority as a slaughter-house.

(2) The owner, occupier or user of the slaughter-house registered under this relation shall insure that the slaughter house complies with requirements set out in these Relations or any other law.

(3) No place shall be registered under these Relations as a slaughter-house unless the Authority is satisfied that its situation and nature are such as to prevent the occurrence of any nuisance arising therefrom.

(4) A person shall not bring in or sale within the Authority a meat of an animal slaughtered outside the Authority unless—

(a) the meat has been inspected and passed fit for human consumption by a Veterinary Officer or other person authorised by the Authority; or

(b) if it is carcass, the carcass has been taken to a registered slaughter-house as may be required by the Authority.

(5) No carcass or portion of a carcass shall be removed from a slaughter-house until it has been inspected and certified by a Veterinary

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Officer or other person authorized by the Authority as fit for human consumption.

(6) All animals awaiting slaughter shall be provided with sufficient space and water, and the slaughtering shall be carried out with due regard to prevention of cruelty.

(7) No owner, occupier or a person charged to take care of a slaughter-house shall allow dogs enter a slaughter-house.

44.-(1) Every person who conveys or causes to be conveyed any meat, which is to be used for human consumption, in any vehicle shall-

Handling
of meat in
transit

- (a) cause the meat to be placed in a clean receptacle;
- (b) cause the inside of such vehicle to be kept clean;
- (c) if the top, sides or back of such vehicle is open, or if any other commodity is being conveyed therein, cause the meat to be protected by means of a clean cloth or other suitable material;
- (d) not permit any live animal to be conveyed in such vehicle at the same time as the conveyance of such meat.

(2) Every person engaged in the handling or conveyance of meat, which is to be used for human consumption shall-

- (a) not permit any part of the meat to come into contact with the ground;
- (b) take such other precautions as are reasonably necessary to prevent the exposure of the meat to contamination by flies or other insects; and
- (c) while so engaged, be clothed in a clean and washable head covering and overall.

(3) Where an employee contravenes the provisions of this regulation the employer shall on conviction be liable to punishment equally with the employee.

45.-(1) No person shall keep any horse, cattle, sheep, goats or pigs, or wild animals in any place except with the written permission of the Authority.

Animals

Local Government (Urban Authorities) (Development Control)

G.N. No. 242 (contd.)

(2) Every stable, cowyard, cattle shed, pigsty or other place used for the keeping of horses, cattle, sheep, goats, pigs or other animals or birds shall be kept in a sanitary condition to the satisfaction of the Authority, and any place in which animals or birds are kept shall be constructed and drained to the satisfaction of the Authority.

(3) The Authority may prescribe any area in the authority which horses, cattle, donkeys, mules, goats, sheep or pigs shall not be allowed to enter and may notify owners of any such animals of such prescribed area and thereafter it shall be an offence for any person so notified to cause or suffer any such animals to enter such area.

(4) Every person within whose premises any horses, cattle, goats, or pigs dies shall, within four hours after death, or if death occurs at night within four hours after daylight, remove and bury the carcass.

(5) No person shall throw or deposit or cause to be deposited any corpse or carcass upon street or into any drain, lake, river or water-course, or on the banks of any lake, river or water-course.

(6) No person shall keep or cause to be kept at any place within the limits of the authority any cattle having glanders, hog cholera, nagana, or other forms of trypanosomiasis, piroplasmiasis, or other contagious diseases of domestic animals, and the owner or person in charge of such cattle shall report forthwith the fact to the Veterinary Officer.

(7) The owner or person in charge of any cattle shall either remove or destroy the same when required to do so by the Veterinary Officer or a person authorized by the Authority.

(8) Every person who destroys any such cattle shall immediately notify the Veterinary Officer of such destruction, the place of destruction and disposal of the body of such animals.

(9) No compensation shall be payable to the owner of cattle which has been destroyed under this regulation.

(10) All cattle, horses or other animals that are diseased or injured as to render them permanently useless shall be removed from the area of the Authority in a humane manner, to the satisfaction of the Authority and disposed of as the Authority may direct.

(i) Cemeteries and coffins

46.—(1) The Authority may appoint or set aside any area as a cemetery and appropriate any such cemetery or part thereof to the burial or cremation of persons of any specified nationality or religion.

Cemeteries
and burials

(2) When a cemetery has been so appointed—

- (a) no corpse of any person shall be buried at any place other than the cemetery without the written permission of the Authority;
- (b) no corpse shall be buried less than 2 metres below the ground adjoining the grave;
- (c) no person shall dig up, take out or in any way interfere with a corpse once buried except under a permission in that behalf granted by the Authority or in accordance with law.

(3) No person shall bury, cremate or otherwise dispose of the corpse of any person who has died within the Authority without a permit signed by the Medical Officer of Health.

47. A person shall not make, sell, expose or display for sale or cause to be made, sold, exposed or displayed for sale coffins unless is a holder of a valid permit issued by the Authority.

Permit to
sell
coffins

48. The Authority shall not issue the permit under regulation 47 unless it is satisfied that—

Place for
making
and selling
of coffins

- (a) the applicant is the lawful owner or occupier of the premises intended for making or selling of coffins; and
- (b) the premises intended for that purpose is designed for service trade industry or light industry.

49. No person shall carry or transport or cause to be carried, transported any corpse, human remains or coffins, unless it is carried or transported in a closed vehicle, carriage or special structure which is covered in a decent manner to the satisfaction of the Authority.

Transporta-
tion of
corpses
and
coffins

(j) *Dangerous or offensive trades*

Storage of
sisal,
etc.

50. A person shall not place, store or keep any sisal, hides, skins, kapok, raw cotton, whether ginned or unginned, or cotton seed or any seeds, grains, or other parts of plants or trees intended for consumption as food or fodder or for sale or export, except in such premises or locality and in such manner as may be approved by the Authority.

Dangerous
or
offensive
trade

51. A person shall not establish or carry on any dangerous or offensive trade without a written permit of the Authority and such permit may be suspended if at any time the Authority considers the conditions unsatisfactory.

PART IV
COMMON LODGING-HOUSE

Registration
of
common
lodging-
houses

52.-(1) A person shall not use or pennit to be used any building of which he is the owner or occupier as a common lodging-house unless it is duly registered as such by the Authority.

(2) The Authority shall not register any premises unless satisfied that they are suitable for the purpose intended; and it may suspend any registration upon breach of any of these Regulations or if satisfied that the sanitary arrangements are defective

Licensing
of keepers

53. A person shall not keep a common lodging-house unless such person satisfies the Authority that he is medically fit and qualified for that purpose.

Cleansing

54. Every keeper of a common lodging-house shall cause the walls and ceilings thereof to be cleansed, whitewashed or size painted.

Over-
crowding
prohibited

55. No keeper of a common lodging-house shall at anyone time receive into a common lodging-house or into any room therein a greater number of persons than shall have been prescribed therefore by the Authority and endorsed upon the registration paper, or by any notice varying or amending the same.

Inspection

56. Any common lodging-house may be inspected at all reasonable times by the Authority or any other officer authorised by any written law for such duty.

(2) V
defaced
of the ho

60.-(1)
written per

PART V
STREETS

57.—(1) The Authority shall cause to be put up or painted on a conspicuous part of any house, building or place at or near each end, corner or entrance of any street the name of such street and no person shall destroy, pull down or deface any such name.

Naming
of
streets

(2) Notwithstanding subregulation (1) the Authority may design a manner or mechanism of identifying and naming certain areas of a squatter as streets for the purpose of these Regulations.

58.—(1) The Authority may at any time close, either permanently or temporarily, any street or part thereof.

Closing of
streets

(2) The permanent closing order shall be made in respect of any street within the Authority with the approval of the Minister.

(3) The closing order shall be published in the *Gazette* and any other newspaper circulating in the country stating the intention of the Authority to close such street permanently.

(4) Subject to sub regulation (3), the notice shall fix time within which objections to such closing shall be lodged to the Authority.

59.—(1) The Authority may-

- (a) cause the buildings or premises in any street to be marked with numbers at the expense of the owners or occupiers;
- (b) mark to the buildings or premises in any street and recover the cost from such owners or occupiers; or
- (c) require the owner or occupier of any house or premises to mark such house or premises with any such number as it may direct.

Numbering
of houses

(2) Where the mark marked under subregulation (1) has become defaced or obliterated, the Authority may require the owner or occupier of the house of premises to renew such mark.

60.—(1) No person shall make any hole or excavation except with the written permission of the Authority and in compliance with such conditions

Digging of
holes or
excavations

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with regard to the fencing, lighting, filling up or otherwise making secure such hole or excavation and with regard to the health and welfare of the area of the Authority and its inhabitants as the Authority may think fit to impose.

(2) Notwithstanding the permission under sub regulation (1), a person shall not leave any hole, excavation, trench or other dangerous formation, in or near any street, footpath, thoroughfare or public space without fencing or enclosing the same, and keeping a light burning upon such enclosure from sunset to sunrise.

(3) The person who has been permitted to execute the work under sub regulation (1) shall be required to repair the area worked upon to its original standards.

Removal
of coral,
clay, etc.

61. No person shall remove any coral, clay, stone or earth without a permit from the Authority in writing with any conditions that may be contained in such permit or elsewhere than at such place or places as may be specified therein.

Construction
of
channel
or trench

62.-(1) No owner or occupier of a plot shall construct or cause to be constructed any trench or channel so as to allow any water to flow outside the boundaries of such plot except with the written permission of the Authority, which permission shall in no way affect the rights of other property owners.

(2) No person shall carry out an irrigation trench or channel under any street or public space without the written permission of the Authority, nor except upon such terms and conditions as may be prescribed in such written permission.

(3) Where the access from a road or street to any premises has been so constructed in manner that may cause obstruction to the flow of water in any drain or roadside ditch, the Authority may serve upon the owner of the plot on which such premises stand a notice in writing.

(4) The Authority shall, in the notice under subregulation (3), require within a prescribed period the owner to provide a culvert or pipe of such material and dimensions and in such a manner and position as may be specified in such notice so as to remove such obstruction.

(5) Where under this regulation culvert or pipe has been provided over which the access to any premises is carried, the occupier of such premises shall keep such culvert or pipe open and unobstructed in a state of good repair and if such occupier fails to do so the Authority may execute such work as they may consider necessary and recover the cost from such occupier:

(6) Subject to subregulation (5), the Authority may by notice in writing require the owner or occupier within a prescribed time to refund the costs incurred by the Authority.

(7) Where the owner or occupier fails to comply with sub regulation (1), the Authority may takeover the premises and lease it or do any thing other than disposing it of to recover the costs incurred.

(8) Subject to subregulation (5), the Authority shall immediately after recovering the costs handover the premises to the owner.

(9) For the purpose of this regulation, where the owner of the premises cannot be traced the occupier shall be deemed to be the owner of the premises.

63.-(1) The Authority may require an owner or occupier of any plot or parcel of land to erect and maintain in good repair to its satisfaction of the Authority such fences or walls round and upon such plot or parcel as it may think fit.

Fences
and walls

(2) Any occupier or owner who-

(a) defaults in commencing to make or repair any fence or wall after fourteen days' notice in that behalf from the Authority;

(b) fails to-

(i) complete any fence or wall; or

(ii) repairs thereof the fence or wall with as little delay as the nature of the work dictates,

commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings.

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(3) Any person in possession of any fence alongside any street, footpath, thoroughfare or public space which fence is in the opinion of the Authority inferior or unsightly to the extent of disfiguring the neighbourhood, shall, on notice from the Authority, remove, repair or otherwise renovate the same.

Constru-
ction

64.-(1) No person shall-

- (a) layout, construct, repair, widen or extend any street, road, lane, passage or footway;
- (b) layout or construct any drain, sewer, electric or water-main;
- (c) erect on any land any hedge, fence or wall or other boundary marks,

except with the permission and in accordance with the directions of the Authority.

(2) Any person aggrieved by a direction of the Authority under sub regulation (1), may, on giving written notice to such Authority and within fourteen days from the date on which such direction was given or such permission refused, appeal to the Minister whose direction shall be final.

Restriction
on use of
barbed
wire

65. No person shall use barbed wire as part of any fence abutting on any street or public place.

Fire in
buildings
or house

66.-(1) Where any house or building catches or is on fire it shall be lawful for any person authorized by the Authority or Police Officer to order, with the purpose of staying the spreading or communication of the fire, that any adjacent or neighbouring buildings to which the fire is likely to spread be demolished, either wholly or partly.

(2) Without prejudice to sub regulation (1), no order shall be given unless the authorized Officer or Police Officer is present at the fire and is satisfied to the best of his judgment upon personal view that such order appears necessary for preventing the spreading of the fire.

(3) No occupier, owner or other person interested in any house or premises demolished under the order made under subregulation (1), shall be entitled on account thereof to compensation of any sort whatever.

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67. Any person knowingly giving or causing to be given a false alarm of fire to a Police or Fire Station or to any member of the fire alarm, statement, message or otherwise commits any offence and shall be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a period not exceeding one month.

False fire
alarms

68. No person shall use a building as a place of public entertainment unless has obtained a permission in writing from the Authority.

Entertain-
ments

69.-(1) No person shall use a dirty bucket or other receptacle for person shall use drawing water from the public wells.

Public
wells

(2) No person shall wash clothes or his person at a place which is close to any public well.

70. Any person who wilfully or negligently breaks up, injures or damages any dam, water furrow, drain or any public street, footway, carriage road, road signs, or highway commits an offence.

Damaging
streets

71. It shall be lawful for the Authority to remove or pull down any advertisements displaying in contravention of regulations 91 or of the terms or conditions of any permission or consent given thereunder and to enter on any land or premises for that purpose on the expense of the owner.

Authority
may
remove
advertisements

72. Any person keeping any wild or ferocious or dangerous dog, monkey or other animal, or pigs, ducks, geese or other poultry, so as to be a nuisance or danger to a neighbour or to the public commits an offence.

Keeping
wild
animals,
etc.

73. Any person who tampers with, breaks, injures or opens any lock, valve, pipe, reservoir, tank, work or engine used by or in connection with any water supply or flushes or draws off the water from such reservoirs, tanks or works or does any other act whereby such water is wasted commits an offence and shall be liable on conviction to imprisonment for a period not exceeding two months or to a fine not exceeding fifty thousand shillings or both to such fine and imprisonment.

Wasting
water

74. No person shall use a rickshaw in an authority unless it is registered, and bears a number plate issued for that purpose.

Rickshaw

PART VI

OBSTRUCTIONS AND NUISANCES IN STREETS

Obstructions
and
nuisances

75. Any person who:-

- (a) rides or drives recklessly or furiously to the public danger any horse or other animal, or drives or propels recklessly or furiously to the public danger any carriage, cart, rickshaw, motor car, motorcycle, bicycle, or other vehicle in any street or breaks in any horse or other cattle;
- (b) camps in any street after being forbidden to do so by the Authority or fails or neglects to move his camp, if pitched in any street, when required to do so by the Authority;
- (c) leaves any carriage standing in any street without having a proper person to hold any horse which may be attached to the same;
- (d) wilfully or by negligence prevents, hinders or interrupts the free passage in any street of any other person or any carriage or horse;
- (e) having blocked or stopped the wheel of any carriage in any street allows the stone or other thing with which he may have blocked or stopped such wheel to remain on the street;
- (f) without the consent of the Authority, places or leaves any lumber, bricks, stones, iron, timber, cable, anchor, bale, puncheon, cask, box or other impediment whatsoever in any footway or street, to the obstruction, danger or annoyance of the residents or passengers;
- (g) throws or discharges any stone or other missiles in or into any street or place of public resort;
- (h) in any street or place of public resort, or in any place within sight or hearing of the persons therein disturbs the peace by quarrelling with any other person, or by using or applying to any person then being in such street or places, or within sight or hearing thereof, any violent, scurrilous or abusive term or reproach;
- (i) in any street or place of public resort, or in any place within sight or hearing of the persons therein, with intention of annoying or irritating any other person, sings any scurrilous or abusive

- song or words, whether any person be particularly addressed therein or not, or uses any indecent or obscene words or gestures;
- (j) makes any excessive noise or creates any disturbance; or
 - (k) is drunk and incapable, disorderly, violent or indecent in any street or place of public resort;
 - (l) behaves violently or indecently in any police office or station or lock-up house, or in any building used as a police office, station or lock-up house;
 - (m) commits any nuisance in any street or market or place of public resort, or in any place being an appurtenance of or adjoining a dwelling house;
 - (n) wilfully and indecently exposes his person, or any offensive deformity or disease, or commits a nuisance by casing himself, or by bathing or washing in any water course, furrow, tank or reservoir not being a place set apart for that purpose;
 - (o) behaves irreverently or indecently at or near any funeral or in or near any church, mosque, cemetery, or other building appropriated for religious worship;
 - (p) wilfully defaces, injures or removes any mile mark or boundary mark or survey mark or any street name or number of any railing in any street or any public lawful notice or posting bill from any building or place where such notice or bill may lawfully be affixed;
 - (q) posts or affixes any notice, bill or other paper of a frivolous, vexatious, scurrilous, abusive or improper nature to any public board or to any hoarding, wall, or other place, or writes or draws anything of such a nature on any board, wall, or other place;
 - (r) unlawfully extinguishes any street light or destroys or injures any street lamp or lamp post;
 - (s) cuts, breaks down, uproots, lops or in any other manner destroys or injures any tree, shrub or plant growing in any street or public garden or in any other public place whatsoever, or plucks any dower from any such tree, shrub or plant;
 - (t) discharges any firearm within the boundaries of the Authority without a permission of the Authority; or
 - (u) loiters for the purpose of prostitution or for the solicitation of

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- the performance of any unlawful act;
- (v) being male, habitually wears clothing of such description or in such manner as to represent that he is a female; or
 - (w) in any street or public place slaughters any cattle or any other animal or cleans any carcass, or birds;
 - (x) wantonly or cruelly beats or abuses, tortures or overloads any animals,
- commits an offence.

Auction
sale

76. A person shall not hold any auction sale or carry on or take part in any trade or calling in or upon any street, footpath, public space or thoroughfare unless he obtains a written permission of the Authority and upon such terms and conditions of such permission.

Leaving
property
on street

77. A person, whose property or in whose charge the same may be, shall allow any goods, timber, merchandise, cases, crates, or other articles to remain on any street, footpath, public space or thoroughfare for a longer time than may be absolutely necessary for loading or unloading, and in no case after notice to remove the same shall have been given by a police officer or by the Authority.

Packing
in street

78. No person shall open, unpack, or pack any cases, crates, furniture, goods, materials, or merchandise in or upon any street footpath, public space or thoroughfare.

Expose
for sale

79. A person shall not expose for sale or for the purposes of advertisement any article whatsoever on or overhanging any footpath or pavement unless he obtains a written permission of the Authority and upon the terms and conditions of such permission.

Annoyance
or
endanger
of the
inhabitants
or
passers-by

80. A person shall not roll any hoop or wheel, or fly any kite, or throw stones, or play at any game whatsoever in any street, tending to annoy or endanger the inhabitants or passers-by or to destruct or injure property.

Depositing
of building
material

81. No person shall deposit or cause to be deposited on any unfenced vacant land any building material, earth, stones, sand or soil other than for the purpose of erecting approved buildings thereon, unless he first

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obtains the written permission of the Authority and upon the terms and conditions of such permission.

82.-(1) The Authority may remove, or cause to be removed, from any street, footpath, thoroughfare or other public space or from any unfenced vacant land any wagon, cart, carriage, vehicle or any part of any wagon, cart, carriage or vehicle which is apparently abandoned by the owner thereof or which is left in the same position for more than twenty-four hours, and to place the same, pending restoration to the owner, in any available place.

Removal
by the
Authority

(2) Removal and storage costs incurred by the Authority shall be born by the owner.

(3) Where the Authority removes or causes to be removed any property under sub regulation (1), it shall keep such property for a period of 7 days thereafter may auction it.

83. No person shall in any street or public place throw or leave any garbage or other dangerous substance on any footpath.

Leaving
of
garbage

84. No person shall throw, place or leave any bottle, can or any broken glass, nail, or other sharp substance on or in any street or public place in a manner that is likely to cause injury to foot passengers or animals or damage to property.

Throwing
of
dangerous
substances

85. No persons shall carry or convey along or through any street the undressed carcass of any animal or any offal unless it be properly covered.

Carrying
of
undressed
carcass

86.-(1) The owner or occupier of any property or premises shall not leave any tree, branch, shrub, hedge or fence to overhang or extend on any street, footpath, thoroughfare or public place in such manner as to cause an obstruction or discomfort to the public.

Over-
hanging
or
extending
of tree

(2) The owner or occupier of any property or premises on which any tree, branch or shrub, hedge or fence have been growing or standing shall after being notified in writing by the Authority to cut down or remove any tree, branch, shrub, hedge or fence, comply with such notice within the time specified in such notice.

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Placing or
suspending
of flag for
advertising

87.—(1) No person shall place or suspend any flag containing any advertisement relating to any trade or business in, over, or across any street.

(2) No person shall for the purpose of advertising, throw down and leave in or upon any street or footpath or public space any bill, placard, or other paper.

Prohibition
in
general

88. A person shall not

- (a) wilfully obstruct or cause any obstruction in or do or cause to be done any injury or damage to any street, footpath or other public place; or
- (b) wilfully or negligently damage any bridge, wall, building, fence or erection maintainable by the Authority, or any tree, shrub, or vegetation of any kind in or upon any street, footpath or other public place; or
- (c) break, injure, remove or displace any tools, trestles, bars, stones, materials, barriers, lamps, or other article whatsoever belonging to the Authority on any street, footpath, thoroughfare or open space or used thereon under their authority; or
- (d) except with the written permission of the Authority, haul, drive or draw, or cause to be hauled, driven or drawn along any street any vehicle, implement or device which has spiked or ribbed wheels, including anti-skid chains fitted to motor vehicle wheels, or any crawler type track which by the nature of its construction or through any defect is likely to cut into or plough up the surface of any street; or
- (e) cause or allow any timber, stone, implement, machinery or other thing which is carried principally or in part upon a vehicle to drag or trail upon the surface of a street; or
- (f) lay or leave or allow to be laid or left any timber, stone, bricks, sand, hay, straw, soil, manure, rubbish or any matter or thing whatsoever upon any street, passage or footpath or public place; or
- (g) throw any foul matter or thing or dirty water or allow any foul matter or thing or dirty water to flow into or upon any yard, passage, street, footpath or public place or into any drain not constructed for the purpose of receiving such foul matter or thing or dirty water; or

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- (h) pull down, damage or destroy any lamp or lamp post erected on any street or remove the bulb or any fitting therefrom or extinguish the light thereof; or
- (i) fill up or cause obstruction in any ditch or drain under the control of the Authority; or
- (j) break up the surface of any street without having previously obtained the written consent of the Authority, and in accordance with such conditions as may be specified in such consent; or
- (k) set up or erect any structure, including any machine, pump, post or other object of such a nature as to be capable of causing any obstruction in any street or on any land reserved therefore, otherwise than in pursuance of any statutory authority.

(2) A person who contravenes the provisions of this regulation commits an offence.

(3) Where any structure has been set up or erected, the Authority may serve upon the person having control or possession of the structure a notice in writing requiring him to remove the structure within such time as may be specified in the notice.

89.--(1) No person shall drive or permit to be driven within the Central Business District a vehicle, machine or engine weighing 20 tons or above gross weight--

Driving of
vehicle of
certain
weight

- (a) over any road or bridge other than the road or bridge specific by the Authority; or
- (b) in any time other than the time specified by the Authority.

(2) Subject to sub regulation (1)(b), the Authority shall specify and designate the points at which the vehicle specified under sub regulation (1) shall not be allowed to pass through in the time specified under sub regulation (1)(b).

(3) The provisions of this regulation shall not apply to the vehicles, machinery or engine registered for--

- (a) carrying passengers;
- (b) carrying building materials;
- (c) transferring prisoners;
- (d) fire rescue;

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- (e) ambulances; or
- (t) refuse collection.

Gutterings
or down
pipes

90. Where the condition of any guttering or downpipes on a building is such that owing to the direction or manner in which storm water therefrom discharges, is likely to cause a nuisance or to create an escape of water on to any street or passage and to damage the surface of any such street or passage, the Authority may by notice in writing directed to the owner of any such building—

- (a) require the owner within the period prescribed in the notice to provide proper and sufficient gutterings and downpipes; or
- (b) to carry out such other works as the Authority may prescribe for the purpose of causing the storm water to discharge as not to cause a nuisance or to damage any street or passage or property.

Placing or
posting of
advertisement

91.—(1) A person shall not place or post or cause to be placed or posted any bill, sign, notice or advertisement in or in view of any street or thoroughfare or upon any bridge, tree, fence, pole, post or other structure or erection situated on any street, without the written permission of the Authority upon the terms and conditions attached to such permission.

(2) No person shall erect, fix, place or use, or permit to be used, any building, hoarding, framework, structure, or device for the purpose wholly or in part of advertisement, without first obtaining the written consent of the Authority, upon such conditions as the Authority may prescribe:

(3) The provisions of this regulation shall not apply to the exhibition of traders' names and businesses on shops or factories or to any notices exhibited on public buildings.

(4) It shall be lawful for the Authority, after issuing notice, to remove or pull down any advertisement displayed in contravention of this regulation, and to enter upon any land or premises for that purpose.

(5) The Authority may remove without notice and dispose of at their discretion, any hoarding, signboard, advertising device or similar structure, or any bill, sign, notice or advertisement placed or posted upon any bridge,

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tree, fence, pole, post, or other structure or erection situated on or in view of any street within the township without the written permission of the Authority or otherwise than in strict accordance with any terms or conditions attached to such permission.

(6) Any person who contravenes the provisions of this regulation shall be -

- (a) required to remove the advertisement at his own expenses; and
- (b) liable to a fine not exceeding fifty thousand shillings.

(7) No liability shall attach to the Authority in respect of their exercise of the powers conferred upon them by this regulation.

92. A person shall not in any street, open space, or place of public resort, play any game of chance, or partly of chance and partly of skill, for money or other valuable consideration. Gambling

93.-(1) A person shall not without permission, release or attempt to release, any animal from the compound or while on its way thereto. Straying animals

(2) Any member of the Authority or any member of the police may seize any animal straying in any street or public place or upon any public land and may take such animal to be impounded by him or the police.

(3) The owner of every animal impounded under sub regulation (1), may have the same released upon payment of all expenses and fees in connection therewith.

(4) If, after seven days from the time of impounding, such animal is not released, it may be sold by public auction and the proceeds, after payment of fees and expenses, shall be rendered to the owner thereof if claimed within twelve months.

94.-(1) A person shall not in a public place, be in possession of any dangerous weapons unless required by him for use in a lawful purpose. Dangerous weapons

(2) The burden of proving the lawful possession of a dangerous weapon shall lie on the person charged with a contravention of this regulation.

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- (3) For the purpose of this regulation dangerous weapons shall include-
- (a) swords and daggers;
 - (b) machetes (pangas) and knives with a cutting edge of eight inches or more in length;
 - (c) spears, assegais, bows and arrows, and loaded or spiked sticks;
 - (d) knobkerries;
 - (e) knuckle dusters;
 - (f) sandbags;
 - (g) jumpers, crowbars, or hammers exceeding 3 lbs. in weight;
 - (h) axes or pick-axes.

Drumming
and
dancing

95.-(1) A person shall not hold any Ngoma or traditional dance without a permit be issued by the Authority.

(2) Any person obtaining a permit for any Ngoma or any traditional dance, shall be responsible for the maintenance of due order thereat, and in the event of a disturbance or breach of the peace taking place, shall be deemed guilty of an offence against the Regulations, unless he proves that he did take due precautions for the maintenance of order, and that any disturbance or breach, of the peace that may have taken place has been occasioned by causes beyond his control.

Dog
licenses

96.- (1) A person shall not keep a dog over the age of three months within the Authority unless such person or the owner thereof has registered the same at the office of the Authority and is the holder of a licence granted in respect of such dog.

(2) The Authority shall issue free of charge to the licensee a metal disc which the licensee shall cause to be securely attached to the neck of the dog in respect of which the licence is granted.

(3) Any authorized officer may seize and detain any dog found in any street within the township and not under the control of any person or not having securely attached to its neck the metal disc issued as aforesaid.

(4) When any dog so seized has attached to its neck a metal disc issued as aforesaid or the owner thereof is known, the member of the authority shall cause to be served on the person to whom such disc was issued or on the owner of the dog a notice in writing stating that the dog has been so seized and shall be liable to be destroyed if not claimed within 48 hours after the service of such notice.

(5) When any dog so seized has been detained for 48 hours, or in case of such notice as aforesaid having been served with respect to the dog then for 48 hours after the service of the notice, and no person has claimed the dog and paid all expenses incurred by reason of such detention the Authority may cause the dog to be destroyed.

(6) Where any dog seized or detained in accordance with these Regulations appears to be in a rabid state or to be suffering from any disease the Authority may cause the same to be destroyed forthwith.

(7) In any proceedings under these Regulations in which the age of the dog is in question the onus of proof shall lie upon the owner or person keeping such dog.

(8) Any person owning or keeping any dog over the age of three months without holding a licence granted in respect of such dog or who permits any dog in respect of which a licence has been granted to be at large without having securely attached to its neck the metal disc issued in accordance with these Regulations commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings and the dog shall be liable on conviction to be destroyed.

(9) Any person who has been granted a licence under these Regulations in respect of any dog shall, within a reasonable time after a request for its production is made by any police officer, produce and deliver such licence to be examined and read by such police officer and in default shall be liable to a penalty of fifty thousand shillings.

97.—(1) Any person authorized by the Authority may arrest without warrant any person contravening any of the regulations of this Part, except regulation 98, in his presence.

Offences
and
penalties

(2) Any person committing or attempting to commit a breach of any of the regulations of this Part shall be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a period not exceeding one month.

(3) No person shall without lawful authority, release or attempt to release, any animal from the compound or while on its way thereto.

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(4) Such permit shall be in the Form 2 in the Schedule hereto and shall be signed by the two authorized officers and one other member of the Authority and shall entitle the holder to erect the building in accordance with the approved plan and subject to all the conditions imposed by these Regulations.

(5) Any subsequent modification or alteration that it is proposed or necessary to make in the approved plan shall be submitted to the Authority for approval in the same manner as the original plan and no such modification or alteration shall be made in the construction of the building until it has been approved by the Authority and the particulars thereof endorsed on the original building permit.

PART VII
MARKETS

Application
of
Regulations

98. This Part shall apply to public markets.

Permission
to
establish
markets

99.-(1) A person shall not establish any market without a permission of the Authority.

(2) The Authority may grant such permission upon such conditions as it may consider necessary or expedient.

Control
of
Markets

100. The Authority shall regulate and control all markets and shall in every market appoint a Market Officer and such other persons as it may consider necessary to regulate or control the market.

Hours of
markets

101. A market shall be open to the public during such hours as may be appointed by the Authority.

Persons
to obey
directions
of
Markets
Officers

102.-(1) A person using a market shall obey the directions of the Market Officer for the purpose of preserving cleanliness, order and regularity in the market and of facilitating the despatch of business therein.

(2) A stallholder shall obey any lawful direction given to him by the Market Officer relating to the conditions of his tenancy or the operation of these By-laws.

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103.- (1) Every market shall be divided into stalls or stands in such manner as the Authority may decide and such stalls or stands shall be let on such tenancies as the Authority may decide.

Tenancies of stalls or stands

(2) Every tenancy shall be subject to the conditions prescribed in these Regulations and to any special conditions which the Authority may impose.

(3) The Authority may terminate without notice the tenancy of any stallholder who habitually disregards the lawful directions of the Market Officer or who has been convicted of contravention of these Regulations.

(4) In the event the Authority terminates any tenancy under this regulation, the tenant shall not be entitled to any compensation whatsoever.

(5) No article or articles shall be sold in the market except in the place or places allotted by the Authority for the purpose.

104. A stallholder shall not sublet his stall or stand or any part thereof without the written permission of the Authority.

Stallholders not to sublet

105. A stallholder shall not sell, or offer, or expose for sale in a market any article of food which is diseased, unwholesome or otherwise unfit for human consumption.

Unwholesome food

106. It shall be lawful for the Markets Officer to take possession of any food unfit for human consumption which is offered or exposed for sale in a market and he shall deal with it in such manner may be directed by the Medical Officer of Health, to whom the Market Officer shall immediately report that he has taken possession of any such food.

Seizure of unwholesome food

107. Every stallholder shall -

Maintenance of stalls

- (a) keep his stall or stand and all fittings and utensils therein thoroughly clean and in good order to the satisfaction of the Markets Officer;
- (b) remove all refuse and sweepings from his stall or stand to such receptacles as the Authority or as the owner of the market may provide;

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- (c) dispose of all liquid waste from his stall or stand by means of the drains or channels provided for the purpose;
- (d) when cutting meat, fish, poultry or game, deposit the offal in a suitable vessel or receptacle to be provided by the Authority or corner of the market for the purpose;
- (e) when selling by weight or measure use the prescribed standard weights and measures and provide and maintain proper weights and scales.

Washing
of
produce

108. A person shall not wash or clean any vegetables, meat, fish, or other produce, article or thing in a market or in the courtyards of a market except in such places as are provided for the purpose.

Control
of traffic

109.-(1) All vehicles used for the transport of produce or goods to the market shall be unloaded as quickly as possible and shall remain there only during the period necessary for such unloading.

(2) The Markets Officer shall have power to regulate and control the traffic entering and leaving the market so as to prevent congestion.

(3) Any person who fails to comply with the requirements of this regulation or with the directions of the Markets Officer commits an offence.

(4) It shall be a duty of the driver to remove and dispose off at the appropriate place any material used to preserve any produce or goods brought to the market.

Trade or
business
to be
approved
by
Authority

110. A person shall not carry on any trade or business in any market except as the Authority may permit.

Goods not
to be sold
except
from
stalls

111. A person shall not offer to sell or expose for sale anything in a market unless he has been allotted a stall and has paid the prescribed rent or fee.

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112. Articles likely to attract flies shall be protected as may be directed by the Markets Officer or as the case may be, the Medical Officer of Health.

Protection from flies

113.-(1) Wholesides and limbs of meat exposed for sale shall be kept in meat safes.

Meat safes

(2) Meat safes shall be provided by the stallholder and shall be constructed and maintained to the satisfaction of the Markets Officer.

(3) The meat safes shall be closed immediately the purpose for which they were opened has been served.

(4) Small portions of meat for retail sale shall be kept under covers to be approved by the Markets Officer and kept on tables outside the safes.

114.-(1) Every person employed or engaged in a market shall be clean in clothing and in person.

Clothing to persons employed in markets

(2) Every person employed or engaged in selling fish or meat in the market shall be clothed in a sleeved white garment or suit extending from the neck to at least the knees and such garment or suit shall be clean each in the morning or each shift, as the case may be, before commencing work.

(3) The employer of any person under this regulation and the person himself shall be equally liable for a breach of these Regulations.

115. A person suffering from any infectious or contagious or venereal diseases shall not be employed or engaged in a market.

Diseased persons

116. Intoxicating liquor shall not be sold or bought in a market except with the permission of the Authority and in such place as the Authority may direct.

Intoxicating liquor

117.-(1) Except with the permission of the Market Officer, fish shall not be brought into a market unless such fish shall have first been gutted.

Fish

(2) Fish shall be placed separately on the slabs provided for the purpose and under a spray of water if such is provided.

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- Obstruction 118. A person shall not cause an obstruction in a market.
- Livestock 119. A person shall not take any livestock into any portion of a market other than into such portion as may be expressly provided for the sale of livestock.
- Dogs 120. A person shall not take or cause or permit to be taken into any market any dog.
- Fires 121. All braziers shall stand in metal trays so that the ashes there from do not fall to the ground and no fires shall be lit or maintained except as authorized by the Markets Officer.
- Nuisances in markets 122. A person shall not within the precincts of any market -
(a) commit any nuisance;
(b) hawk any good;
(c) interfere with or molest any other person, or tout, or callout for customer;
(d) cause any disturbance or use any offensive, obscene or unbecoming language;
(e) damage or deface or foul or misuse any part of the market or any convenience situated therein or adjacent thereto;
(f) damage or deface or foul or misuse any part of the market or any convenience situated therein or adjacent thereto;
(g) deposit or throw on the floor of any market or entrance or steps leading thereto any offal, refuse, fruit peel or vegetable substance;
- Itinerant traders 123. An itinerant trader shall not do business in any part of any market without the permission of the Authority.

PART VIII

BUILDING

(a) Plans and notices

- Building permit 124.-(1) No person shall erect or begin to erect any building until he has-
(a) made an application to the Authority upon the form prescribed in the Fourth Schedule to be obtained from the Authority;

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- (b) furnished the Authority with the drawings and other documents specified in the following regulations; and
- (c) obtained from the Authority a written permit to be called a "building permit".

(2) The permit under sub regulation (1) shall be in the Form 2 prescribed in the Fourth Schedule and shall be signed by the Director under his hand and shall entitle the holder to erect the building in accordance with the approved plan and subject to all the conditions imposed by these Regulations.

(3) Any subsequent modification or alteration that is proposed or necessary to be made in the approved plan shall be submitted to the Authority for approval in the same manner as the original plan and no such modification or alteration shall be made in the construction of the building until it has been approved by the Authority and the particulars thereof endorsed on the original building permit.

125.-(1) Notwithstanding the provisions of this regulation, the Authority may designate and make available to any person standard drawings for residential buildings.

Designated drawings

(2) The provisions of subregulations (1) (b) and (3) of regulation 124 shall not apply to a person who has obtained a designated drawings issued by the Authority.

(3) The Authority shall not issue a permit under this regulation (4) unless-

- (a) the intended building is for residential purpose;
- (b) the drawings are issued by the Authority;
- (c) the applicant has paid a prescribed fee for the drawings; and
- (d) the applicant has a right of occupancy.

(4) The Authority shall upon compliance with the requirement under sub regulation (3) issue the building permit.

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Submission
of
plans

126.—(1) Every person other than a person using a designated drawing who intends to erect a building shall, except where otherwise provided, send or deliver to the Authority a plan of each floor and sections of each storey, floor and roof of the buildings and elevations drawn in a clear and intelligible manner.

(2) The plan under sub regulation (1) shall show sections and elevations with the following particulars—

- (a) the position, form and dimensions of the foundations, walls, floors, roofs, rooms, chimneys and the several parts of the building including outside kitchen, servants' quarters, stables, garages, and parking areas in such detail and to such extent as may be necessary to show that the buildings comply with any of the Regulations which apply to them;
- (b) the form and dimensions of any water closet, earth-closet, privy or cesspool to be constructed in connection with the building;
- (c) the level of the site of the building and the level of the lowest floor of the building and the level of any street adjoining the cartilage of the building in relation to one another and above some known datum;
- (d) any drawings, plans, documents or information that the Authority may require.

(3) Any subsequent modification or alteration that it is proposed or necessary to make in the approved plan shall be submitted to the Authority for approval in the same manner as the original plan and no such modification or alteration shall be made in the construction of the building until it has been approved by the Authority and the particulars thereof endorsed on the original building permit.

Block
plans

127.—(1) A person other than a person using a designated drawings who intends to erect a building shall send or deliver to the Authority a block plan of the building, drawn in a clear and intelligible manner to a scale not less than 2.54 centimetres to every 13.41 metres, and showing-

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- (a) the size and position of the building and, so far as may be necessary to show compliance with any other written laws which apply to the building, of the appurtenances of the properties immediately adjoining the building, and of the buildings, if any, existing on the plot;
- (b) the position and width of any street adjoining the curtilage of the building, so far as may be necessary to show compliance with any other written laws which apply to the building;
- (c) the size and position of any yard or open space belonging to the building;
- (d) the position of any water-closet, earth-closet or privy and of any cesspool and well in connection with the building;
- (e) the lines of drainage of the building and the size, depth and inclination of each drain and the means to be provided for the ventilation of the drains;
- (f) the position and level of the outfall of the drains and the position of any sewer with which the drainage is intended to be connected.

(2) Every person who intends to erect any machinery shall satisfy the Authority that the foundations, supports, shaftings and brackets are of sufficient strength to ensure the safety of the building, and that proper guards are provided for the protection of employees, and shall submit plans and description thereof to the satisfaction of the Authority.

(3) In respect of every plan or set of plans of anyone building sent or delivered to the Authority in accordance with the provisions of this regulation there shall be paid to the Authority by the person sending or delivering such plan or set of plans at the time of sending or delivering a fee to be prescribed by the Authority, provided that the Authority may exempt this fee in whole or in part in the case of plans submitted in respect of out-buildings or minor alterations or additions to existing buildings.

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G.N. No. 242 (contd.)

Disapproval
of plans

128. The Authority may disapprove any plans on any of the following grounds—

- (a) that they show a contravention of these regulations or of any rules or regulations at the time being in force within the Authority;
- (b) that the system of drainage of the plot or sub-plot upon which the building is to stand is not satisfactory;
- (c) that sufficient facilities for access of sanitary carts are not, in the opinion of the Authority, provided;
- (d) in the case of a building to be erected on a plot on which a building or buildings already stand, that no scheme of plot sub-division has been sanctioned by the Commissioner for Lands, or that such building is not in conformity with a scheme of plot sub-division which has been so sanctioned;
- (e) that the site upon which it is proposed to build is unfit for human habitation;
- (f) where latrine accommodation or servants' quarters are considered necessary by the Authority, that no provision or inadequate provision is shown;
- (g) that they do not adequately provide for the strength and stability of the building, nor the sanitary requirements thereof;
- (h) that the site of any of the proposed buildings on the plans is such that the erection of such buildings would contravene or render abortive any Town Planning Scheme or proposed Town Planning Scheme for the Authority.
- (i) that the position and general appearance of the out-buildings, including outside kitchen, servants' quarters, garages and latrines is in the opinion of the Authority unsuitable for any reason whatever.

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G.N. No. 242 (contd.)

129.—(1) Where the Authority is satisfied that any building, though the plan thereof is not open to disapproval on any of the grounds specified in regulation 128, is likely or liable to become objectionable on sanitary grounds or otherwise in any way, the Authority shall have power to withhold approval of such plan until the applicant enters into such covenants binding him and his successors to do or refrain from doing any specified acts or things as the Authority may find necessary to ensure that such buildings do not become objectionable and shall, if required, have procured such covenants endorsed upon his title deeds at his own expense and to the satisfaction of the Authority.

Withholding approval of plans

(2) The Authority shall approve or disapprove any plan sent or delivered to the Authority under the provisions of sub regulation (1) later than two months from the date of receipt thereof by the Authority.

(3) Where the Authority disapproves the plan it shall notify the applicant within one month the ground for disapproval.

(5) Where the Authority does not respond within one month it shall be presumed at the permit has been granted.

130. Every person other than a person using designated drawings who intends to erect a building shall, before beginning to erect such building, deliver or send or cause to be delivered or sent to the Authority upon the form prescribed in the Fourth Schedule, to be obtained from the authority seven days' previous notice in writing of the date on which such person shall begin to erect such building.

Notice of commencing new building

131. A person under regulation 130 shall, before proceeding to cover up any sewer or drain or any foundation, dampcourse, reinforcement for concrete, floor joists, beams or roof timbers of any building, deliver or send or cause to be delivered or sent to the Authority upon the form prescribed in the Fourth Schedule, to be obtained from the Authority seven days' previous notice in writing of the date on which such person shall proceed to cover up such sewer, drain or foundation.

Notice of covering up sewer, drain, or foundation

132.—(1) Where any person neglects or refuses to deliver or send any notice under regulation 131 or causes any such notice to be delivered or sent to the Authority, and if the Authority, on inspecting any work in

Work may be cut into laid open, pulled down

Local Government (Urban Authorities) (Development Control)

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connection with such building, finds that such work is so far advanced that he cannot ascertain whether anything required by these Regulations has been done contrary thereto or whether anything required by these Regulations to be done has been omitted to be done, the Authority shall, within a reasonable time after such surveyor inspection, issue a notice to that person.

- (2) The notice under sub-regulation (1) shall-
- (a) be in writing under the hand of the Authority;
 - (b) require the person erecting the building within a period specified in such notice to cause so much of work which prevents the Authority from ascertaining whether anything has been done or omitted to be done, to cut into, lay open or pull down to a sufficient extent to enable the Authority to ascertain whether anything has been done or omitted to be done.

(3) A person issued with a notice under this regulation shall within the time specified in such notice cause such work to be so cut into, laid open or pulled down.

Contra-
ventions of
Regulations
to be
rectified

133.-(1) The Authority may at any reasonable times during the progress or after the completion of the erection of a building, issue to a building permit holder a notice of contravention of any of these Regulations specifying matters in respect of which the erection of the building is in contravention in writing specifying matters in respect of which the erection of such building is in contravention of any of these Regulations.

(2) The notice under sub-regulation (1) may require such person within time specified in such notice, to cause anything done contrary to any of these Regulations to be rectified accordingly, or do anything which by any of these Regulations may be required to be done but which has been omitted to be done.

(3) The person issued with a notice under this regulation shall, within the time specified in such notice, comply with the requirements thereof so far as such requirements relate to matters in respect of which the erection of such building may be in contravention of any such law.

Notice of
completion
of
rectification

134. A person who is required to comply with regulation 133 shall, within a reasonable time after the completion of any work executed,

Local Government (Urban Authorities) (Development Control)

G.N. No. 242 (contd.)

deliver or send or cause to be delivered or sent to the Authority notice in writing of the completion of such work and shall, at all reasonable times within a period of seven days after such notice afford, the Authority free access to such work for purpose of inspection.

135.-(1) Drawings shall be furnished in duplicate and shall be of a quality approved by the Authority.

Drawings to be approved

(2) One set of the drawings shall be signed on every sheet by the architect and engineer and such set shall become the property of and be retained by the Authority.

136.-(1) The portion of any plot covered by a building in an area zoned for commercial purposes shall in no case exceed sixty six per cent of the area in the case of an interior plot or seventy per cent of a corner plot:

Area to be covered by buildings

Provided that-

- (a) no portion shall be constructed or be intended to be used as a dwelling;
- (b) any floor, whether used partially or wholly for domestic purposes shall not exceed fifty per cent of the area of the plot.

(2) The portion of any plot covered by a building in an area zoned as a residential area shall in no case exceed twenty five per cent of the plot.

(3) The area of any plot for building upon in an area zoned as a residential area shall not be less than 929 square metres.

137.-(1) The person other than a person using designated drawings issued under regulation 125 to whom the Authority has granted a permit to erect any building shall commence such building within six calendar months of the date of such permit.

Period for commencement of erection

(2) Where the person granted a permit under sub-regulation (1) fails to construct the building within the prescribed time, his permit shall be deemed to have lapsed as if the same had not been given.

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G.N. No. 242 (contd.)

Building
inspectors

138.—(1) For the purpose of this Part there shall be in every Authority building inspectors appointed by the Authority.

(2) The building inspectors appointed under subsection (1) shall include the engineer and any other person appointed by the Authority.

(3) The building inspectors may inspect any building in course of erection or on completion, and if any portion of detail thereof contravenes any of these Regulations, the building inspectors may, by written notice require the person erecting the building to make within a time to be specified in the notice, such alteration as may be necessary to comply with these Regulations and any failure to comply with such notice shall be deemed to be a breach of this Regulation.

Erecting
contrary
to or
without
permit

139.—(1) If any person-

- (a) erects or begins to erect any building without obtaining the permit required by these Regulations; or
- (b) in the erection of any building contravenes any of the provisions of these Regulations; or
- (c) having obtained a permit constructs the building in part or in whole according to a plan which has not been approved by the Authority;
- (d) fails to comply with any notice served upon him in pursuance of sub-regulations (1),

The Authority may in addition to any other proceedings that may be taken for a breach of these regulations require, by a written notice, such person to demolish and remove such building or any part thereof or to make such alteration in such building as it may prescribe within a time to be specified in the notice.

(2) The Authority may in the notice under sub regulation (1) or another notice notify such person that if the requirement is not complied with within the time specified the Authority will itself enter upon the premises and carry out such demolition, removal or alteration; and if such requirement is not complied with the Authority may act in accordance with the terms of such notice.

(3) Where the Authority carries out the demolition, removal or alteration under this regulation, it may recover all costs and expenses incurred by it in that behalf from the person who has failed to comply with such requirement.

(4) Without prejudice to the foregoing sub-regulation, any person on whom the notice is served may, prior to the expiration of the specified time, apply to any court for the summons calling upon the Authority to show cause why the said notice should not be rescinded or varied, and upon the hearing of such summons the court may confirm, rescind or vary the notice and make such order as to costs as may deem just.

(5) On hearing of any such summons the onus shall lie on the person obtaining the summons to prove that such building was not erected in contravention of these regulations.

140. If in the opinion of the Authority the work for which a permit has been granted is not completed within a reasonable time the Authority may give notice in writing to the person concerned, that unless he completes the work by a date to be specified in such notice the permit given shall be deemed to have lapsed:

Completion
of work

Provided that nothing in this regulation shall prevent any person affected thereunder from making a fresh application for a permit as prescribed by these Regulations.

141. A person shall not occupy or cause to be occupied any new building until such building has been certified by the Authority in every respect to be fit for occupation, or in the case of a domestic building fit for human habitation.

Occupation
of new
building

(b) Special provisions with respect to reinforced concrete

142.—(1) Every person who intends to erect a building of reinforced concrete shall, in addition to any other notice to be served upon the Authority as required by these Regulations, deliver or send or cause to be delivered or sent to the Authority a copy of the calculation of the loads and stresses to be provided for and particulars of the materials to be used.

Notices
and plans

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G.N. No. 242 (contd.)

(2) Where the plans, sections, calculations or particulars as originally furnished are not in sufficient detail the person depositing the same shall furnish the Authority with such further plans, sections, calculations or particulars as may be required by the Authority.

(3) A person under this regulation shall make any alterations in the design or materials and in the calculations of load and stresses as the Authority may consider necessary and confirm to all the requirements and conditions as to design and execution of the work as may be specified by the Authority.

Plans and
calculations
to be
certified

143.—(1) All drawings and calculations submitted in accordance with the provisions of regulation 141 shall be certified by a qualified architect or structural engineer.

(2) The certificate issued under sub regulations (1) shall be printed or written and shall be signed by the architect or structural engineer on every drawing and on every calculation submitted in accordance with the provisions of regulation 142 and shall certify that all details of the design and structure, all materials specified and all calculations accompanying the drawings are in conformity with the provisions of other written laws for reinforced concrete skeleton framework structure.

Costs of
certificates
to be
borne by
applicant

144. All costs incidental to compliance with rules 142 and 143 shall be borne by the applicant.

Tests and
testing
after
construction

145.—(1) Where at any time during the construction or within two months after the completion of the reinforced concrete construction it is found necessary to test any part of such construction by reason of any sign of weakness or faulty work appearing in the construction, the builder or other person causing or directing the work to be executed shall make such tests, and if the tests show the work to be faulty it shall be reconstructed in accordance with all the requirements of these Regulations.

Deflection

146. The total deflection of beams or slabs freely supported and uniformly loaded and subject to the safe working stresses shall not exceed one-six-hundredth of the span when the span is twenty times the effective depth, and shall be in proportion for other ratios of span to depth and for other conditions of ends and stress and loading.

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147. The superimposed test load on any floor, roof or other structure shall be not more than one and a half times the superimposed load for which such floor, roof or other structure has been designed.

Test load

148.-(1) Every piece of steel shall be entirely surrounded by concrete to an extent of at least one and a half times its own diameter or one inch if such dimension is the greater.

Steel to be surrounded

(2) Where the concrete is used in buildings required to be fireproof a thickness of at least one inch shall be added to each face of the concrete, in addition to that required to take up the load.

149.-(1) No column of reinforced concrete shall exceed in height fifteen times its least transverse core dimension. and the steel shall be disposed so as to have an outside cover of at least one and a quarter inches.

Reinforced columns

(2) The vertical rods shall be fastened together by steel at intervals not exceeding least side or diameter of the core of column, or spirally wound reinforcement may be used with similar spacing, and joints shall only be arranged at floors or other points of lateral support, the rod ends being milled truly perpendicular to the longitudinal axis, so as to have a perfect bearing and fitted with a tight sleeve over the joint, and where designed to sustain wind pressure, rod and sleeve nuts shall be threaded.

(c) Rat prevention

150. Every person who-

- (a) erects a new shop or store;
- (b) adds to an existing shop or store;
- (c) converts to use as a shop or store an existing building or part thereof; or
- (d) alters or adapts an existing store or shop or part thereof, shall comply with the following requirements in respect of such new shop or store, or the whole of any part of an existing building, shop or store, so converted, catered or adapted to-
 - (i) remove all disused drains existing on the site and firmly fill all cavities so that no harbourage for rats remains;

Requirements for shops and stores

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- (ii)a void interspaces likely to afford harbourage to rats, such as spaces between ceilings and over-lying floors and behind matchboard linings or skirting-boards;
- (iii) construct the basement and ground floor with concrete or other durable rat-proof material; provided that: any material superimposed upon any solid floor shall be laid without interspace and every large space below floors, under roofs or elsewhere within a building shall be provided with access easy to man;
- (iv) protect interspaces between ceilings and over-lying floors (not made of rat-proof material) in the manner provided for in the First Schedule;
- (v) to construct wall with rat-proof materials as prescribed in the First Schedule;
- (vi) construct roofs with rat-proof material as prescribed in the First Schedule;
- (vii) screen ventilation openings and other apertures throughout the building, except doors, windows and chimneys, with durable rat-proof material in such a way that no opening is more than 1.27 centimetres in diameter: provided that the domical gratings or rat-proof netting shall be provided at the top of rain-water and other open pipes;
- (viii) protect external doors, if not constructed of rat-proof material to a distance of 15.24 centimetres from the bottom of the door by a covering of rat-proof material.

D Shop not
to be
occupied
until
certified

151. A person shall not occupy or use or suffer to be occupied or used any shop or store erected, altered, adapted or added to, as may be required by this regulations unless—

- (a) such shop or store is in accordance with the requirements of regulation 124 ;

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- (b) such erection, alteration or addition has been certified by the Authority or any person duly authorized by the Authority for the purpose of carrying out these regulations, to be in accordance with regulation 124.

152.—(1) The Authority may at any time make an order requiring the owner or occupier of any premises to carry out any necessary and practical measures for eliminating harbourage of rats, or facilities for ingress of rats, to its satisfaction.

Orders in relation to existing premises

(2) The order under sub-regulation (1) shall be in writing and shall specify the measures required and may fix a time-limit for their completion, and shall be served in the manner provided in the regulation.

(3) Where the owner or occupier fails to comply with the order made under subregulation (1), he shall be deemed to have breached this regulation and, in addition to any other proceedings, the Authority may itself carry out the measures required and recover the cost incurred by civil suit:

Provided that measures involving structural alterations or repairs shall be carried out by the owner of the premises.

153. The owner or occupier of every shop or store shall maintain all rat-proof netting or materials, and all rat-proof arrangements or devices therein or in connection therewith, at all times in good order and repair in a manner that is impervious to rats or similar rodents.

Maintenance of rat-proof netting and materials

154. The owner or occupier of any premises found to be rat-infested shall take all practical measures for destruction of such rats, and for their subsequent exclusion from the buildings, and shall carry out the instruction of the Authority or its duly authorized officer.

Destruction of rats

155. The owner or occupier of any premises shall make provision to the satisfaction of the Authority for the collection or disposal of garbage, refuse and rubbish or of any material likely to attract rats, or so placed or arranged as to afford harbourage for rats.

Collection of rubbish

156. The owner or occupier of any premises shall make provision to the satisfaction of the Authority for the storage of forage, grain or other

Storage of rat-attracting produce

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food for human consumption or animal hides or any other material which is likely to attract rats, or so placed or arranged as to afford harbourage for rats.

(d) Building alterations

Ruinous
buildings

157.—(1) When any building or part thereof is in the opinion of the Authority-

- (a) ruinous or dilapidated;
- (b) unfit for use or occupation; or
- (c) in a condition prejudicial to the public health or safety,

the Authority may, by a written notice, to be affixed upon the premises and served upon the owner, or if the owner cannot be found or is not in the country, upon the occupier (if any), require such owner or occupier to make within reasonable time to be specified in the notice such alterations or repairs, as the Authority may consider necessary.

(2) The Authority may prohibit the use of such building or part thereof for any specific purpose until such alterations or repairs are carried out.

(3) Where in the opinion of the Authority, the building or part thereof ought to be demolished or removed, the Authority shall give notice to the occupier in the manner specified under sub-regulation (1), and the owner or occupier who fails the requirements of the notice shall be deemed to have breached this regulation.

(4) Where the owner or occupier has breached the requirements under this regulation, the Authority may in addition to any other proceedings that may be taken, enter upon the premises and make such alterations or repairs or demolish or remove the building or part thereof as the case may be and may recover the cost thereof from the owner or occupier.

(5) Any person upon whom the notice requiring demolition, removal, repairs or alterations is served may, prior to the expiration of the time specified in the notice, apply to the court for a summons calling upon the Authority to show cause why such notice should not be rescinded or varied, and upon the hearing of the said summons the onus shall be on such person to show cause why the said notice should be rescinded or varied and the court may confirm, rescind or vary the said notice and make such order as to costs as may seem just.

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- (6) For the purpose of this regulation, the expression "building" shall include any existing building, wall or structure and anything affixed to or projecting from any building, wall or other structure.

158.—(1) The Authority may, by a written notice, require the owner or the occupier of any building or part thereof to carry out, within a time specified in the notice, any such alterations, additions or repairs to the building or part thereof as the Authority may deem necessary in the interests of public health or in order to render such building or part thereof fit for the purpose for which it is intended to be used.

Necessary alterations

(2) The Authority may, through the same or another notice, notify the owner or occupier that if such requirement is not complied with the Authority shall itself enter upon the premises and carry out such alterations, additions or repairs.

(3) The owner or occupier who fails to comply with the requirement under this regulation, shall be deemed to have breached this regulation and in addition to any other proceedings that may be taken, the Authority may act in accordance with the terms of such notice and may recover all costs and expenses incurred by it in that behalf from the person who has failed to comply with such requirement.

(4) Without prejudice to the foregoing sub-regulations, any person on whom a notice is served may, prior to the expiration of the time therein specified, apply to the court for a summons calling upon the Authority to show cause why the notice should not be rescinded or varied,

(5) Upon the hearing of the summons under subregulation (4), the onus shall lie upon such person to show cause why the said notice should not be rescinded or varied, and the court may confirm, rescind or vary the said notice and make such order as to costs as to it may seem just.

159.—(1) No hoarding shall be erected in any street or place except with the written permission of the Authority.

Hoardings and projections

(2) No part of, or fixture attached to, any building abutting on a street shall overhang or project into such street.

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(3) Notwithstanding the provisions of sub-regulation (2), the Authority may permit on such terms in each case as it may think fit—

- (a) the owner or occupier of any building abutting on a street to erect or put up a hanging sign, balcony, verandah, sunshade, weather-frame or other such structure projecting from any upper storey over any street or portion thereof; and
- (b) the owner building or plot to build an arcade over the portion of a street or footpath adjoining such building or plot and every such arcade shall -
 - (i) specially approved by the Authority and full drawings shall be submitted for its approval; and
 - (ii) built of burnt brick, stone, concrete or other durable material for the first storey and shall not contain wood-work.

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Doors and
windows
opening
outwards

160. The Authority may at any time, by written notice, require the owner of any premises, on the ground floor of which any door, gate, bar, window or other structure opens towards or upon a street or upon any land required for the improvement of a street, in such manner as, in the opinion of the Authority, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar, window or other structure altered so as not to open outwards.

(e) Foundations, floors and walls

Preparation
of
site

161.—(1) The site of every building shall be prepared by removing there from or otherwise dealing with all animal and vegetable matter to the satisfaction of the Authority.

(2) Where the site of a building is on made-up ground, the foundation shall be built of concrete of sufficient dimensions to support the building or shall be otherwise dealt with to the satisfaction of the Authority.

Height of
buildings

162. No building which abuts on a street shall, without the special approval in writing of the Authority, be built so that any portion of it projects above an imaginary line drawn towards it at a vertical angle of forty-five degrees from the opposite side of such street.

Conformity
with
adjacent
buildings

163. A person who erects new building shall—

- (a) erect the same only in such position on the site of the said building lot as to be in general conformity with any good

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- adjacent or contiguous buildings and any street or building line laid down or to be laid down by the Authority;
- (b) erect such new building to a design or plan not inferior to the general class and character of good buildings in the same neighbourhood within which such new building is proposed to be erected;
 - (c) erect such new building to a level suitable to the land upon which such new building is proposed to be erected, having regard to the levels of any existing or proposed street or road and the levels of existing buildings.

164. Where the facing material or decoration shown on the drawings or used in any building in course of erection is, in the opinion of the Authority, of such quality or design as to appear aesthetically unsuitable, the authority may call upon the owner to amend, alter or substitute such facing material or decoration in such manner as shall be compatible with others in the authority in which the building is situated.

Design and decoration

165. No person shall erect, add to or alter a building intended, adapted or designed to be used wholly or partially for human habitation so that any portion thereof which constitutes a dwelling shall be without separate and independent access to a street, such street not being a sanitary lane or passage as defined in these Regulations.

Dwellings to have separate and independent access to a street

166. Except under special conditions, the ground floor level of any part of a building shall not be less than one foot above the highest point (within ten feet of the building) of the ground adjoining such part, and not less than one foot above the crown of the road, if there is a road, constructed or contemplated, ten feet from that part of the building at the time it is built.

Floor level

167. A building shall not contain any basement or cellar or any room below ground floor level without the special sanction of the Authority, which may be granted subject to such conditions as to thickness of walls, making the same damp-proof, water-proof, rat-proof, mosquito-proof and provided with efficient means of preventing flooding from surface water as the Authority may think fit:

Basements and cellars Foundations

Provided that consideration of application for the special sanction of the Authority under this regulation shall be made together with the

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application for building permit for other buildings to be constructed at the plot in question.

168.—(1) The foundations of all walls, pillars or posts shall be of concrete, dressed stone or good sound burnt bricks laid in cement mortar or other suitable or substantial material, and shall be laid at such depth as to secure a solid bed for building on, and in the case of walls.

(2) Notwithstanding sub-regulations (1), where such foundations are in contact with an existing building or rest upon solid rock, they shall project beyond the face of the wall on each side to the extent of one half of the thickness of the wall, or to such greater extent as the Authority may consider necessary.

(3) In any case the weight of the wall, pillar or post shall be so distributed as not to cause undue pressure upon the foundations, and if the foundations are built upon solid rock the rock shall be properly levelled, stepped and prepared to receive the foundation.

Foundations laid at lower level

169.—(1) Where foundation is laid at a lower level than the foundation of a wall contiguous thereto, such contiguous wall shall be underpinned and supported in a satisfactory manner.

(2) Where such contiguous wall has been built with projecting foundation or footing, the person building against the same may, in the absence of any contract or agreement with respect to the laying of such foundations or the removal of the projections thereof, request the owner of such wall to cut off the footings of the foundations at and along the line of the boundary and if such owner fails to comply with such request the person building may himself cut off such footings.

(3) All footings of walls shall have a width at the base equal to at least double the thickness of the wall diminishing in regular offsets of which the base equals half the height.

(4) In the case of pillars and posts the footings shall be sufficient to carry the weight placed on them and shall diminish in regular offsets of which the base equals half the height.

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170. Floors may be made of concrete, stone, good sound burnt brick, hydrant brick, wood or other material approved by the Authority, provided that, in the case of wooden floors on the ground floor of a building, the Authority may require the concreting of the ground underneath and the rat-proofing or mosquito-proofing of any space between the floors and the ground and provided further that the Authority may, whenever it thinks fit, require a floor to be of concrete.

Floors

171. No external wall shall, except with the written permission of the Authority, consist of any temporary erection of wood, cloth, canvas, grass, leaves, mats or any other inflammable materials, and no veranda or balcony shall be closed in with any material except wire gauze or glass without such permission, provided always that where a building abuts on a main road its walls shall not be constructed of corrugated iron.

Materials not permissible for walls

172. No part wall shall have any opening in such part thereof as shall be within the roof in any other part except with the written consent of the Authority.

Party walls not to have any openings therein

173.-(1) A person who erects a new building shall not place in any party wall of the building any wooden bressummer, beam, joist, purlin or plate or any bond timber, and shall not construct the roof of the building so that any timber or woodwork extends upon or across any party wall thereof.

Inflammable materials

(2) Laths and tile or slate battens properly embedded in good cement, in good mortar compounded of good lime and clean sharp sand or other suitable material or in good cement mixed with clean sharp sand, or in other equally suitable incombustible material may extend upon or across a party wall.

(3) The end of any wooden bressummer, beam, joist, purlin or plate or of any bond timber may be placed in a party wall if it does not extend beyond the centre line of the party wall and wither be encased in brickwork or other solid and incombustible material not less than four inches in thickness, or have every part which is placed in the party wall properly encased in an iron beam box with a solid back.

174.-(1) Walls may be built of concrete, concrete blocks, stone, good sound burnt brick or other similar material, or of galvanized corrugated iron or other material approved by the Authority

Approved material

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(2) Every wall shall be of sufficient strength and shall be constructed in such a manner as the Authority shall approve.

Bonding and protection from weather

175.—(1) Every wall built of concrete, concrete blocks, stone, good sound burnt bricks or other similar material shall be properly bonded and solidly put together with mortar, and all return walls and partition walls shall be properly bonded to the walls adjoining them.

(2) Notwithstanding the provisions of sub-regulation (1) the Authority may from time to time prescribe the manner of bonding of building materials depending on the change in technology

(3) Where the top of a wall is exposed to the weather it shall be properly protected so as to prevent the access of damp or water to the wall.

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Thickness of walls

176. The thickness of walls of domestic or public building of warehouse class shall be as specified in Tables I and 2 of the Second Schedule.

Definition of cross-walls

177.—(1) The length of a wall shall be deemed to be its length between cross-walls or buttresses.

(2) For the purpose of this regulation a wall shall not be deemed a cross-wall unless it carries up to the top of the top-most storey and unless in each storey the aggregate extent of the vertical faces or elevation of all openings therein taken together shall not exceed one-half of the whole extent of the vertical face of the wall in such storey except such wall is sufficiently strengthened as provided in sub regulation (3).

(3) Where any openings or recesses are left or made in a wall to an extent greater than one-half of the superficial area of the wall of any storey, or if any openings or recesses are left or made which extend into two or more storeys, the wall shall be strengthened to the satisfaction of the Authority by sufficient pilasters, buttresses or counter forts or otherwise.

(4) For the purpose of sub-regulation (3), a recess includes any part of a wall which is less than the thickness prescribed for a wall of that description.

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178. Where concrete blocks are used in the construction of the walls of a building, they shall conform with the following standards- Concrete blocks

(a) the minimum strength of concrete used for their manufacture which shall be-

- (i) one part of cement;
- (ii) three parts of sand; and
- (iii) six parts of stones;

(b) hollow blocks shall not be used under a concentrated load, but soil blocks or a solid pier shall be substituted.

179.-(1) Any internal cross-wall not supporting roof or floor beams or other load may be thinner to the extent of one-fourth than the thickness prescribed in Table 2 of the Second Schedule. Thickness of walls for a public building

(2) The thickness of the walls built of coral and masonry other than ashlars shall be one-third greater than the dimensions given above for brick walls, but in no case shall be less than 22.86 centimetres thick.

180. The height of a storey other than a top storey shall be measured from the level of the upper surface of the floor next above it, or in the case of one-storeyed buildings or of the top storey of a building to the underside of the tie of the rood or other covering, or if there be no tie then up to the level of half the vertical height of the rafters or other support of the roof. Height of storey

181. In the case of the erection of buildings of steel framework or reinforced concrete or the making of any addition or alternation to such buildings and where the dead loads and superimposed loads of, in, or upon a building are- Steel frame and reinforced concrete building

(a) transmitted to the foundations by a series of steel stanchions;

or

(b) reinforced concrete pillars, beams, arches or other suitable construction;

(c) any enclosing walls of concrete or other suitable material between such pillars may be of any thickness not less than four inches, provided that such enclosing walls are designed and constructed to the satisfaction of the Authority, to resist any loads and pressures they may have to carry.

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Damp
course

182.—(1) Every wall of a building if built of brick, stone or concrete and resting on the ground, shall if required by the Authority have a damp course throughout its entire thickness and such damp course shall be of a durable material impervious to moisture.

(2) The damp course shall be below the lowest the floor level and at least 15.24 centimetres above the surface of the ground, such course shall be made as far as possible proof against the attacks of white ants.

Materials

183.—(1) All steel, iron or other metal work used in the construction of a building shall in respect of strength and other qualities be approved by the Authority.

(2) Where required by the Authority all metal materials under sub-regulation (1) shall be surrounded and suitably protected against fire by cement or other fireproofing material at least 2.54 centimetres thick.

Preserving
of
woodwork

184. Every building permit holder shall ensure that all timber and woodwork shall be properly protected from the attacks of insects when necessary in the opinion of the Authority.

(f) Beams and loads

Strength
of
beams

185.—(1) Every beam shall be of sufficient strength and have a sufficient bearing at each end arranged so that the load is properly transmitted to the supports.

(2) Wooden lintels shall have a depth of at least 1.9 centimetre for every foot of span of opening with a minimum of 10.16 centimetres.

(3) In all spans of 10.16 centimetres or over relieving arches shall be inserted.

Bressum-
mers

186.—(1) Every person who erect a new building shall cause every bressummer to be borne by a sufficient template of stone, iron, terracotta or vitrified stoneware of the full breadth of the bressummer, and to have a bearing in direction of its length of 15.24 centimetres at each end or of such greater length as may be required by the Authority.

(2) A person under sub-regulation (1) shall if necessary, cause the bressummer to have such storey posts, iron columns, stanchions or piers of brick, stone or other equally suitable material on a solid foundation under the same as may be sufficient to carry the superstructure.

187.—(1) Every part of a building shall be so constructed as to be capable of safely sustaining and transmitting all the dead and superimposed loading thereon without exceeding the appropriate limitations of permissible stresses provided in these Regulations.

Provision
for total
loading

(2) For the purpose of calculating dead loading the weights of materials shall be taken to be as set forth in the National Construction Council unless otherwise agreed with the Authority.

(3) The minimum superimposed load on each floor and on the roof shall be estimated as equivalent to the dead loads as specified in the Third Schedule -

Provided that beams and ribs not spaced further apart than 0.762 metres between centres shall be designed for slab loads.

(4) Subject to the provision of sub-regulation (10) of this regulation all columns, piers, walls, foundations, or other supports to beams shall be calculated for the superimposed loads tabulated in sub regulation (3) for beams.

(5) On roofs inclined at an angle with the horizontal of more than 20 degrees a minimum superimposed load (deemed to include the wind load) 6.8 kilogram per square metre of surface shall be assumed acting normal to the surface inwards on the wind side, and 4.54 kilogram per square metre acting separately and not simultaneously outwards on the leeward side.

(6) The requirement under sub regulation (5) shall apply only in the design of the roof construction, and a vertical superimposed load of 4.54 kilogram per square metre of covered area shall be substituted for it in estimating the vertical superimposed roof load upon all other parts of the construction.

(7) In all cases of floors where the positions of partitions are not definitely located in the design, a uniformly distributed load sufficient to allow for them shall be added to the dead floor load.

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Provided that all floors of rooms used for offices the minimum total allowance for internal partitions shall be at the rate of 9.07 kilogram per square metre of floor area.

(8) Slabs and beams shall be capable of carrying in accordance with these Regulations the superimposed loads in any position on an otherwise unloaded floor as provided in Table 3 of the Third Schedule -

Provided that beams and ribs spaced not further apart than 0.762 metres between centres shall be calculated for the slab loads tabulated in this section, provided also that non-load-bearing beams such as beams solely employed as ties to columns shall be exempt from any load calculated under this section.

Provided further that reactions due to the superimposed loads tabulated provided in sub regulation (8) need not be allowed for in calculation the loads on columns, piers, walls or foundations.

(9) For the purpose of calculating the total load to be carried in columns, piers, walls or foundations in buildings of more than two storeys in height, and in which the loads and stresses are transmitted through each storey to the foundations -

- (a) wholly by a skeleton framework of structural steel; or
- (b) partly by a skeleton framework of structural steel and partly by a party wall or party walls; or
- (c) wholly by a skeleton framework of reinforced concrete; or
- (d) partly by a skeleton framework of reinforced concrete

(10) The superimposed loads for the roof and topmost storey shall be calculated in full in accordance with the Schedule of loading in sub regulation (3) but for the lower storeys a reduction of the superimposed loads may be allowed in accordance with table 4 of Third Schedule.

(11) The reduction under sub regulation (11) may be made by estimating the proportion of floor area carried by each foundation column, pier and wall. No such reductions shall be allowed on any floor tabulated in these regulations for a superimposed beam loading exceeding 45.36 kilogram per square metre.

(12) In any case where the superimposed load on any floor or roof, is to exceed that hereinbefore specified for the floor or roof, such greater load shall be provided for in accordance with sub-regulation (1).

(13) In the case of any floor intended to be used for a purpose for which a superimposed load is not specified herein, the superimposed load to be carried on that floor shall be provided for in accordance with sub regulation (1) of this regulation.

(14) In cases where a superimposed load may move, proper provision in accordance with this regulation to the satisfaction of the Authority shall be made for all effects of such movement, including vibration, impact, acceleration and deceleration.

(g) Roofs

188.—(1) Every roof shall be constructed of wood, iron, tiles or other impervious material. Roof

(2) No person shall construct a thatched roof without the special permission of the Authority.

189.—(1) The dimensions loads for the scantlings for King Post roof strusses and Queen Post roof trusses shall not be less than those shown in Tables 5 and 6 of the Third Schedule. Trusses

(2) Where permitted by the Authority to be used, roof gutters and down pipes shall be of cast iron or steel or other approved material, jointed with red lead, and gutters shall be laid with a true and even fall, of at least 2.54 centimetres in 3.05 metres, towards the outlet at the head of the down pipe.

(3) A building permit holder shall insure that gutters are supported at intervals of not more than 0.91 metres, on strong wrought iron gutter brackets, which shall be securely fixed to timbers of roof.

(4) All rain water down pipes shall discharge on to cement concrete surface gutters, which shall be connected to the nearest public surface drain in such manner as may be directed by the Authority.

190.—(1) In all cases where smoke or hot air is generated, adequate provision shall be made for conveying such to 0.3 metres above the ridge of the building in which the smoke or hot air is generated. Chimneys

(2) In the case of the proposed chimney or shaft being less than 6.1 centimetres away from an existing building the chimney shall be carried up to one foot above the level of the ridge of such existing building.

(3) In the event of the owner of an existing building, previously referred to, electing to increase the height of such building, the onus of increasing the height of the chimney or shaft above referred to shall fall on the owner proposing to increase the height of such existing building.

Chimney
shifts

191.-(1) Unless the Authority otherwise permit, every chimney shaft for the furnace of a steam engine, brewery, distillery or manufactory shall be constructed in conformity with the following specifications -

- (a) every shaft shall be carried up throughout in brickwork or concrete and if detached shall taper gradually from the base to the top of the shaft at the rate of at 0.762 centimetres in ten feet of height. Other materials may be used as approved by the Authority, in each case;
- (b) the thickness of brickwork at the top of the shaft and for 6.1 metres below the top shall be at least 21.59 centimetres and shall be increase at least one-half brick for every additional 6.1 metres measured downwards;
- (c) every cap, cornice, pedestal, plinth, string course or other variation from plain brickwork, shall be provided as additional to the thickness of brickwork required under this regulation and every cap shall be constructed and secured to the satisfaction of the Authority;
- (d) the foundation of the shaft shall always be made to the satisfaction of the Authority on concrete or other sufficient foundation;
- (e) the footings shall spread all round the base by regular off-sets to a projection equal to the thickness of the enclosing brickwork at the base of the shaft and the space enclosed by the footings shall be filled in solid as the work progresses;
- (f) the width of the base of the shaft if square shall be at least one-tenth of the proposed height of the shaft or if the same is round or of any other shape one-twelfth of the height;
- (g) any fire bricks built inside the lower portion of the shaft shall be provided as additional to and independent of the thickness of brickwork prescribed by these Regulation and shall not be bonded therewith;

- (h) the floor under every oven, copper, steam boiler or stove which is not heated by gas, and the floor around the same for a space of 45.72 centimetres shall be formed of materials of an incombustible and non-conducting nature not less than 15.24 centimetres thick;
- (i) a pipe for conveying smoke or other products of combustion, heater air, steam or hot water shall not be fixed against any building on the face adjoining any street or public way;
- G) a pipe for conveying smoke or other products of combustion shall not be fixed nearer than 22.86 centimetres to any combustible materials;
- (k) a pipe for conveying heated air or steam shall not be fixed nearer than 15.24 centimetres to any combustible material, and any such pipe or flue shall be carried to such point on the roof as the Authority may direct;
- (1) a pipe conveying hot water shall not be placed nearer than 7.62 centimetres to any combustible material.

(2) The restrictions imposed by this regulation with respect to the distance at which pipes for conveying hot water or steam may be placed from any combustible materials shall not apply in the case of pipes for conveying hot water or steam at low pressure.

(3) For the purpose of this regulation hot water or steam shall be deemed to be at low pressure when provided with a free blow-off.

(h) Spacing, ventilation and access

192.—(1) Every building intended to be used as a dwelling shall be constructed at least so much of the walls of every room as is equal to one-quarter of the perimeter thereof shall either be an external wall or abut upon an interior space open to the sky.

Dwellings
external
walls and
open
spaces

(2) The width of such interior open space shall be in any direction not less than half the height of the highest wall abutting thereon with a minimum of 3.05 metres.

(3) Every external wall of a building erected on a plot shall have between it and the boundary line of the plot an open space extending throughout the entire length of such wall at least 1.52 metres wide, save that, in

cases where a sanitary lane adjoins the boundary of a plot, servants' quarters and latrines may be built up to such boundary:

Provided that such quarters do not open on to the sanitary lane and that the floor level of any such latrine is not less than 0.3 metre above the crown of the sanitary lane.

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Space
between
building

193-(1) In case of buildings to be erected in an area zoned as a residential area, the distance between any main building and the side boundaries of the plot shall be not less than 6.1 metres, and the distance between any two main buildings shall be not less than 12.2 metres.

(2) The Authority may add to or decrease its restrictions in such cases as it thinks fit.

(3) There shall be a clear space of at least 3.05 metres between any two buildings on the same plot, and no building shall be erected in such a manner as, in the opinion of the Authority, to block out light or ventilation from another building.

(4) Every open space whether exterior or interior required by this regulation shall be kept free from any erection thereon and open to the sky, and shall be kept open to access.

Frontage
on
sanitary
lane,
etc.

194.-(1) No building shall, unless with a written permission of the Authority, be added to or altered as to have a frontage upon a sanitary lane or passage.

(2) For the purposes of this regulation-

(a) a building shall be held to have a frontage upon a sanitary lane or passage if any straight line drawn at right angles to the frontage line of such building from any point thereon so as not to pass through or over such building but in the opposite direction would if produced towards such sanitary lane or passage cross the same without passing over any plot or sub-plot except that upon which such building stands, or if in the opinion of the Authority no suitable or sufficient means of access thereto is provided except by a sanitary lane or, by a passage,

Provided that a side door upon a passage leading into a street other than a sanitary lane shall be deemed a suitable and sufficient access if the distance from such door to the street shall not be more than one-third of the distance from such door to any sanitary lane into which such passage leads;

- (b) the Authority shall have powers in every case to determine whether any street is a sanitary lane or passage and its decision shall be final:

Provided that no street measuring more than 6.1 metres in width shall in any circumstances be deemed to be a sanitary lane or passage.

195.—(1) Every room intended to be used as a living or sleeping room shall not be less than 3.05 metre in height from floor to the under side of the ceiling, and shall have a clear superficial floor area of not less than 9.29 square metre.

Size of
rooms

(2) Every room intended as a sleeping room shall have superficial floor area of not less than 4.65 metres for every person sleeping therein subject to a minimum floor area of 9.29 square metre.

(3) For the purpose of this regulation two children under ten years of age shall be deemed as one person.

196.—(1) Every room intended to be used as a living or sleeping room shall be ventilated and lighted to the satisfaction of the Authority by means of a door or doors and a window or windows which open directly into the external air, and the aggregate area of such openings shall not be less than one-eighth of the superficial floor area of such room.

Ventilation

(2) Not more than half of any window opening shall be composed of wood or other opaque substance.

(3) For the purpose of this regulation the opening of a door or window means the clear space between frames.

(4) Additional ventilation may be required by the Authority in such cases as it thinks fit.

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(i) Drainage

Waste-water pipes and channels

197.—(1) The Authority may require the owner of any plot to make adequate provision (to the satisfaction of the Authority) for carrying off rain-water, surface-water, waste-water or sewage from the plot or from any building thereon.

(2) Subject to sub regulation (1), the Authority may require the owner to make such connection with main drainage system of the authority as it may think fit or may itself make such connection and recover the cost thereof the cost thereof from such owner.

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Waster chamber or latrine accommodation

198.—(1) No residential buildings shall be erected without sufficient closets or latrines in accordance with the requirements of the Authority.

(2) Every closet shall be placed in a room or building which is thoroughly ventilated and lighted and separated from any living-room, kitchen or the like to the satisfaction of the Authority.

(3) The entire floor of all closets shall be of concrete, iron or other impervious material, and in the case of pit latrines the seat or platform and any steps thereto shall also be of concrete, iron or other impervious material, and of a type to be approved by the Authority.

Traps

199. All sinks, baths and other water fittings shall be trapped to the satisfaction of the Authority, and the traps shall have a water seal of at least 3.82 centimetres.

Cesspits

200. No person shall construct any cesspit, percolation pit or other receptacle intended for the reception of waste matter except with the written permission of the Authority and in accordance with such requirements as the said Authority shall prescribe.

(j) Use of building

Use of building

201. Any building designed and constructed as a building under one of the classes mentioned in the last preceding regulation shall not be used as a building under either of the other classes without a written permit from the Authority which may be given subject to such conditions as the

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Authority may think fit, and no shop, store or godown shall be used otherwise than as a shop, store or godown respectively without such a permit.

(k) Exemptions

202. Nothing in the foregoing Regulations shall preclude the erection of buildings of special forms of construction not mentioned therein, provided that such structures are approved by the Authority. Special forms of buildings

203. The Authority may dispense with the strict application of regulation 27 to 59 thereof in special cases where strict application causes inconvenience or unusual expense. Special cases

PART IX
MISCELLANEOUS

204. Any person who contravenes or fails to comply with any of these Regulations shall be liable on conviction to a fine not exceeding four hundred shillings and where the offence is a continuing one in addition to a fine not exceeding fifty thousand shillings for each day of such continuance. General penalty

205. No act or thing done by the Authority or by any officer or other person acting under its directions or by any person acting under powers conferred by these Regulation shall, if the matter or thing were done bona fide for the purpose of carrying out any provision of these Regulations, subject it or of any of them personally to any action, liability claim or demand whatsoever. Indemnity

206.-(1) The Authority may institute legal proceedings in respect of any breach of or non-compliance with any of these Regulations and may authorize any person, whether a member of the Authority or not, whether generally or in respect of a particular matter, to institute and carry on or defend on their behalf proceedings before any Court. Legal proceedings

(2) Where any matter to be dealt with under these Regulations appears to be wholly or partially caused by the acts or default of two or more persons, the Authority may institute proceedings against anyone of such persons, or may include all or any two of them in one proceeding.

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(3) Proceedings under sub regulation (2) against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but proceedings may be carried on as if such deceased person had not been originally so included.

Expenses
of
proceedings

207.-(1) Where any person is convicted for any offence under these Regulations the court may order the convicted person to pay the actual expenses incurred by the Authority in serving any notice, making any complaint, or obtaining any order or order any other costs incurred by the Authority as it may deem just.

(2) Where in accordance with these Regulations the Authority has abated or removed a nuisance or done what is necessary to prevent its recurrence, and if the owner or occupier of the premises cannot be found, or appears or pays the expenses incurred within six months after the completion of the removal or abatement of such nuisance the court may order any part thereof, or any movable property found thereon to be sold by public auction.

(3) The proceeds obtained by sale under sub regulation (2), shall be applied in defraying the costs and expenses, incurred by the authority and any balance (if any), paid over to the owner or occupier if he shall establish his claim twelve months after the date of such sale, failing which such balance shall be paid into the Authority.

Penalty
where
none
expressly
provided

208.-(1) Where no penalty is expressly imposed, a person who- (a) contravenes any of the provisions of these Regulation; or

(b) fails to comply with any order or direction given there under;
or

(c) obstructs or molests any person exercising powers conferred to him,
commits an offence and shall be liable to a [me not exceeding fifty thousand shillings.

(2) Nothing in these Regulations shall be construed to prevent or limit the prosecution of any person for an offence under any other law in force provided that no person shall be punished twice for the same offence.

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209. The fees and charges payable to the appropriate Authority in respect of the provisions of these Regulations shall be as stipulated in by-laws made by the respective Authority.

Fees and charges

210.—(1) Any person who fails to comply with the requirements of any notice served under these Regulations within the time specified in such notice, commits an offence.

Fail to comply with requirements of any notice

(2) Where the Authority is empowered to serve a notice upon any person requiring the demolition, removal, construction, alteration or repair of any structure or fitting or thing, the Authority may in the same or another notice notify such person that if such requirements are not complied with, the Authority will itself enter upon the premises and carry out such demolition, removal, construction, alterations, or repairs.

(3) In addition to any other proceedings that may be taken the Authority may act in accordance with the terms of such notice and may recover all costs and expenses incurred by them from the person who has failed to comply with such requirements.

211. Any person who obstructs inspection or entry of premises under these Regulations commits an offence.

Obstruction

FIRST SCHEDULE

(Under regulation ISO)

EXPLANATORY NOTE

1. The following are explanatory notes for protection of interspaces between ceilings and overlying floors:

To the under side of the flooring boards and to the upper surface of every non-rat-proof ceiling shall be affixed rat-proof netting extending not less than 30.48 centimetres horizontally inwards from the walls all round, brought up to the walls and continued upwards to line the walls at the back of the skirting-boards (if any), but in any case not less than 15.24 centimetres, or alternatively, built at least 10.16 centimetres into the walls. In the case of buildings of wood and iron or other buildings in which the walls are not solid, rat-proof netting shall be similarly affixed to the upper side of the ceiling, in addition to the under side of the floor, brought up to the iron of the framework, and carried up above the level of the floor, and secured to the iron with close fitting strips and bolts and nuts.

Local Government (Urban Authorities) (Development Control)

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IN.

2. The following are explanatory notes for construction of wall with rat-proof materials: All inter-space in connection with panelling, lining or wall finishing shall be protected by a complete lining of rat-proof netting. In case of every building the outer walls of which are of galvanized iron, the foundations and walls up to 15.24 centimetres above the level of the lowest floor or, if there be a cellar, the floor of the storey above shall be built of brick, stone, concrete or other approved rat-proof material. Any opening which affords entry for rats into any cavity, wall or other space in, behind or beyond any bricks, stone or other wall, shall be effectively covered with rat-proof netting of not more than 1.27 centimetre mesh. Where such cavity extends upwards so as to afford communication for rats to a floor-space or roof-space, it shall be closed with at least one course of burnt bricks or concrete blocks laid on $3\frac{1}{2}$ to 1 lime-mortar or else effectively covered with rat-proof netting of not more nor less than 1.27 centimetre mesh.

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In the case of wood and iron walls, the lower and free edge of the corrugated iron shall be finished with a continuous line of galvanized sheet-iron securely fixed behind the corrugated iron to the wall-plate and brought down and outwards under the lower and free edge of the corrugations so as to close the space formed by the corrugations, in such a manner as to prevent passage of rats.

3. The following are explanatory notes for construction of roofs with rat-proof materials: Permanent openings shall be protected by a covering of rat-proof netting. Roof-space, i.e., space bounded by the lines of the roof-covering and the level of the roof wall-plates, shall be efficiently protected by rat-proof netting fixed horizontally at the wall-plate level so as to extend inwards continuously for a width or not less than 30.48 centimetres from the inner face of the wall and, where efficient beam-filling hard against the underside of the roof-cover is not provided, the rat-proof netting shall be continued upwards over purlins or battens and under roof-covering in such a manner as effectively to prevent passage of rats between it and the roof-covering.

SECOND SCHEDULE

(Under regulation 176)

1. All external and partial party walls of domestic buildings which are built of good sound hard bricks, or of blocks of hard incombustible material, laid in mortar composed of not less than one part of cement and six parts of sand shall generally be of not less than the following thickness-

Thickness of walls

TABLE I

THICKNESS OF WALLS FOR DOMESTIC BUILDINGS ONLY

<i>Exceeds in height (m)</i>	<i>Does not exceed in height (m)</i>	<i>Exceeds in length (m)</i>	<i>Does not exceed in length (m)</i>	<i>Thickness (cm)</i>
-	15 4.57	-	-	22.86 for the whole of its height
		-	9.144	22.86 for the whole of its height
4.47	7.62	9.144	13.716	34.29 in the lowest storey. 22.86 for the rest of its height.
			-	
7.62	9.144	7.62	10.668	34.29 in the lowest storey. 22.86 for the rest of its height.
			10.68	
9.144	12.192	10.668	10.668	34.29 in the lowest storey. 22.86 for the rest of its height.
			13.716	

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2N.

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shift

<i>Exceeds in height (m)</i>	<i>Does not exceed in height (m)</i>	<i>Exceeds in length (m)</i>	<i>Does not exceed in length (m)</i>	<i>Thickness (cm)</i>
		-	9.144	{ 45.72 up to the floor of the top-most storey. 22.86 for the whole of its height
12.192	15.24	9.144	10.668	{ 45.72 in the lowest storey then. 34.29 up to the floor of the top-most storey. 22.86 for the whole of its height.
		10.668	13.716	{ 45.72 in the lowest storey then. 34.29 up to the floor of the top-most storey.
		-	9.144	{ 45.72 in the lowest storey then. 34.29 up to the floor of the top-most storey. 22.86 for the rest of its height.
15.24		9.144	10.668	{ 45.72 in the lowest and the next storey then. 34.29 up to the floor of the top-most storey.
	18.288		10.668	22.86 for the rest of its height.
				{ 45.72 in the lowest and the next storey. 34.29 for the rest of its height.
			9.144	{ 57.15 in the lowest storey. 45.72 in the next storeys then. 34.29 up to the floor of the top-most storey. 22.86 for the rest of its height.
18.29	21.34	9.144	10.668	{ 57.15 in the lowest storey. 45.72 in the next storeys then. 34.29 up to the floor of the top-most storey. 22.86 for the rest of its height.
		10.668	13.716	{ 57.15 in the lowest storey. 45.72 in the next two storeys. 34.29 for the rest of its height.

2. In the case of buildings other than domestic buildings the thicknesses of the walls shall generally be of not less than those shown in the following Table-

TABLE II
THICKNESS OF WALLS FOR PUBLIC BUILDINGS OF WAREHOUSE CLASS

<i>Exceeds in height (m)</i>	<i>Does not exceed in height (m)</i>	<i>Exceeds in length (m)</i>	<i>Does not exceed in length (m)</i>	<i>Thickness at Bass (cm)</i>
-	6.10	-	-	34.29
-	-	-	18.29	34.29
6.10	9.14	18.29	-	45.72
-	-	-	18.29	45.72
9.14	12.19	18.29	-	57.15
-	-	-	18.29	57.15
12.19	18.29	18.29	-	68.58
18.29	24.38	-	-	80.01
24.38	30.48	-	-	90.00

3. For the purpose of this regulation the expression "top storey" means the top-most 3.7m of any wall, and no wall of any top storey shall exceed 3.7m in height.

(4) The thickness of a cross-wall shall be not less than two thirds of that required for an external or party wall.

(5) An internal partition wall built in brick which extends through one storey only-

- (a) it does not carry any load, may be built not less than 11.43cm in thickness in brick or dressed stone other than coral; or
- (b) 22.86cm in coral provided that its length does not exceed 4.57m and its height 3.66m.

(6) This regulation does not apply to recesses in walls.

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THIRD SCHEDULE

(Under regulation 187)

TABLE I

<i>Class No.</i>	<i>Types of Bulding or floor</i>	<i>Slabs or floor area kg/m²</i>	<i>Beams of floor area kg/m²</i>
1.	Rooms used for residential purposes, and corridors, stairs and landings within the curtilake of a flat or resident.....	244.35	195.48
2.	Offices, floors above entrance floor.....	390.96	244.35
3.	Office, entrance floor and floors below entrance floor, retail shops, and garage for private cars of not more than 2½ tons net weight.....	390.96	390.96
4.	Corridors, stairs and landings not provided for in class 1. Loading to be provided for to be ascertained to the satisfaction of the authority, but not less than.....	488.70	488.70
5.	Workshops and factories, and garages for motor vehicles of not more than 2½ tons net weight. Loading to be provided for to be ascertained to the satisfaction of the authority, but not less than.....	488.70	488.70
6.	Warehouses, book stores, stationery stores, and the like. Loading to be provided for to be ascertained to the satisfaction of the authority, but not less than.....	977.40	977.40
7.	Any purpose not herein specified. Loading to be provided for to be ascertained to the satisfaction of the authority.		

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TABLE 2

Provided that beams not spaced further apart than 0.61m, 15.24cm between centres shall be designed for slab loads as follows—

<i>Class No.</i>	<i>Roofs</i>	<i>Slabs or covered area kg/m²</i>	<i>Beams of covered area kg/m²</i>
8.	Flat-roofs and roofs inclined at an angle with the horizontal of not more than 20°.....	244.35	146.61

TABLE 3

<i>Next storey below topmost storey</i>	<i>10 per cent reduction of its superimposed load</i>		
Next storey below.....	20	do	Do
Next storey below.....	30	do	Do
Next storey below.....	40	do	Do
Each succeeding storey below.....	50	do	Do

TABLE 4

For corrugated iron only: trusses three metres apart—

<i>Span (m)</i>	<i>Tie beams (cm)</i>	<i>Principal rafters (cm)</i>	<i>King Post (cm)</i>	<i>Struts (cm)</i>
Up to 4.9	10.2 x 7.6	10.2 x 7.6	7.6 x 7.6	7.6 x 7.6
4.9 to 6.1	15.2 x 7.6	12.7 x 7.6	10.2 x 7.6	10.2 x 7.6
6.1 to 7.6	20.3 x 7.6	15.2 x 7.6	10.2 x 7.6	10.2 x 7.6
7.6 to 9.1	22.9 x 10.2	15.2 x 10.2	10.2 x 10.2	10.2 x 10.2

TABLE 5

For roof covering other than corrugated iron: Scantling for King Post truss: trusses 3 metres apart

<i>Span (m)</i>	<i>Tie beam (cm)</i>	<i>King rafters (cm)</i>	<i>Principal rafters (cm)</i>	<i>Struts (cm)</i>	<i>Purlins (cm)</i>	<i>Common rafters (cm)</i>	<i>Ridge (cm)</i>	<i>Polo Plate (cm)</i>
6.1	22.9x10.2	10.2x7.6	10.2x7.6	8.9x5.1	20.3x10.2	8.9x5.1	15.2x5.1	10.2x10.2
6.7	22.9x12.7	12.7x7.6	12.7x7.6	9.5x6.4	21x12.7	9.5x5.1	15.2x5.1	10.2x10.2
7.3	25.4x12.7	12.7x7.6	12.7x8.9	10.2x6.4	21x12.7	10.2x5.1	17.8x5.1	10.2x10.2
7.9	27.9x12.7	12.7x10.2	12.7x10.2	11.4x6.4	22.2x12.7	11.4x5.1	20.3x5.1	10.2x10.2
8.5	27.9x15.2	15.2x10.2	15.2x8.9	11.4x7	22.2x13.3	11.4x5.1	20.3x5.1	10.2x10.2
9.1	30.5x15.2	15.2x11.4	15.2x10.2	12.1x7.6	22.9x14	11.4x5.1	20.3x5.1	10.2x10.2

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TABLE 6

Scantling for Queen Post roofs: trusses 3 metres apart-

Span feet (m)	Tie beam (cm)	Queen Post (cm)	Principal rafters (cm)	Straining beam (cm)	Braces (cm)	Purlins (cm)	Common rafters (cm)	Ridge (cm)	Polo Plate (cm)
9.8	25.4x11.4	11.4x10.2	12.7x11.4	9.5x11.4	9.5x5.7	20.3x12.1	8.9x5.1	15.2x5.1	10.2x10.2
10.4	25.4x12.7	12.7x8.9	12.7x12.7	9.5x12.7	10.2x6.4	21x12.7	9.5x6.4	15.1x5.1	10.2x10.2
11.0	26.7x12.7	12.7x10.2	12.7x14.6	17.8x12.7	11.4x6.4	21.6x12.7	10.2x5.1	15.2x5.1	10.2x10.2
11.6	25.4x15.2	15.2x9.5	15.5x15.2	18.4x15.2	11.4x6.4	21.6x12.7	10.2x5.1	15.2x5.1	10.2x10.2
12.2	27.9x15.2	15.2x10.2	15.2x15.2	20.3x15.5	11.4x6.4	10.8x12.7	10.8x5.1	17.8x5.1	10.2x10.2
12.8	29.2x15.2	15.2x11.4	15.9x15.2	21x15.2	11.4x7.0	22.2x13.3	11.4x5.1	17.8x5.1	10.2x10.2
13.4	30.5x15.2	15.2x12.7	15.9x15.2	21.6x15.2	11.4x7.6	22.9x12.7	12.1x5.1	20.3x5.1	10.2x10.2
14	31.8x15.2	15.2x14	17.8x15.2	22.9x15.2	12.1x7.6	22.9x14.0	12.7x5.1	20.3x5.1	10.2x10.2

FOURTH SCHEDULE

(Under regulation 124)

Form 1

Office of the Urban/Township Authority

The Local Government (Urban Authorities) (Development Control) Regulations, 2008

Building Permit

(Under regulations 124)

Permission is hereby given to.....

.....to erect a.....
on.....
, in accordance with the plan attached hereto and
 with all conditions imposed by the above Regulations.

.....
The Director

....., 200.....

- (1) Name and description of applicant.
- (2) Short description of building, e.g., dwelling house, shop dwelling house, factory, billboard, telecommunication tower etc. Modify to suit circumstances.
- (3) Description of situation.

Local Government (Urban Authorities) (Development Control)

G.N. No. 242 (contd.)

Office of the ^TTownship/Urban /Authority

Form 2

The Local Government (Urban Authorities) (Development Control) Regulations, 2007

NOTICE OF COMMENCEMENT OF BUILDING

(Under Regulation 130)

....., 200.....

To the township, Urban Authority,

Sir,

I hereby give you notice that I intend to commence the work for the erection of

.....
..... in

..... for Mr.

..... the day of on

plans and particulars of which were deposited by me, in your office, on the

Day of 19.....

(signed).....

This notice was received on the
day of 19..... at in

(signed).....

Seven days' notice in writing to the Township/Urban authority is necessary before
the commencement of the work.

.....
The Local Government (Urban Authorities) (Development Control) Regulation, 2008

NOTICE REGARDING THE COVERING UP TO WORK

(Under regulation 131)

To the Township Authority,
.....

Sir,

I hereby give you notice that *Foundation Trenches, Drains, Concrete Oversite, Concrete Foundations, Floor Joists, Roof Timbers, Reinforcement for Concrete, Dampcourse, Beans, belonging to House No.....now in course of erection in for Mr.are ready for your inspection and it is intended to proceed to cover up this work on the

(signed).....

Address

This notice was received on

Two days' notice in writing to the Township Authority required.

Dar es Salaam,
29th September, 2008

MIZENGO K. P. PINDA,
Prime Minister