

ACCRA METROPOLITAN ASSEMBLY (Building/ Physical Development) Bye-laws, 2017

An exercise of the powers conferred upon the ACCRA METROPOLITAN ASSEMBLY by section 181 of the Local Governance Act, 2016 (ACT 936), this Bye-law is hereby made.

I. Permits

- (1) A developer shall apply for a development and a building permit before that developer commences development.
- (2) A person who develops without a development and building permit will be made to pay a penalty that is stipulated in the Building Regulations, LI 1630.
- (3) A penalty imposed on a developer does not constitute a building permit
- (4) A permit may be granted for the purpose of hoarding, change of use, change of zoning, land filling, renovation, sub-division of land, demolition, erection of signage or bill boards, the disposal of waste on land and other land uses.
- (5) Processing fees does not constitute a building permit

2. Requirements for Applications

- (1) A building application shall have
 - (a) One completed copy of TCP Form 1.
 - (b) Building Permit Application Form duly completed.
 - (c) Land Title Certificate or a Deed Certificate or Clearance Form duly signed by appropriate authority namely Lands Commission of Land Title Registry.
 - (d) 4 Sets of Architectural drawings duly signed by a licensed building surveyor, a qualified architect and a structural engineer where necessary.
- (2) In addition to the requirements of paragraph 2 above. a Multi-user and multi-level development may attach
 - (a) Fire Report and appropriate fire engineering drawing duly vetted and approved by Ghana Fire Service.
 - (b) Geo-Technical (Soil investigation) Report.
 - (c) Structure Integrity Report where vertical extensions are proposed on existing building.
 - (d) Traffic Impact Assessment Report.
 - (e) Hydrological Report and appropriate drawings.
 - (f) Any other as may be necessary.
- (3) Application requiring Permission in Principle (AIP) would be required to attach the following
 - (a) 3 Sets of Sketch drawings
 - (b) 3 copies of brief outline of project covering the location and design,
 - (c) activities and operational characteristics
 - (d) evidence of Neighborhood consultation and comments for new use of premises
- (4) Applications for change of use of existing permit should include the following

- (a) Previous permit on existing building.
- (b) Proposed amendments to drawing if relevant.
- (c) Evidence of Neighborhood consultation and comments for the new use of premises.

(5) Applicants who are unable to complete developments within permit validity period of five (5) years shall seek permit for extension of time. Application for Extension to Existing Building shall include the previous permit.

(6) If a development is a multi-storey structure complex, you may be required to provide reports such as:

- (a) Environmental Impact Assessment Report.
- (b) Structure Report.
- (c) Fire Service Report
- (d) Hydro Report,
- (e) Geological Report
- (f) Traffic Management Report
- (g) Waste management plan

3. Submission of Application and Processing

Inspection of Site

- (1) On receipt of the application form, the Physical Planning Department of the Assembly together with the applicant shall proceed to the site of the proposed development within one week and inspect the area earmarked for the development.
- (2) An applicant shall submit a completed form as specified in the Building Permit Application and Town and Country Planning Form 1 to the Physical Planning Officer of the Assembly.
- (3) The Physical Planning Officer of the Assembly shall notify the applicant on corrections, additional requirements, processing fee and date of inspection of site if necessary
- (4) The Technical Sub-committee of the Assembly shall evaluate the application, visit the site and make recommendation to the Statutory Committee (SPC) within a month of receipt of application.
- (5) The Statutory Planning Committee of the Assembly shall consider the recommendations from the Technical Sub-Committee within nine (9) working days of receipt of the recommendations from the Technical Sub-Committee
- (6) The Secretary of the Statutory Planning Committee of the Assembly shall submit approved plan to the Assembly Works Department five (5) working days following approval to issue the building permit.

4. Collection of Permit

- (a) A successful applicant shall pay the approved building permit fee to the Assembly's Works Department on receipt of the approval letter.
- (b) A successful applicant may collect building permit from the Assembly within three (3) months after submission of the development application.

(c) A successful applicant may seek further instructions for commencement of building project from the Works Department of the Assembly.

(d) Notwithstanding paragraph 1 of this Bye-law, an applicant who has duly submitted the relevant documents may commence building after three (3) months of submission, if the Assembly fails to inform him of their refusal of the application.

5. Unauthorized Development

(1) The Assembly shall cause a notice to be served on an owner of a land or any person who may be affected by the action of the Assembly in the manner described in Schedule 1 (a-d) below, to show cause in writing addressed to the District Planning Authority why the unauthorized development should not be prohibited, altered, abated, removed or demolished

(a) If a developer undertakes a physical development without a permit

(b) Fails to comply with the conditions incorporated in a permit.

(2) Despite the foregoing paragraphs of this Bye-law, the Assembly may serve an enforcement notice demanding the immediate stoppage of the execution of a development, carried out contrary to provisions of this Bye-law or to the terms of an approved development plan, or

(3) Where the owner of the land fails to show sufficient cause why the development should not be altered, abated, removed or demolished, the Assembly may carry out the prohibition, abatement, alteration, removal or demolition and recover the expenses incurred from the owner of the land as if it were a debt due to the Assembly.

(4) The Assembly may for the purpose of enforcing an approved development plan, prohibit, abate, remove, pull down or alter so as to bring into conformity with the approved plan, a physical development which does not conform to the approved plan, or cause the abatement, removal, demolition or alteration of which is necessary for the implementation of an approved plan.

6. Consideration of factors for the grant

(1) For the purposes of granting the building permit, the Assembly shall take into consideration the following factors;

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

(b) Faucal containment structure placement in the house;

(c) Waste water discharge from the house;

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

(2) The Assembly shall ensure the existence of drainage systems in granting the building permit.

(3) The Assembly shall ensure that no drainage system constructed by a landlord shall flood and cause nuisance to the neighbourhood. Where the drainage floods the area, the land lord shall rectify

the situation by directing the waste water to the main drainage system provided in the area concerned.

(4) A household whose waste water passes through the surface of a road shall lay pipes with the advice and supervision of the officers of Assembly, to join the main drainage system provided in the area concerned.

7. Ventilation

- (1) A building must have adequate ventilation and lighting for people in it.
- (2) The above provision does not apply to a building or space within a building that is used solely for storage or is a garage.

8. Access

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

9. Certificate of Habitation

There shall be a Certificate of Habitation for all completed commercial buildings and residential buildings with two level floors and above before occupation.

10. Penalty

A person who contravenes this Bye-law commits an offence and is liable on summary conviction to a fine, not more than one hundred penalty units or a term of imprisonment of not less than thirty days and not more than six months or to both; and in case of a continuing offence, is liable to a fine of not more than one penalty unit for each day that the offence continues. Fifty percent (50%) of the fine paid should be allotted to Accra Metropolitan Assembly.

11. Interpretation

In this Bye-law, unless the context otherwise requires —

"Assembly" means Accra Metropolitan Assembly

"Physical development" includes the carrying out of building, engineering, mining or any other operations, existing use of land or building and the subdivision of land, the disposal of waste on land including the discharge of effluent into a body of still or running water and the erection of advertisement or other. hoarding

12. Revocation

Any Bye-law in existence on building/physical development immediately before the coming into force of this Bye-law is hereby revoked.

Made at a meeting of the Accra Metropolitan Assembly held on the 19th of April, 2017

Presiding Member

Co-ordinating Director/Secretary

HON THOMAS MUSTAPHER ASHONG

SAMUEL AYEH DARTEY

Approved by the Regional Co-ordinating Council, Greater Accra on behalf of the Minister of local Government and Rural Development.

.....April, 2017

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Regional Co-ordinating Director and secretary to R.C.C

FIRST SCHEDULE (A)

GENERIC NOTICE

TO.....OF.....

TAKE NOTICE THAT you are hereby required on or before the Day
of.....20.....by a statement in writing under your hand or the hand of some
person duly authorised in that behalf by you and served upon the Metropolitan Chief
Executive to show cause, why (a) *which has been constructed* or
executed in contravention of (b).....
Should not be.....

Dated this day of 20

For Metropolitan Chief Executive

FIRST SCHEDULE (B)

BUILDING WITHOUT A PERMIT (DEFAULTER'S NOTICE)

TO.....OF.....

In contravention of Bye-law 1, you have developed a building/structure or undertaking a physical development without a permit, described as follows:

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You are hereby served with development charges notice of
GHS.....since.....20.....

Take notice that it is hereby demanded of you to pay the said amount of
GHS.....on or before
the.....

Take note that if you do not comply with this notice, court action would be taken against you for
(1) building without permit (2) willful default to pay the rate, after expiry date.

Issued this day of.

For Metropolitan Chief Executive

FIRST SCHEDULE (C)

BUILDING WITHOUT A PERMIT (BILL DEMAND NOTICE)

TO.....OF.....

In contravention of bye-law 1, you have developed a building/structure or undertaking a physical development without a permit, described as follows:

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You were served with a development charges notice of defaulter's bill notice in the sum of GHS.....since.....20.....

But you have failed to pay the rate till now.

Take notice that it is hereby demanded of you to pay the said amount of

GHS .on or before

the.....

Take note that if you do not comply with this notice, court action would be taken against you for (1) building without permit (2) willful default to pay the rate , after expiry date.

Issued this.....day of.....

For Metropolitan Chief Executive

FIRST SCHEDULE (D)

BUILDING WITHOUT A PERMIT (DEMOLISHING NOTICE)

TO.....OF.....

In contravention of bye-law 1, you have developed a building /structure or undertaken a physical development without a permit, described as follows:

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You are hereby required within days to show sufficient cause why your building should not be Demolished or your structure should not be removed from the site and explain to the Assembly why court action should not be taken against you for

- (a) Building without permit
- (b) Why your structure should not be demolished
- (c) Why your structure should not be removed from site
- (d) Why your development should not be abated

Take notice that if you do not comply with this notice, court action would be taken against you.

Issued this day of

For Hon. Metropolitan Chief Executive

SECOND SCHEDULE

GENERIC BUILDING CONSIDERATION

(A) AIR MOVEMENT AND VENTILATION

1. Natural ventilation, air movement and cross ventilation
2. Natural ventilation through covered balcony or veranda

(B) MATERIALS FOR BUILDING

(C) STRUCTURAL STABILITY

(D) MEANS OF ESCAPE

(E) ACCESS ACCOMMODATION INCLUDES, Verandas and balcony, Corridor, Staircase, Lifts, and Passenger lifts escalators, guards

(F) THERMAL INSULATION INCLUDES, Roofs, Walls, protection of walls and openings from solar

radiation

(G) SOUND INSULATION INCLUDES, Sound insulation of walls, Sound insulation of floors

(H) PEST CONTROL AND PROTECTION AGAINST DECAY SUCH AS

1. Treatment of site against pest, infestation and decays
2. Sub-floor ventilations
3. Termite shields or mechanical barriers
4. Insect screening
5. Prevention against fungus attack

(I) DRAINAGE INCLUDES, Provision and construction of Drains, Traps and Gullies. Inspection chambers, Ventilation of Sewers, Junctions and Drain Interceptors, Sewers and Drains, Means of access to Drains and Private Sewers, Inlets to drains to be trapped ,Drains or Private Sewers Passing through or under walls or under building, Pipes conveying Soil Water, Ventilation Pipes ,Waste pipes, Further requirements for Soil Pipes and Waste Pipes, Waste Water Disposal, Private

Sewer, Roof Drainage, Rainwater Gutters and Pipes, Rainwater Storage, Over Flow Pipes and Testing of Drains and Sewers

(J) SANITARY CONVENIENCES INCLUDES, Provision of closets and bathroom & Water closets, Earth closets (KVIP), Urinals, Septic tank system, Filter beds, Soak-away pits and trenches, Cesspools, Access to soak away pits and cesspools, Connections to public sewers and combined sewage systems

(K) LIGHT AND ELECTRICAL INSTALLATIONS SUCH AS

- Natural light or day lighting
- Light to habitable rooms, etc.
- Light to kitchen and bathroom
- Electrical facilities
- Exterior lighting, lighting outlets, lights in stairway, garages, etc.
- Naked lights
- Supplementary, lighting, mechanical ventilation and air conditioning
- Security lighting

(L) WATER SUPPLY INCLUDES

1. Provision of water
2. Pipe-borne water supply
3. Wells and boreholes.
4. Tanks and cisterns used-for storage of rainwater
5. Prevention of water pollution