Statutory Instrument of 2023.

**[CAP. 29:15**

Rusape Town Council (Boarding Houses) By-laws, 2023

**ARRANGEMENTS OF SECTIONS**

**Sections**

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It is hereby notified that the Minister of Local Government and Public Works has in terms of Section 105 of the Urban Councils Act (Chapter 29:15) approved the following by-laws made by Rusape Town Council.

**Title**

1. These By-laws may be cited as Rusape Town Council Boarding Houses By Laws 2023

**Application**

1. Theses By-laws shall apply to all boarding houses under the jurisdiction of Rusape Town Council.

**Interpretation**

 3. In these by-laws;

 **“Authorized Officer”** means Any Council Official assigned to carry out Council duties.

“Business” means any trading activity carried out at commercial and industrial areas

**“Boarding house”** means a premise in which one or more person rentone or more rooms for accommodation for a longer period of time

**“Bed and Breakfast house” or (Air BnB)”** in this contextmeans a premisein which lodgers rent **one or more rooms on a nightly basis.**

**“Council”** means Rusape Town Council in terms of the Urban Councils Act Chapter 29:15

 **“student”** means a person who is studying at a university or other place of higher education and includes those studying at high schools.

**4**. **Application for a boarding house permit**

(1) Any person intending to operate a boarding house or Bed and Breakfast house shall apply to Council for a permit

(2) No person shall alter or convert residential or industrial, institutional, commercial premises for purposes of providing accommodation services without a valid permit from Council.

1. Any person who contravenes subsection (1) shall be guilty of an offense and liable to a penalty prescribed in the Council budget.
2. **Application for development Permit**

(1)Application for a boarding house development permit shall be made to the Council in terms of section 205 of the Urban Councils Act Chapter 29:15 upon payment of the prescribed fee.

(2)Any person who contravenes subsection (1) shall be guilty of an offense and liable to a penalty as prescribed in the Council budget.

**6. Application for change of use**

(1) Application for change of use shall be made in terms of section 26 of the Regional, Town and Country Planning Act Chapter 29:12 and Model Building By Laws (1977) upon payment of the prescribed fee.

(2)Any person who contravenes subsection (1) shall be guilty of an offense and liable to a penalty prescribed in the Council budget.

**7. Conditions for operating boarding house/Air BnB**

**(1)** Any person who intends to operate boarding house/Air BnB shall satisfy the following conditions;

(a) Ablution facilities in compliance with section 7 (Category 3) of the Model Building By Laws

(b) provide minimum of 5,000L secondary storage of potable water

(c) proportionate number of refuse receptacles/ of six persons per bin

(2)Any person who contravenes subsection (1) shall be guilty of an offense and be liable to a penalty prescribed in the Council budget and or withdrawal of development permit.

**8. Minimum number of occupants-standard room**

 (1) Notwithstanding provisions of the Model Building By Laws, no room in a boarding house or Air BnB shall be used for human habitation unless there is provided-

1. For every person over the age of fourteen years, 3 cubic meters of air space and 10 square meters of floor space; and
2. For every person under the age of fourteen years 2,7 cubic meters of air space and 9 square meters of the floor space

(2) for the purposes of subsection (1), no height exceeding 2,4 meters from the floor shall be reckoned in estimating any cubic capacity.

**9. Inspection**

(1) The Authorised Officer may enter any property at any reasonable time—

 (a) to ascertain whether any developments which require the approval of Council are being carried out; or

 (b) to check compliance with enforcement, prohibition, permits and town planning schemes and regulations.

 (2) Any person who obstructs an Authorised Officer from entering any property at any reasonable time shall be guilty of an offence and liable to a penalty prescribed in the Council budget.