Rusape Town Council (Inspections and Approvals) By-laws, 2023

ARRANGEMENT OF SECTIONS

*Section*

1. Title.

 2. Application.

 3. Interpretation.

 4. Power of entry

 5. Inspection fees

 6. Inspection procedures

*Title*

1. These by-laws may be cited as Rusape Town Council (Inspections and Approvals ) By-laws, 2023.

*Application*

1. These by-laws shall apply to Rusape Town Council area.

*Interpretation*

 3. In these by-laws—

 “Council” means Rusape Town Council;

 “Council area” means the area for which the council has been established;

 “Officer” means an authorized employee of Council to carry out inspections or tests on behalf of Council.

 “Inspection” means an official visit to a premise, site, building, material, object or organization to check that everything is correct in accordance to the stipulated Council By-laws and other relevant statutes.

“Occupier” means any person in actual occupation of land or premises without regard to the title under which he or she occupies

“Owner” means the person upon whom ultimately rests the obligation to pay for the inspections to be undertaken by the Officer.

“Approval “ means approval by Council

“Site” means the stand, plot, surveyed or demarcated area of land

 Power of Entry for Inspection

1. (1) An Officer may enter on any land or premise at any reasonable time for the purpose of carrying out an inspection and or tests to determine whether or not the following are being complied with:

 (a) by-laws of Council

(b) A direction or order made under the Urban Council’s Act Chapter 29:15 and Allied Acts

1. A condition of a license/ permit issued under any by-law of Council

Inspection Fees

1. (1) Scheduled inspections shall be undertaken upon payment of a prescribed fee as per Council budget.

(ii) Adhoc inspections shall be undertaken without notice to property owners where Council deemed it fit to check if by-laws and other legislative laws are being adhered to and if contravention of any Council Bylaws or legislation is found, the property owner shall be liable to pay a penalty as per Council

(iii Notwithstanding with the provisions of chapter 2 section 30 of the model building by-laws and subject to the provisions of these bylaws no property owner or occupier shall proceed to pay for: (a) any approval of any building plans, (b) building stage inspection, shop license fee, trading premises license, and or any scheduled inspection unless and until he or she has cleared all arrears owed to the Council.

(iv) Subject to the provisions of section 5 (iii) above ,if any approval ,inspection and tests failed to meet the desired standards the officer shall notify the property owner, occupier of such and the property owner shall pay again for the services to be rendered by Council in full as per Council budget.

 Inspection Procedures

1. (i) Upon suspicion that a contravention of any Council Bylaw has occurred an authorized Officer shall enter into the premise to carry out a scheduled or unscheduled inspection.

(ii) Subject the provisions of section 2 (1) of these bylaws before the authorized Officer exercises any powers of entry he or she shall give a reasonable notice to the owner or occupier of the premise of his intention to exercise such powers unless the entry is for the purpose of preventing or detecting a contravention of the provisions of these bylaws or any other Council bylaws or legal provisions and in his or her opinion the giving of such notice would nullify the purpose of the entry

(iii)If the building or property to be inspected is occupied, the authorized Officer shall positively identify him or herself, state the reason for the inspection and request entry

(iv) Consent to enter buildings or property may be obtained by means including but not limited to written, verbal or in person by producing an identification document.

(v) If entry is refused or if the authorized Officer is unable to obtain consent, Council shall have recourse to every remedy provided by the law to secure entry.

(vi) Require the production for inspection of documents or things relevant to the inspection;

(vii) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

1. Require information from any person concerning a matter related to the inspection; and
2. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
3. Any person who willfully prevents, obstructs or hinders any authorized Officer to exercise his or her powers in terms of this sections shall be guilty and liable to a penalty as per Council budget

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