**ARRANGEMENT OF SECTIONS**

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***Title***

 1. These by-laws may be cited as Rusape Town Council Land Management By- laws ,2023

***Application***

2. These by-laws shall apply to all areas under the jurisdiction of Rusape Town Council.

***Interpretation***

3.in these by laws-

“Council” Means the Rusape Town Council.

“Approved” means authorized by the Council.

 “Authorized officer” means an officer Authorized by the Council for the purposes of these by-laws;

“stand” means a lot or plot shown on an approved general plan or diagram relating to any area within the jurisdiction of the Council;

“ Cession” means the change of tenure of property from the lease to another with the consent of the local authority

“Waiting list” A register of applicants who have applied for consideration for allocation of stands from Council

 “Serviced land” means area with access to approved roads, portable water, and sewer infrastructure (on site and off site)

“Cedent) means person transferring rights and interest in the property.

“Cessionary” means person receiving right and interest in the property.

“Budget ” means current budget.

**LAND MANAGEMENT**

4. Land Administration in the Local Authority is done in terms of the Urban Council’s Act Chapter 29:15, the Regional Town and Country Planning Act chapter 29:12, the Urban State lands Management Manual and other legislative provisions.

 ***Layout Preparation and Approval***

5(i) the plans referred to in section 3 subsection (2) shall be prepared after obtaining a Council Resolution

(ii)Layout plans shall be approved in terms of

1. Section 205 of the Urban Council’s Act Chapter 29:15
2. Section 43 of the Regional Town and Country Planning Act
3. Section 40 of the Regional Town and Country Planning Act

(iii)Any person wishing to access a site plan for plan drawing purposes shall pay a fee as per Council budget.

 ***Surveys***

1. Subject to part D of the Urban state lands management following the transfer land, in undertaking the survey, Council may use the following options
2. It can employ its surveyor

 (ii) It can hire the surveyor General’s Department

(iii) It can contract private surveyor

(iv ) Any person who removes beacons erected by Council or any of its agents shall be guilty of an offence and shall be liable to a penalty as per Council budget.

1. Council shall charge peg identification and replacement fees as per Council budget. ***Servicing***
2. Subject to the provisions of these Bylaws, Council shall only allocate stands that are fully serviced in terms of
3. Approved water and sewer reticulation infrastructure (offsite and onsite ) and,
4. roads

***Allocation of Stands***

1. (1) Application for a stand shall be done by filling of an approved form accompanied by a fee as per Council budget and the application shall be valid for 12 months
2. Subject to subsection (1) above Council shall maintain a waiting list register of all applicants.
3. The allocation of stands shall always be done in accordance with the waiting list with exception of exceptional circumstances as provided for in subsection 3.
4. Notwithstanding provisions of subsection 2 above, Council may waiver this standard rule under exceptional and special circumstances such as
5. Differently able bodied people
6. Workers in essential services such as ambulance personnel, fire protection, security services and other special circumstances that Council deem fit
7. Potential land and housing developer who demonstrates ability to service land and come up with own housing schemes with a social economic benefit to Council and the community at large
8. Any other special situation that Council deems should be given high priority based on public good and public safety
9. On allocation, the allotee shall pay the Cost of land and all the applicable fees prior to commencement of development on stand.
10. The stand shall commence accruing any levies and imposts as prescribed by Council

***Allocation of Prime land***

1. (1) Subject to the provisions of section 152 of the Urban Council’s Chapter 29:15 disposal of prime sites such as service stations , hotels and casino’s shall be done subject to open and competitive tender

(2) Council shall designate prime sites on advice from the committee responsible for planning

 ***Commonage and Endowments***

10(i)On each approved scheme council shall handover 10% of the scheme to the Central government.

(ii) Subject to provisions of section 41 of the Regional Town and Country Act ( 29 : 12 ) private land owners shall handover 10% of intrinsic land value excluding open spaces which shall all be surrendered to Council.

 ***Cessions***

11(1) With the exception of a deceased estate , Council shall only authorize a cession when the decent has partially developed the stand and before the expiry of the lease Any stand owner who wishes to transfer ownership of their stand must have complied with the following conditions:

1. Compliance with the Rusape Town Council Building By-Laws
2. Compliance with all sale conditions for the stand
3. Obtained a certificate of occupation or partial occupation from Council.

(2) The stand owner shall pay the prescribed fee as per Council budget prior to processing of the Cession.

  ***Non development***

12(1) Subject to these by laws developer who fail to commence development as prescribed in the lease document or title deed document shall be charged non development fees as per Council budget.

 ***Repossession***

### *13 Subject to the provisions of these by-laws Council may repossess stands due to :*

(a)Non-payment of full purchase price within agreed time.

(b)Non development.

(c)Falsification of information on stand purchase.

(d)Sale of stands to 3rd parties without the consent of council.

(e)Non fulfilment of any other conditions spelt in the lease agreement.

*Role of the Authorized Officer*

1. Identify stands due for repossession.
2. Seek Council resolution to initiate and undertake the repossession process

###  *Repossession Procedure*

14(a) Council to resolve to initiate the repossession process

(b)Publish notice for intention to repossess stands in the newspaper giving beneficiaries 30 days period to make representations/objections.

(c)Council may write individual notices to stand holders where address and contact details are available.

(d)Council to consider representations/objections presented.

(e)Repossess stand and notify beneficiaries whose contact details are available.

(f)No refunds for purchase price are done for non-development of stands.

***Change of Use and Subdivision Applications***

15.(1)Any person wishing to change use of a portion of land or make a subdivision of land shall apply using the prescribed form and pay the prescribed fee as per Council budget.

(2) Council will receive the application and process the same as per the Regional Town and Country Planning Act [ 29:12]

(3) No person shall change the land use of any land or subdivide any portion of land without authority or a subdivision permit

***Offences and penalties***

16.(1) Any person who contravenes any of the provisions of these by-laws shall be guilty of an offence liable to a penalty as per Council budget.