XXXV. **Kwaebibirem Municipal Assembly (Permanent and Temporary Structures) Bye Laws 2018**

1. Structures permit

A person shall not mount a permanent or temporary structure including a house, kiosk or container within the area of jurisdiction of the Assembly unless that person has been issued with a permanent or temporary structure permit.

2. Unauthorised structure

A permanent or temporary structure constructed within the jurisdictional area of the Assembly without a permit shall be classified as an unauthorised structure.

3. Structures in public right of way

The Assembly may demolish or remove such unauthorised structure located in a public right of way or poses a danger to life and/or property with or without notice and surcharge the owner with any costs it incurs during the demolishing and/or removal of the offending structure.

4. Notice to be served in prescribed manner

(1) Except where an unauthorized structure is sited within a public right of way or has been placed in a manner that poses danger to life and property, the Assembly will serve appropriate summons or removal notice on the owner of the offending structure for a period of one week (7 working days). No further development shall be done within the notice period.

(2) A notice shall be served any day between the hours of 6:00 am to 6:00 pm.

(3) Notice shall be served on the owner, agents or persons residing in the house or structure who are above eighteen years, and where a person refuses to accept the notice, or where a person is not available to receive the notice, it shall be affixed on the property.

5. Enforcement in respect of non-compliance

(1)The Assembly shall confiscate the tools of an unauthorised developer after the expiry of the notice served on him in paragraph 4 above to prevent the developer from continuing with the project.

(2)The Assembly shall remove or demolish the unauthorised structure after the expiry of the notice, or his continuous development after the action in paragraph 5 (1), and the owner shall pay a penalty of fifty (50) penalty units or a prison term not exceeding six months or both.

(3)The Assembly or an officer working on behalf of the Assembly shall not be liable for any damage, misplacement of confiscated items.

6. Fine

(1) Where a temporary structure is removed, it shall be deposited at a safe site for 14 days and shall only be released to the owner after the payment of a fine of 10 penalty units in addition to any cost incurred in the removal of such structure.

(2) The Assembly shall dispose of by public auction or by any other means, any structure or confiscated tools if the owner fails to claim them within fourteen days after the removal or confiscation.

7. Validity of permit

Permits for temporary structures shall be valid for Six (6) calendar months except were indicated otherwise.

8. Revocation of permit

A Permanent or temporary structure permit may be revoked by the Assembly and the structure shall be removed from its location at the end of fourteen days.

9. Penalty

A person who contravenes any of these bye-laws commits an offence and on conviction is liable to a fine of 50 penalty units or six months imprisonment or both. This is applicable to clauses without fines or penalties.