

Manyame Rural District Council (Boarding Houses) By-laws, 2023

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**ARRANGEMENTS OF SECTIONS**

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IT is hereby notified that the Minister of Local Government and Public Works, in terms of section 90 of the Rural District Councils Act [*Chapter 29:13*], approved the following by-laws made by Manyame Rural District Council.

**Title**

1. These By-laws may be cited as the Boarding Houses By Laws 2023

**Application**

2. These By-laws shall apply to all boarding houses under the jurisdiction of the Manyame Rural District 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 private or public owned premise in which one or more persons rent one or more rooms for accommodation for their term-time

**“Bed and Breakfast house” or (AirBnB)”** in this context means a system of accommodation in which a person pays for a room for the night and for breakfast the following morning.

**“Council”** means Manyame Rural District Council

**“District”** means the Administrative District as defined in the District (Administrative) Act (Chapter 10:14)

**“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 and furnish council with the following:

(i) Application form and fee prescribed by Council

(ii) Valid change of use

(iii) Proof ownership of property or consent from owner where the property is being leased

(iv) Valid Health Report

(v) certificate of occupation

(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.

- (3) Any person who contravenes subsection (1) shall be liable to a penalty prescribed by Council.

## **5. Application for development Permit**

- (1) Application for a boarding house development permit shall be made to the Council in terms of section 26 of the Regional Town and Country Planning Act [Chapter 29:12] upon payment of the prescribed fee.
- (2) Any person who contravenes subsection (1) shall be liable to a penalty prescribed by Council.

## **6. Application for change of use**

- (1) Application for change of use may be issued 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 liable to a penalty prescribed by Council.

## **7. Conditions for operating a boarding house or Bed and Breakfast**

**(1) Any person who intends to operate a boarding house or bed and breakfast 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**

**(d) the minimum stand size for a boarding house shall be not less than**

**(a) 2000sqm for bed and breakfast**

(b) 500sqm for boarding houses

(2) Any person who contravenes subsection (1) shall be liable to a penalty prescribed by Council and or withdrawal of development permit.

## **8. Minimum number of occupants per 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-

- a) For every person over the age of fourteen years, 3 cubic meters of air space and 10 square meters of floor space; and
- b) 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) ascertain whether the occupant has an operating license

(c) 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 by Council.

Schedule of fines

