

THE PARISH COUNCILS BUILDING ACT

BY-LAWS
(under section 2)

The Parish Councils Building (Hanover) By-Laws, 1952

G.N. 685/52
L.N. 26/92

**Similar By-Laws made in respect of:*

<i>St. Ann</i>	---	G.E. dated 10.7.1950 G.N. 1149/61 500/64 See also— G.N. 1074/51 L.N. 28/92
<i>St. Mary</i>	---	G.E. dated 10.7.1950 L.N. 21/92
<i>Westmoreland</i>	---	G.E. dated 13.7.1950 See also— G.N. 289/53 L.N. 17/92
<i>St. Catherine</i>	---	G.E. dated 13.7.1950 G.N. 933/53 781/57 561/63 37/68 L.N. 27/92 See also— G.N. 714/67 L.N. 146A/99
<i>St. Thomas</i>	---	G.E. dated 27.7.1950 G.N. 546/54 L.N. 18/92
<i>Manchester</i>	---	G.E. dated 27.7.1950 See also— G.N. 99/54 100/54 L.N. 22/92 G.N. 123/85
<i>Negril</i>	---	G.N. 123/85
<i>Green Island</i>	---	G.N. 124/85

**N.B.—Changes in the defined limits of towns to which these By-Laws apply will not be recorded herein. These changes are made under the provisions of both this Act and the Parish Councils Act. Reference may be made to the Revised Guide to the Subsidiary Legislation.*

PARISH COUNCILS BUILDING

BY-LAWS
(under section 2), *contd.*

G.E. dated
15.8.1950
L.N. 20/92

-- *Portland*

G.N. 839/51
800/57
397/66
See also—
G.N. 25/64
L.N. 19/92

— *St. Elizabeth*

G.N. 837/51
L.N. 3/61
G.N. 386/70
L.N. 23/92

— *Trelawny*

G.N. 838/51
1135/56
800/57
350/67
L.N. 25/92
See also —
G.N. 396/52
397/52
29/53
56/59

— *St. James*

G.N. 840/51
L.N. 60/77
L.N. 24/92

— *Clarendon*

THE PARISH COUNCILS BUILDING ACT

BY-LAWS
(under section 2)

THE PARISH COUNCILS BUILDING (HANOVER) BY-LAWS, 1952

*(Made by the Parish Council on the 14th day of February, 1952
and approved by the Governor in Executive Council on the
27th day of May, 1952)*

G.N. 685/52
Amdt.:
L.N. 26/92

1. These By-Laws may be cited as the Parish Councils Building (Hanover) By-Laws, 1952, and shall apply within the limits specified in the First Schedule.

First
Schedule.

2. In these By-Laws unless the context otherwise requires—

“Council” means the Parish Council for the parish of Hanover;

“Medical Officer (Health)” means the Medical Officer (Health) for the parish of Hanover;

“Superintendent” means the Superintendent of Roads and Works for the parish of Hanover.

3. No person shall erect or re-erect any building or remove, alter or extend any building or any part thereof unless the plan of such building, alteration or extension has been approved by the Council.

4.—(1) Every person who proposes to erect or re-erect any building or any part thereof or to remove, alter or extend any building or any part thereof shall give notice in writing to the Council and such notice shall be accompanied by a full set of plans, in duplicate, indicating the type of building, location, method of construction, system of drainage and water supply. Every notice shall be accompanied by—

- (a) a site plan (in duplicate) drawn to a scale of not less than 40 feet to an inch showing the site and any access or proposed access between the site and any existing or proposed roadway, the frontage line of any building whether standing or in ruins adjacent to each boundary thereof and the full width of the existing or proposed roads, streets or lanes immediately in

front and at the sides or back thereof and any existing trees, lamp standards, telegraph poles or any other fixtures within the road width;

- (b) a plan drawn to a scale of not less than 8 feet to an inch showing the several floors of such building, lines of drainage, the front and other elevations and sections thereof sufficient to indicate the construction of every part of the building, and such other particulars as the Council may in any particular case require.

(2) The Council shall approve or disapprove such plans within sixty days and shall—

- (a) in case of approval, issue a building permit authorizing the proposed erection, re-erection, removal, alteration or extension, as the case may be; and
- (b) in case of disapproval, inform the person submitting such plans in writing of such disapproval and the reason or reasons therefor, and, where amendments to any plans submitted are required, shall specify such amendments in writing.

(3) If work is not commenced within six months of the date of issue of the building permit such building permit shall be deemed to have lapsed and shall be null and void.

(4) The Council may, in any particular case, obtain the advice of the Chief Technical Director as to the design and structural safety of any proposed building and in any such case the Council shall be obliged to act upon the advice of the Chief Technical Director.

5.—(1) Any person aggrieved by the refusal of the Council to issue a building permit to such person shall have a right of appeal to the Chief Technical Director, whose decision shall be final.

(2) Every person desiring to appeal shall, within fourteen days of the refusal of the Council to issue a building permit to him, give notice in writing to the Chief Technical Director, setting out the grounds of his appeal, and shall lodge with such notice the copy of the plans originally submitted by him to the Council and shall serve on the Council a copy of the notice, together with a copy of the plans.

(3) The Chief Technical Director shall, if he considers it desirable, require the parties to attend at such place and time as he shall specify in a notice in writing, and shall upon the date and time so specified proceed to hear if necessary and to determine the appeal.

(4) The Chief Technical Director shall, within seven days of the determination of an appeal, notify the parties in writing, of the result of such appeal.

6.—(1) A notice describing the use to which a proposed building is to be put shall be posted up in a conspicuous part of the proposed building site as from the date of the lodgment with the Council of an application for a building permit.

(2) Any person wishing to object to the erection of any such building for the purpose specified in such notice may, within fourteen days of the posting up of such notice, deliver to the Council a notice in writing (hereinafter referred to as a “notice of objection”) stating the grounds of his objection and a copy of such notice shall be served by the Council on the person intending to erect the building.

(3) Upon receipt of any such notice of objection the Council shall, within seven days, cause the applicant and the party objecting to the erection of such building to be notified of a date upon which the Council will meet to hear and to determine the issue. The decision of the Council shall be final.

7. Not less than two days before commencing work on the erection, re-erection, removal, alteration or extension of any building, pursuant to a building permit issued under the provisions of these By-Laws, the builder or other person in charge of such work shall give to the Superintendent notice in writing stating—

- (i) the place where the work is to be done; and
- (ii) his name and address.

8. No person shall erect any building or construct the foundations of any building upon any site which—

- (i) has been filled up with any material impregnated with foul matter; or
 - (ii) is impregnated with any animal or vegetable matter;
 - (iii) upon which any such matter may have been deposited,
- until such matter has been removed from such site and every hole caused by such removal has been filled with hard stone, brick, dry organic matter, concrete, or such other material as the Superintendent may approve.

9. Every new building or extension of any existing building to be used as a dwelling-house shall have the level of the lowest floor, if con-

structed in timber, raised from the ground at least 1 foot and supported on masonry, concrete or hardwood footings with adequate through ventilation beneath the floor. If the floor is to be of monolithic construction the floor level shall be a minimum of 6 inches above the highest point of the surrounding ground.

10. No person shall place the underside of the lowest part of any framed floor of any building at such a level as will render it liable to flooding or construct any building so that it cannot be efficiently and properly drained to the satisfaction of the Superintendent.

11.—(1) Subject to the provisions of paragraphs (2) and (3) no building shall be erected nearer than 10 feet from the limit of any road reservation.

(2) Where any building is to be erected on lands adjacent to a parochial road and is to be used otherwise than for residential purposes the Council may approve the erection of such building nearer to the limit of the road reservation than the distance specified in paragraph (1).

(3) (a) An encroachment within a parochial road reservation may be allowed by the Council in respect of any cantilevered projection over the pavement subject to the prescribed encroachment fees.

(b) Any lateral projection of such cantilever shall not exceed the width of the pavement over which such cantilever projects and the underside of such projection shall be not less than 9 feet from the highest point of the pavement.

12.—(1) The floor area of any single room dwelling-house shall not be less than 120 square feet.

(2) Subject to the provisions of paragraph (3) no living or sleeping room in any dwelling-house containing more than one room shall have a floor area of less than 96 square feet.

(3) A living or sleeping room in a dwelling-house containing more than one room which is not completely enclosed, and which opens into another room, may have a floor area of not less than 72 square feet if the aggregate floor area of both rooms amounts to not less than 168 square feet.

(4) For the purposes of this by-law—

- (a) a room shall be deemed to be completely enclosed if the walls extend from floor to ceiling;
- (b) the expression “living and sleeping accommodation” shall not apply to any room the floor area of which is less than 72 square feet.

13. Every building intended for human habitation—

- (i) being of one storey shall be not less than an average of 8 feet 6 inches in height from floor to ceiling or to underside of roof provided no roof rafters or other such structural members shall be less than 6 feet 6 inches from the floor;
- (ii) being of two storeys or more shall be so constructed that the average height from the floor of the lowest storey to the underside of the floor of the storey immediately above shall not be less than 8 feet 6 inches, and the average height from the floor of each of the upper storeys to the underside of the floor of the storey immediately above, or the ceiling, or the underside of the roof, as the case may be, shall not be less than 8 feet, and no roof rafters or other such structural members shall be less than 6 feet 6 inches from the upper side of the floor immediately beneath.

14. Every building intended for residential purposes shall be provided with such kitchen and sanitary arrangements as the Superintendent may approve.

15. Where a building is, in the opinion of the Council, intended to be used as a tenement building, it shall have—

- (a) a verandah not less than 6 feet wide with a floor area of not less than one-quarter the total floor area of the building;
- (b) a separate kitchen and a water-closet and/or latrine seat and shower in respect to every four rooms of such building.

16. Every room intended for human habitation shall be provided with at least one window opening directly into the external air and of an area not less than one-eighth the floor area of the room.

17. Every room intended for human habitation shall be provided with ventilation opening directly to the external air and the effective area of such ventilation shall not be less than one-twelfth the floor area of the room.

18. Buildings intended to be used partly for residential and partly for other purposes shall in respect of that portion which in the opinion of the Council is intended for residential purposes comply with the provisions of by-laws 12 to 17.

19. Any building or part of a building converted to a use other than that for which it was originally built, approved or permitted shall comply with the provisions of these By-Laws relating to buildings of the class or character to which it is converted.

- 20.—(1)** (a) Every dwelling shall have an open space extending not less than 20 feet from the front wall of such building to any adjoining building.
- (b) Every dwelling shall have an open space extending not less than 15 feet from the back wall of such building.
- (c) No separate building shall be less than 4 feet from any other structure on the site.

(2) A dwelling shall not be nearer the site boundaries of its plot than 4 feet which distance shall be increased to 6 feet where the height of the building exceeds 24 feet from ground to eaves.

(3) In the case of semi-detached or rows of connected dwellings the group of dwellings shall be regarded as one building.

(4) The prescribed open space around a building shall be free of any erection above ground except a fence or wall not exceeding 7 feet in height or a step or other like projection or any outhouse or sanitary convenience in the rear of the building provided that the erection shall not interfere with the light, ventilation or amenity of such building.

21. Where a building or any part thereof is intended to be used for residential purposes the total superficial area of such building coverage shall not exceed one-half of the area of the site.

22. Where semi-detached or connected rows of houses are built the individual dwellings shall be separated by a wall constructed in solid and incombustible materials. It shall be carried up to at least the underside of the roof covering and shall contain no openings between the adjacent dwellings. No timber beam, plate or purlin gaining support from such wall shall be allowed to penetrate more than one-third the thickness of the wall.

23. Every building intended for human habitation shall be constructed with materials of a solid and durable nature in the manner specified in the Second Schedule.

Second
Schedule.

24. All steel-framed, brick, stone, cement, concrete walls or reinforced concrete buildings shall be constructed in accordance with such specification as may be approved by the Council.

25.—(1) Before any excavation for the foundation of a building is started all debris, tree stumps and tree roots shall be removed from the site to be occupied by such building and for a distance not less than 10 feet wide around such site or to the boundaries of the premises, whichever is nearer. Every termite nest that may be found within such area shall be exterminated to the satisfaction of the Superintendent.

(2) Every wooden unit coming into direct contact with concrete or masonry shall be of native hardwood or other lumber impregnated with coal tar or creosote or such other preservative as the Superintendent may approve. When any such wood is framed after treatment and the surface of such wood is exposed by cutting, such exposed surface shall be thoroughly coated with at least two coats of hot coal tar, creosote or such other preservative as the Superintendent may approve.

(3) Where any wood floor is laid over a concrete or masonry slab the upper surface of the slab shall be covered with a layer of asphalt or such other material as the Superintendent may approve not less than half of an inch thick.

(4) No wooden post shall extend through or be placed directly on a concrete or masonry floor but shall be supported either on a raised concrete or masonry footing in no case less than two inches above the finished floor or on a corrosion resisting metal plate of at least 1/32 of an inch in thickness and not smaller in area than the base of such post.

(5) No salvaged lumber shall be used for constructing any building unless it is established to the satisfaction of the Superintendent that such lumber is sound and not infested by termites.

26.—(1) Every drain or private sewer shall be constructed in accordance with the provisions contained in the Third Schedule.

Third
Schedule.

(2) (a) No water-closet or urinal in a dwelling shall open into a habitable room unless such room is used solely for sleeping purposes or such water-closet or urinal is separated from the room by a ventilated lobby.

(b) Every compartment in which a water-closet and/or urinal is installed shall—

(i) have an external wall with a window of an effective area of not less than 2 square feet opening directly into the external air; or

(ii) be mechanically ventilated and lighted to the satisfaction of the Council.

(c) Every water-closet and every urinal shall be constructed to the satisfaction of the Superintendent and Medical Officer (Health) in accordance with the provisions contained in the Fourth Schedule.

Fourth
Schedule.

27. (a) Every building accommodating an earth closet and/or pit latrine shall have access thereto only from the outside and shall be completely isolated from all other structures on the premises.

(b) Every such building shall be lit and ventilated to the satisfaction of the Superintendent and Medical Officer (Health). The floor shall be of non-absorbent material laid to a fall and every point upon the surface of the floor shall be not less than 3 inches above the surface of the ground immediately above such point. All closets shall be at least 40 feet away from any well or ground water tank below or partly below ground level.

28. The site and construction of cesspools shall be in accordance with the provisions of the Fifth Schedule.

Fifth
Schedule.

29. Where a connection to a street sewer cannot be obtained sewage may be drained into an absorption pit or a combination of a septic tank and an absorption pit of such design as the Superintendent and Medical Officer (Health) may approve and shall be constructed in accordance with the provisions of the Sixth Schedule.

Sixth
Schedule.

30.—(1) Subject to sub-paragraphs (2) and (3), every applicant for a building permit or approval of any building works or plans as required by these By-Laws shall, at the time of application, pay to the Secretary of the Parish Council the fees specified in Part I of the Seventh Schedule.

Seventh
Schedule.

(2) Where an applicant for a building permit is an approved charitable organization, the Council may grant to such applicant a concession on the fees to be paid.

(3) Where an application for a building permit or for the approval of any other building works or plans is refused by the Council, the Council shall refund to the applicant an amount not exceeding fifty *per centum* of the fees paid in respect of such application.

31. Where there is an appeal under by-law 5, the applicant shall pay to the Secretary of the Council, at the time when he gives notice of his intention to appeal, the fees specified in Part II of the Seventh Schedule.

Seventh
Schedule.

32.—(1) The Superintendent of Roads and Works shall, after consultation with the Town and Country Planning Authority or any other appropriate agency, recommend to the Council a schedule of building costs which shall specify the estimated cost per square foot of erecting different classes and types of buildings in various areas of the parish.

(2) The Council shall, after considering the recommendations of the Superintendent, by resolution establish a schedule of building costs.

(3) The fees to be paid in respect of a building permit shall be calculated—

- (a) by computing the total floor area of the proposed building by reference to the length and width (inclusive of the outer faces of the walls) of each floor level of the proposed building as delineated in the plans submitted with the application; and
- (b) by applying the measurement to the estimated cost per square foot specified in the schedule of building costs for that class and type of building in that area; and
- (c) applying the relevant formula specified in Part I of the Seventh Schedule.

33. Where it is intended to convert a building from one category of use to another, a notice of intention to apply for a change of use of the building shall be posted in the same manner as required in by-law 6, whether or not such change of use requires alteration or reconstruction of the building.

34. Any application for a building permit in respect of an addition or other alteration to the building shall be accompanied by the fees specified in Part I of the Seventh Schedule, whether the building existed before or came into existence after the twenty-seventh day of January, 1992.

FIRST SCHEDULE

(By-law 1)

These By-Laws shall apply to the entire parish of Hanover.

SECOND SCHEDULE

(By-law 23)

TIMBER FRAMED BUILDINGS

1.—(1) Every sill, bearer and girder of a building shall be supported on walls constructed of brick, concrete, stone, steel or timber and in the case of bricks, concrete or stone shall be embedded with a layer of cement mortar not less than three-eighths of an inch thick (mixed in proportion of not less than one of cement to three of sand) laid on top of such walls and extending to the full width of such wall.

(2) When the height of any wall or free standing pillar supporting any sill of a building does not exceed 3 feet the thickness of such wall or free standing pillar shall—

- (a) in the case of a brick wall or free standing pillar, be not less than 9 inches;
- (b) in the case of a stone wall or free standing pillar, be not less than 14 inches;
- (c) in the case of plain concrete (1:4:8 mix), be not less than 6 inches;
- (d) in the case of hardwood footings, be not less than 8 inches.

2.—(1) The foundation of every wall, pillar and column of a one storey building shall be of concrete (1:4:8 mix), or stone with lime mortar (1:3 mix) and shall be not less than 8 inches thick and of such a width as will allow of a projection of not less than 2 inches on either side of such wall, column or pillar, as the Superintendent may direct.

(2) In the case of any building exceeding one storey, the foundations shall be constructed in such manner as the Superintendent may approve.

3. The timber framing of any exterior wall of any building shall not be less than 3" in thickness and shall be of hardwood, douglas fir, pitch pine or such other timber as the Superintendent may approve.

4. Every interior sill which forms a bearing wall carrying the framing of roof trusses or the roof framing or both shall be not less than 3" framing and shall be of native hardwood lumber, douglas fir, pitch pine scantling or such other timber as the Superintendent may approve.

5. Every corner upright shall be not less than 3" x 3" and shall be of native hardwood, pitch pine, douglas fir, or such other timber as the Superintendent may approve.

6. Every intermediate upright shall be of not less than 2" x 3" scantling and such uprights shall be placed at a distance of not more than 3' apart, measured from the centre of one upright to the centre of the next.

7. In any timber framed building every wall plate shall be not less than 2 inches in depth.

8. The framing of walls at the corners of every room and at every intersection shall be braced with scantlings not less than 2" x 3" inclined at an angle not exceeding 60° and such scantlings shall not be halved to intersecting uprights,

provided that where a door or other opening occurs at a corner or intersection the span next to such corner or intersection shall be braced as aforesaid.

9.—(1) Every joint between a vertical and a horizontal member of the framework of any wall of a building shall be securely held together with mortise and tenon joints which shall be pinned and checked into and secured to the uprights in such manner as the Superintendent may approve.

(2) Every upper sill and every wall plate at a corner or intersection shall be tied with four wrought iron knees not less than 6" x 6" x 1½" x ¼" at each corner or intersection and each limb of such knee shall be secured by two bolts not less than one-eighth of an inch in diameter with washers on both faces and of a length sufficient to pass through the thickness of the framing members:

Provided that, instead of such wrought iron knees, wrought iron strap bolts with a shank diameter of not less than one-eighth of an inch with flats, secured as aforesaid, may be used.

(3) Every sill shall be secured to the foundation walls or pillars, as the case may be, by holding down bolts, straps, strap bolts or knees placed at a distance of not more than 6 feet apart, so, however, that no bolt shall be nearer than 8 inches to any corner or intersection.

(4) Where a bearing wall or pillar is of brick or stone a pocket shall be left for the grouting of every holding down bolt. Every such holding down bolt shall be set not less than 6 inches into such wall or pillar, and every such bolt shall be provided with a washer the surface of which shall not be less than 2½ square inches and the thickness of which shall be not less than one-eighth of an inch.

10.—(1) The panels of a timber framed building may be filled in with any of the following materials subject to the conditions set out hereunder—

- (a) *Concrete Nogging*: The mixture shall be in the proportion of not less than 1:4:8, i.e. 1 part of cement, 4 parts of sand and 8 parts of broken stones or bricks. The panels shall be reinforced with black iron wire of a diameter not less than number 12 gauge properly stapled to the framing to form meshes, not greater than 18 inches square. Boxing or shuttering shall be fixed closely to prevent escape of the matrix and such boxing or shuttering shall not be removed before such concrete has taken a permanent set.
- (b) *Marl Concrete*: The mixture shall be in the proportion of not less than 1:12, i.e. 1 part of cement and 12 parts of marl and such marl shall consist of not more than 4 parts of fine marl and 8 parts of marl head. The construction of the walls shall be done in accordance with the provisions of paragraph (1) (a).
- (c) *Brick-Nogging*: Bricks shall be laid either in 1-4 cement mortar or 1-2 lime mortar with 10% cement added. Both sides of such walls shall be covered—
 - (i) with black iron wire of No. 12 gauge properly stapled to the framing to form 12" meshes; or
 - (ii) with such other device designed to prevent the panels from falling or being displaced by vibration of the building as may be approved by the Superintendent.
- (d) *Spanish Walling or Stone Nogging*: The panels of the walls of a one storey building with framing not more than 11 feet in height may be constructed of Spanish walling or stone nogging, in either of which cases, intermediate uprights shall not be placed at a distance of more than 2 feet 6 inches apart, measured from the centre of one upright to the centre of the next. Wooden strips not less than 1" x ½" shall be nailed in the centre of the thickness of each member of the framing in each panel to form a key for the nogging. Boxing or shuttering shall be provided on one side of such wall and shall not be removed before

as to leave a joint not less than three-eighths of an inch between such tiles. Any surplus mortar above the level of such tiles shall be removed and a thin layer of dry cement shall be sprinkled over the joint in order to harden it; such layer of cement being sufficiently thin to allow of free expansion and contraction so that the joint will not break.

(4) There shall be a rain water outlet of not less than 4 inches in diameter in respect of every 430 square feet of any flat roof.

26. All gutters in timber framed roofs shall be framed with 1½" hardwood gutter beds covered with sheet lead (7 lb) or copper sheeting (18 gauge) or galvanized iron sheeting not less than 28 gauge.

27. The span of the roof of a lean-to shed shall not exceed thirty times the depth of the supporting rafters unless such lean-to roof be strengthened by being supported laterally by beams and/or girders.

28. Within the business area of a town the roof of every building shall be covered with clay or cement tiles, iron roofing, asbestos shingles, slates or such other fire resisting material as the Superintendent may approve.

29.—(1) Where any roof is covered with tiles every such tile shall be secured to the laths or sarking by means of nails or wire of not less than 16 gauge.

(2) Where any roof is covered with sheets of any material where such sheets exceed 12 square feet in superficial area such sheets may be laid on sarking or laths or purlins and shall be secured by means of screws and washers or hook bolts. Screw holes shall be started with a gimlet and all screws shall be tightly secured by means of a screw driver.

