

CHAPTER 129.

BUILDING LINES.

ARRANGEMENT OF SECTIONS.

SECTION.

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CHAPTER 129.

BUILDING LINES.

15 of 1939.
20 of 1940.
10 of 1942.
10 of 1954.

An Ordinance to provide for the regulation of the position of buildings and other obstructions with reference to roads.

[24TH JUNE, 1939.]

Short title
and
application.
*

Cap. 7.

Cap. 65.

Interpreta-
tion.

1. This Ordinance may be cited as the Building Lines Ordinance, and shall apply to the Headquarters Judicial District, to the Police District of Freetown as defined by the Courts Ordinance, excluding that portion which lies within the limits of the City of Freetown as defined by the Freetown Municipality Ordinance, and to the Protectorate.

2. (1) In this Ordinance unless the context otherwise requires—

“road” means any thoroughfare used by the public and any beacons trace for a thoroughfare intended for the use of the public;

* This Ordinance has been called, hitherto, the Buildings Lines Regulation Ordinance.

“ permanent crops ” includes any tree valuable as food and trees having a trade value for their natural products but does not include any crop which requires to be sown and reaped within a period of twelve months;

“ structure of a permanent character ” means any structure whatsoever which once having been erected is of such a nature that it cannot be removed within twelve months after notice without damage thereto;

“ create an obstruction ” includes to erect any building or to plant any tree, or to plant any crop which is likely to cause an obstruction or which does cause an obstruction, or to erect any structure of a permanent or temporary nature;

“ Native Court ” means a Court of Native Chiefs as constituted by the Native Courts Ordinance. Cap. 8.

(2) For the purpose of this Ordinance the re-erecting of any building or any part of a building taken or fallen down or burned down to or below the top of the ground floor, or of any frame building taken or fallen or burned down so far as to leave only the framework of the lowest storey of the building or part of the building, or the conversion into a dwelling-house of any building not originally constructed for human habitation, and any structural addition to a building shall be considered the erection of a building and the roofing over of any open space between walls and buildings shall be deemed to be a structural addition.

3. The Governor in Council may by Order direct that this Ordinance shall apply to any road mentioned in such Order.

Roads to which Ordinance applies.

4. No person shall, otherwise than as may be allowed by an Order in Council under section 5 or by an Order under section 6, create an obstruction within fifty feet of the centre line of any road to which this Ordinance applies or plant any crop which requires to be sown and reaped within a period of twelve months upon any ground occupied by any such road or the drains adjacent thereto.

Space on both sides of centre line of roads to be clear of obstructions for fifty feet.

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(2) Save as provided in section 10, no person shall, save with the permission in writing of the Tribal Authority or the Chairman of the rural district council as the case may be, fell or cut or damage any tree, plant or shrub growing in any place outside

10 of 1954.

* This distance has been altered to thirty feet for all roads to which the Ordinance has been applied up to 1st January, 1959 (P.N. 101 of 1957).

a town or village and within fifty feet of the centre line of any road to which this Ordinance applies.

Governor in Council may reduce space which must be kept free of obstruction.

5. (1) The Governor in Council may by the same Order applying the provisions of this Ordinance to any road or by any other Order substitute for the distance of fifty feet in section 4 such lesser distance not being less than twenty feet as he may after enquiry consider most satisfactory.

(2) An Order under this section may be made to apply to any specified portion of any named road and may vary in respect of different portions of the same road.

Special provisions in towns and villages.

6. (1) The President of the Rural Area Council of the Rural Area of the Colony after consultation with the Rural Area Council and with the approval of the Director of Public Works, a District Commissioner in the Protectorate with the approval of the Director of Public Works, or a Tribal Authority with the approval of the Director of Public Works may, in relation to any road to which this Ordinance applies within or passing through any town or village, by Order—

(a) prescribe the line in which buildings shall be erected in such town or village; or

(b) prescribe the distance from the centre of the road within which no one shall create an obstruction in such town or village; or

(c) prescribe the distance from the centre of the road within which specified obstructions may not be placed.

(2) An Order under this section may be made to apply to any specified portion of any named road and may vary in respect of different portions of the same road and may prescribe different distances in respect of buildings and other obstructions and may be either published in the *Gazette* or communicated to the residents of such town or village in such manner as may seem proper to the President of the Rural Area Council of the Rural Area of the Colony, a District Commissioner in the Protectorate, or Tribal Authority issuing the same and shall have the force of law as from the date of such publication or communication anything in section 12 of the Interpretation Ordinance to the contrary notwithstanding.

Cap. 1.

Penalty.

10 of 1954.

7. Any person—

(a) who shall create or cause to be created an obstruction in contravention of sub-section (1) of section 4 or of any

Order in Council under section 5 or of any Order under section 6; or

(b) who shall fell, cut or damage any tree, plant or shrub in contravention of sub-section (2) of section 4,

shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding ten pounds.

8. (1) The President of the Rural Area Council of the Rural Area of the Colony, a District Commissioner in the Protectorate, or, in the case of a contravention of an order by a Tribal Authority, the Tribal Authority, may cause any building or part thereof which has been or is being created or any other obstruction which has been created or is being created in contravention of section 4 or of an Order in Council under section 5 or of an Order under section 6 to be pulled down or removed.

Power to remove obstructions created in contravention of the Ordinance.

(2) When any expense has been incurred in the pulling down or removing of any building or any part thereof or of any other obstruction as aforesaid, such expense may be recovered from the person who created the obstruction pulled down or removed or from the person who caused the same to be created.

9. A Native Court shall have jurisdiction to impose the penalties prescribed by section 7 on any native subject to the jurisdiction of such Court who shall be guilty of a contravention of the provisions of this Ordinance or of any order made hereunder and in the case of a contravention of the Ordinance or of any order the Court may order any such native to pay any expenses incurred in pulling down or removing the obstruction or part thereof created or being created in contravention of this Ordinance or of any order.

Jurisdiction of Native Courts.

10. (1) An authorised person may enter upon any lands adjacent to any road to which this Ordinance applies for the purpose of cutting and removing all such trees, branches of trees, undergrowth and vegetation of whatever sort as may in his opinion obstruct, prevent, impede or interfere or be likely to obstruct, prevent, impede or interfere with the ordinary requirements of visibility having regard to the safety of any users of such roads or as may be likely to cause damage to the surface of such roads.

Clearing of lands adjoining roads.
10 of 1954.

(2) In this section the expression "authorised person" means a person authorised in that behalf—

- (a) by the Director of Public Works; or
- (b) in respect of any road maintained by a District Council, by the President thereof; or
- (c) in respect of any road maintained by a rural district council in the Colony, by the President of the Rural Area Council of the Rural Area of the Colony.

Right to take material to maintain roads and construct drainage works.

11. The authorities responsible for the upkeep of any road to which this Ordinance applies may take from within fifty feet of the centre line of such road or such lesser distance as may be substituted by Order in Council under section 5 or by Order under section 6 such materials as may be necessary for the maintenance of the road and may construct and maintain within the area as aforesaid all drainage works necessary for the maintenance of the said road.

Exemptions of obstructions created before application of Ordinance.

12. The provisions of sections 4, 5, 6, 7 and 8 shall not apply to any structure of a permanent nature erected or to any permanent crops planted on any land before the provisions of this Ordinance have been applied to that land.
