

THE BUILDING ALIGNMENT ORDINANCE, 1932

Western Samoa

No. 3, 1932



AN ORDINANCE

made by the Administrator of the Territory of Western Samoa with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Act, 1921.

1. This Ordinance may be cited as "The Building Alignment Ordinance, 1932." Short Title.

2. In this Ordinance except where a contrary intention appears "Building line" means the line to be fixed in accordance with this Ordinance defining the position nearest a street or road to which a new building may approach; Interpretation.

"Building regulations" mean Board of Health Regulations No. 6 made by the Administrator under "The Samoa Health Order, 1921";

"Chief Surveyor" means the person for the time being holding the appointment of Chief Surveyor in the Samoan Public Service;

"New building" includes additions to and the re-erection of an existing building;

"Town Area of Apia" means pending the definition thereof under section thirteen hereof the area within a radius of two miles from the intersection of Vaitele and Vaea streets.

3. This Ordinance shall apply to all land within one hundred feet of any street or part of a street within the Town Area of Apia or of the Main Coast Road between the Town Area of Apia in the East and Cape Fatuosofia in the West. Application of Ordinance

1932

Fixing building line.

4. (1) The Chief Surveyor may with the approval in writing of the Administrator fix the building line of all land to which this Ordinance applies and delineate the same in a map or plan or in separate maps or plans of the respective parts thereof.

(2) Every map or plan delineating the building line shall be deposited by the Chief Surveyor in his office in Apia and shall be open to public inspection during ordinary office hours.

(3) The building line of any land shall be deemed to have been fixed immediately the Administrator shall have signed his approval thereof upon the map or plan which delineates the same.

Marking out building line.

5. Any person who intends to erect a new building on land to which this Ordinance applies may apply in writing to the Chief Surveyor to mark out on such land the building line thereof and the Chief Surveyor or some person authorised by him shall mark out the same accordingly.

Building permits.

6. Every permit issued under the building regulations to erect a new building on land to which this Ordinance applies shall be subject to the provisions of this Ordinance.

Building line to be observed.

7. No new building shall be erected on land to which this Ordinance applies until the building line thereof has been fixed or so that any part of such building shall be nearer to the street or road than the building line.

No building area declared.

8. No new building shall be erected upon any land situated on the seaward side of the Main Beach Road between the mouth of the Fuisa'a River in the East and the Mulinu'u Point in the West.

Offences.

9. Every person who shall erect or take part or be concerned in the erection of any new building in contravention of the two last preceding sections commits an offence and shall be liable to a penalty of one hundred pounds.

Demolition of Buildings.

10. (1) The Chief Surveyor may apply to the High Court for an order that any new building erected in contravention of sections seven and eight hereof be demolished wholly or in part as the case may require, and the High Court may make such order in the premises as to it may seem just.

(2) Every such application shall be made by motion in accordance with the rules of the High Court.

(3) All costs charges and expenses incurred in carrying out a demolition order made under this section shall be recoverable from the owner of the building as a debt owing to the Crown.

Verandahs and balconies.

11. Notwithstanding the provisions of section six hereof the Chief Surveyor may subject to the provisions of the building regulations and to such terms and conditions as he may think fit to impose permit the verandah or balcony of a new building to be erected beyond the building line and the street boundary of the land to distance of not more than fourteen feet from such boundary.

Exemption of Crown.

12. Notwithstanding the provisions of this Ordinance the Administrator may authorise the erection of any building in contravention of the provisions of sections seven and eight hereof if he is satisfied that such building is required for public purposes and is to be erected on land belonging to or used in connection with the Government of Samoa.

Definition of Town Area of Apia.

13. The Administrator may at any time hereafter by proclamation

Dec 3 No 2, 1932

published in the Gazette declare that any area therein perimetrically described shall be the Town Area of Apia and thereafter the area so described shall be the Town Area of Apia for the purposes of this Ordinance.

14. The Ordinances set out in the schedule hereto are hereby ^{Repeal.} repealed.

THE SCHEDULE.

1. Ordinance of the 25th day of April, 1903, (Samoanisches Gouvernements Blatt Band III No. 22, page 71).
2. Ordinance Extending Building Restrictions (being Proclamation No. 22 made during the British Military Occupation of Samoa).
3. Building Alignment Ordinance, 1921.
4. Building Alignment Amendment Ordinance, 1922.

Assented to this Tenth day of October, 1932.

A. C. TURNBULL,

(L.S.)

Acting Administrator.

By Authority:

The Samoa Times Printing and Publishing Company, Ltd.,
Apia, Western Samoa.

1932