

**BERMUDA STATUTORY INSTRUMENT  
HAMILTON BUILDING ORDINANCE 1954**

*[made under section 38 of the Municipalities Act 1923 [title 4 item 1] and  
brought into operation on 23 March 1954 ]*

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SCHEDULE

## **HAMILTON BUILDING ORDINANCE 1954**

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### **Citation**

1 This Ordinance may be cited as the Hamilton Building Ordinance 1954.

### **Interpretation**

2 (1) In this Ordinance—

"the Corporation" means the Corporation of Hamilton;

"the Mayor" means the Mayor of Hamilton;

"building" means any structure of whatsoever material and in whatsoever manner constructed and any part of a building, and includes boundary and other walls or fences and any drainage system or sewers appurtenant to a building and any artificial water catchment.

(2) In this Ordinance "city building line", in relation to a public street, means a line delineated on a map of the City of Hamilton in respect of that street and representing the limit in front of which buildings may not be constructed.

Any map mentioned in the foregoing provisions of this paragraph—

(a) shall be deemed to be duly authenticated if signed by the Mayor, and both by an Alderman and a Common Councillor; and

(b) may be inspected at all reasonable times in the office of the Corporation.

### **Restriction on building before approval of drawings**

3 No person shall construct, or begin to construct, any building within the City of Hamilton until the drawings of such building have been approved by the Corporation.

### **Submission of drawings**

4 (1) Drawings, in triplicate, of any building which it is proposed to construct shall be submitted to the Corporation for approval at least twenty-one days before it is proposed to commence work on the building.

(2) Drawings submitted as aforesaid shall include all basement floor and roof plans and elevations and any necessary sections all drawn to a scale of not less than 1 inch to every 8 feet and showing the manner of construction and the materials to be used.

(3) Drawings submitted as aforesaid shall be accompanied by a plot plan showing the relationship of the proposed building to adjoining roads, properties and buildings.

**Approval**

5 (1) The approval by the Corporation of the drawings of the proposed buildings shall be deemed to be duly signified if authenticated by signature of the Mayor on the drawings submitted.

(2) Such approval as aforesaid may prescribe the period as respects which approval is granted; and if the building is not completed within the prescribed period the approval shall, unless the prescribed period is extended by the Corporation by notice in writing, be deemed to be cancelled.

(3) Any deviation from the drawings submitted and approved as aforesaid shall require the like approval.

**Restriction on alteration before approval**

6 No structural alteration to the exterior, or major alteration to the interior, of any existing building within the City of Hamilton shall be carried out without the prior approval of the corporation.

**Restriction on alteration to drains**

7 No alteration to drains or sewers, or to any drainage system, shall be carried out without the prior approval of the Corporation.

**Temporary structures for contractors**

8 Notwithstanding anything in the foregoing provisions of this Ordinance, temporary structures may be erected for the use of contractors and builders during the course of the construction of any building:

Provided that any such temporary structure shall be removed—

- (a) within one week after the completion of the work on the building; or
- (b) at any time if so directed by the Corporation.

**Public holidays; restriction on construction**

9 (1) No construction, excavation or demolition work shall be carried out—

- (a) on any Sunday or other public holiday; or
- (b) on any other day, before 7.00 a.m. or after 6.00 p.m., unless the consent in writing of the Corporation to the carrying out of such work on such day, or at such time, has been previously obtained.

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(2) Any person who contravenes the foregoing provisions of this article commits an offence against this Ordinance.

### **City building line**

10 No person shall construct or begin to construct any building or part of a building upon land situated between the city building line and the public street to which such building line relates.

### **Standards and specifications**

11 The requirements relating to standards and specifications prescribed in the Schedule to the Building and Land Development (Control) Rules, 1948, shall be observed in relation to the construction or alteration of a building within the City of Hamilton.

*[see Development and Planning Act 1974 section 75 [title 20 item 1]*

### **General restrictions**

12 Except as otherwise in this Ordinance provided, the construction of any building within the City of Hamilton shall be carried out in accordance with the conditions and subject to the restrictions specified in the Schedule and applicable to such building.

### **Offences; power to reinstate**

- 13 (1) Any person—
- (a) who constructs any building in contravention of anything in this Ordinance; or
  - (b) who fails to remove any temporary structure in contravention of anything in this Ordinance; or
  - (c) who carries out any structural alteration to any existing building in contravention of anything in this Ordinance; or
  - (d) who carries out any alteration to drains or sewers, or to any drainage system in contravention of anything in this Ordinance,

commits an offence against this Ordinance.

(2) Where a person has been convicted of an offence under sub-paragraph (a) or sub-paragraph (b) of paragraph (1), then the Corporation may after giving not less than twenty-eight days' notice to the owner or occupier of the land in question demolish the building or structure in respect of which the offence was committed and may reinstate the land in the condition in which it was before the contravention occurred.

(3) Where a person has been convicted of an offence under sub-paragraph (c) or sub-paragraph (d) of paragraph (1), then the Corporation may after giving not less than twenty-eight days' notice to the owner or occupier of the land in question, re-instate the building or, as the case may be, the drains or sewers or drainage system, in respect of which the offence was committed in the condition in which it was, or they were before the contravention occurred.

(4) Any expense incurred by the Corporation in carrying out any such demolition or re-instatement as aforesaid shall, whether or not the amount claimed exceeds two hundred and forty dollars, be recoverable from that person before a court of summary jurisdiction in the manner provided by the Magistrates Act 1948 [*title 8 item 15*], for the recovery of a debt or liquidated demand.

**Restriction on basements for habitation**

14 Any person who allows a basement to be used for human habitation, if the basement is at such level that flooding would be liable to occur, commits an offence against this Ordinance.

*[Article 15 repealed 2007:23 s.19 effective 2 July 2007]*

**Waiver**

16 Notwithstanding anything in the foregoing provisions of this Ordinance, it shall not be deemed to constitute a contravention of this Ordinance to carry out any construction work, which would otherwise constitute such a contravention, if the Corporation has, by notice in writing, granted permission for such work to be carried out and, where any such permission is made subject to any conditions, then if such conditions are duly complied with.

**Transitional**

17 *[omitted]*

**Circuit breakers**

18 (1) It shall be unlawful for any undertaking to supply electrical energy to any building in Hamilton from the underground distributing mains of the supply undertaking unless such undertaking shall insert in every service cable a suitable fusible cutout or automatic circuit breaker of adequate rupturing capacity to protect the consumers installation against excess energy, and such protective devices shall be completely contained within a metallic or other solid fire resisting enclosure located as close as practicable to the building line at the point where the service enters; provided that no such fusible cutout or circuit breaker shall be inserted in any conductor which is permanently connected with earth.

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(2) The fusible cutout or circuit breaker shall be so rated as to prevent the passage in the service cable of a current in excess of the safe current carrying capacity of the cable.

(3) Where the undertaking deems it necessary to install more than one service cable within a building to afford supply to a number of consumers each and every service cable shall be protected at the building line against excess energy in the manner described herein. It shall be the responsibility of the owner of the building to provide space for the protective device or devices

(4) Where there is of necessity a short length of service cable between the distributing mains and the fusible cutout or circuit breaker, then any such unprotected length of cable within the building shall be enclosed within a grounded metallic fire resisting pipe conduit, or raceway, unless such service cable is already protected by means of its own grounded metallic sheath. In no case shall the length of unprotected cable within the building exceed 10 feet.

(5) Every owner and supply undertaking contravening this ordinance shall be liable to conviction in the manner provided by section 46 of the Municipalities Act 1923 [*title 4 item 1*].

**SCHEDULE**

RESTRICTIONS AND CONDITIONS RESPECTING CONSTRUCTION OF  
BUILDINGS WITHIN THE CITY OF HAMILTON

1 (1) No building within the City of Hamilton shall have more than five storeys above street level, nor shall a main structure be more than fifty-five feet in height from street level:

Provided that a parapet wall not exceeding three feet six inches in height may be constructed, notwithstanding that the resultant total height of the main structure from street level would exceed the aforementioned limit of fifty-five feet.

(2) The vertical face of any building line shall be measured from the relevant city building line.

Without prejudice to the power to construct parapet walls, erections may be constructed on the roof of any building for lift shafts, water tanks and similar structures so, however, that any such erection must be contained within an angle of 45<sup>o</sup> from the vertical external face of the building and in any case shall not exceed fifteen feet in height measured from the highest point of the vertical face of the building.

2 All building sites on Wesley Street shall be excavated to street level before any work of building or construction is begun whether or not the ultimate height of the building is less than fifty-five feet from street level.

3 No building, other than an exempted building, shall be constructed on that part of Cedar Avenue lying between Victoria Street and the City boundary, and no building shall be constructed in such manner that any part of the building is within a distance of fifteen feet measured from the inside edge of the sidewalk on Cedar Avenue. The phrase "an exempted building" in this paragraph shall include any building constructed for use as a Church or Club premises, as well as a building used for the cultural activities of a non-commercial organisation.

4 The extent of any encroachment over or under a side walk shall be the subject of a written agreement made between the Corporation and the person making application in that behalf, and the construction of any part of a building which constitutes an encroachment shall not be begun until such an agreement has been duly entered into and executed.

5 (1) No corrugated iron or corrugated asbestos type of sheeting shall be used in the construction of either the roof or the sides of any building.

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(2) Trafford tile and asbestos may be used for roofing, so, however, that Trafford tile shall not be used for buildings situated on Victoria Street, or on streets south of Victoria Street, or on Cedar Avenue or Wesley Street, any case where such roofing would be visible from street level on any adjacent street,

(3) Where Trafford tile is used on any roof it shall be supported by purlins spaced not more than three feet on centres.

6 (1) The facings of all buildings shall be in accordance with the Bermuda motif.

(2) Hard cement plaster shall be used for the facings of all buildings.

(3) Glazed tile shall not be used for the facings of buildings.

7 Gutters and rainwater down-pipes provided in connection with any building shall be so sited and constructed that no water is discharged on to any sidewalk.

8 (1) Fanlights shall not open outwards.

(2) Casement windows and double hung sash windows may be incorporated in any building.

(3) No other type of windows, except shop show windows, shall be incorporated in any building.

9 No basement, intended for use for human habitation, shall be constructed if the basement would be at such a level that flooding would be likely to occur.

10 Where it is necessary for reasons of electrical load magnitude or for other electrical service conditions for property owners to provide high voltage transformer vaults, such vaults shall be constructed in accordance with the specifications of the Bermuda Electric Light Company Limited.

The Bermuda Electric Light Company Limited will specify when the service conditions are such that a vault is required.

The specifications shall be based on the American National Electric Code and shall meet the requirements of the National Board of Fire Underwriters.

11 Where, due to new building or major alterations to existing buildings, new connections have to be made to the existing underground electrical system, the constructional costs of manholes, trenches and other works shall be borne by the owner or owners of the property or properties concerned.