

Chhattisgarh Municipal Corporation (Erection of Temporary Tower or Structure for Cellular Mobile Phone) Rules, 2010

CHHATTISGARH

India

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Rule

CHHATTISGARH-MUNICIPAL-CORPORATION-ERECTION-OF-TEMPORARY-TOWER-OR-STRUCTURE-FOR-CELLULAR-MOBILE-PHONE-RULES-2010

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Chhattisgarh Municipal Corporation (Erection of Temporary Tower or Structure for Cellular Mobile Phone) Rules, 2010 Published vide Notification No. 5062/1405/18/2010, dated 24th September, 2010 Last Updated 14th October, 2019 Notification No. 5062/1405/18/2010 dated the 24th September, 2010. - In exercise of the powers conferred by section 317-A read with section 433 of the Chhattisgarh Municipal Corporation Act, 1956 (No. 23 of 1956) and Sections 355 and 356 of the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961) the State Government hereby frames the following rules, namely : -

1. Short Name and Commencement.

(1) These rules may be called the "Chhattisgarh Municipal Corporation (Erection of Temporary Tower or Structure for Cellular Mobile Phone) Rules, 2010." (2) These rules shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires : - (1) "Act" means the Chhattisgarh Municipal Corporation Act, 1956 (No. 23 of 1956) and the Chhattisgarh Municipalities Act, 1961 (No. 37 of 1961). (2) "Applicant" means any applicant who as Chairman, Secretary, General Manager, or any other designation is an authorised representative of an institution or a Company, intends to set up a

tower/relay station in the Municipal area for the purpose of telecommunication.(3)"Commissioner" means the Commissioner of a Municipal Corporation.(4)"Chief Municipal Officer" means the Chief Municipal Officer of a Municipal Council or Nagar Panchayat.(5)"Competent Authority" means the Commissioner in the case of Municipal Corporation and Chief Municipal Officer in the case of Municipal Council and Nagar Panchayat.(6)"Format" means the format(s) annexed to these rules.(7)"Government" means the State Government.(8)"Municipal Area" means such territorial area as falls under the Municipal Corporation or the Municipal Council or Nagar Panchayat Limits.(9)"Municipality" means the Municipal Corporation or the Municipal Council or Nagar Panchayat, for the time being in existence.(10)"Occupant" means the owner of any land or building.(11)"Permit" means and permit or consent to be granted or granted in consonance with any under these rules.(12)"Public Place" means any place which is not a private property and which is open for use by the public irrespective of whether such place belongs to the Municipality or not.(13)"Tower" means any temporary tower/structure erected for the cellular phone telecommunication system.

3. Extent and Applicability.

- These rules shall be in force in all Municipal Corporations, Municipal Councils and Nagar Panchayats in the State of Chhattisgarh.

4.

An applicant desirous of erecting a tower or renewal thereof shall submit to the Municipal Office an application in Format-I, attaching thereto the following documents : -(1)Consent of the owner of the building and the agreement with him.(2)Receipt showing evidence of having paid the Permit Fee/Renewal Fee as prescribed by these Rules.(3)In case the tower is proposed to be erected on a vacant land, consent of the owner of the land and the agreement with him.(4)Relevant drawing of the building and the tower for erection of the tower and certificate regarding structural safety and stability from a qualified structural engineer from any of the following institutions : -a. National Institute of Technology, Raipur.b. Certificate from any Government Engineering College. No other certificate shall be accepted.(5)In case the tower is in the proximity to a High Tension Power Line, the precise distance must be clearly mentioned.(6)Indemnity Bond clearly stating that the applicant will be solely responsible for any loss or damage caused or consequence flowing from any civil or criminal proceedings.(7)Wherever necessary, the service provider must obtain and produce No-Objection Certificate (NOC) from the Air Traffic Controller of the Airports Authority of India. Likewise in case of erecting towers near ancient/historical buildings. NOC obtained from the Archaeological Department must be attached.(8)In case the tower is proposed to be erected within radial distance of 100 meters from sensitive building like Mantralaya, Vidhan Sabha, Chief Minister's Residence, High Court and District Court a NOC from the relevant department will have to be obtained and attached.

5.

(1) A red signal light must be set atop every tower/relay station and a lightening conductor must be installed for every tower/relay station. (2) Adequate arrangements must be made to prevent fire accidents. (3) The air and noise pollution caused by the generator set near the tower must conform to the norms of Chhattisgarh State Environment Conservation Boards

6.

The Permit Fee/Renewal Fee and wherever applicable, the Settlement Fee shall be as follows: -

Municipality	Permit Fee (One Time)	Annual Renewal Fee	Settlement Fee
Municipal Corporation	Rs. 75,000=00	Rs. 15,000=00	15 to 50
Municipal Council	Rs. 50,000=00	Rs. 10,000=00	times of the
Nagar Panchayat	25,000=00	5,000=00	Permit Fees

7.

For subsequent years the State Government may from time to time enhance the permit fee, annual renewal fee and settlement fee to be charged by the Municipal Corporation, Municipal Council or Nagar Panchayats as the case may be.

8.

In case of complaints regarding erection of tower (s), the same shall be referred to the Director General Cellular Operator's Association of India and General Secretary, Association of Basic Telecom Services for investigation and further action will be taken in accordance with the recommendations received from them.

9.

Any permit granted under these rules will not be construed as affecting any order issued under the Indian Telegraph Act, 1885. Indian Electricity Act, 2003 and the Indian Wireless Telegraphy Act, 1933.

10.

The local urban body shall have the power to take action and remove all such towers/structures which are considered to be against public interest and safety or against the Rules.

11.

In case there is any High Tension electric line or low tension electric line or any other electric line used for the distribution of electricity in the vicinity of the proposed tower, then it shall be obligation of the applicant to maintain such safe distance between the aforesaid electric lines and the proposed towers as may be defined by the Indian Electricity Act, 2003.

12.

The permit to erect tower on building shall be granted by the Municipality after due compliance of all the other conditions. In case tower(s) are erected on buildings without permit the Municipality will not be responsible for any damage during removal of the tower(s) under process of law, and the Cellular Operator shall indemnify the Municipality in this regard.

13.

No permit shall be granted for erection of tower on buildings used by Educational Institutions and Hospitals Dispensaries.

14.

The Permit to erect mobile tower/relay tower may be granted in respect of any open land except lands reserved for parks/open spaces under 10%, land reservation, and lands marked for roads. No permit shall be granted in respect of any land reserved as 10% park/open space under any scheme.

15.

Certificate of permit shall be issued in Format 2 annexed to these Rules and the Municipality shall have power to impose such other conditions having regard to local conditions. The applicant will be bound to comply with all instructions issued by the Municipality from time to time.

16.

In the event of rejection of the application for grant of Permit, the Permit Fee deposited under rule 6 will be refunded to the applicant after deducting 20% thereof.

17.

Any order or instruction issued prior to the coining into force of these shall be deemed to be orders and instructions issued under these rules in so far as they are not inconsistent with these rules :Provided, that any order issued or action taken under such rules shall be deemed to be order issued or action taken under these rules.

18.

More than one antenna of the same or other company may be installed on a single tower with a view to optimize the use of a tower and to minimize the number of towers in the area. In such cases every company desiring to install its antenna on an existing tower will be required to obtain permit in advance from the Municipality after depositing 60% of the Permit Fee prescribed under rule 6. Renewal Fee shall likewise be computed.

19.

The Competent Authority shall be empowered to grant permission for digging up roads for laying cable and for granting the Permit for erection of the tower.

20.

If the Municipality fails to communicate its decision to an applicant within two months of submission of the application, the permit shall be deemed to have been granted.Format-1[See Rule 4]Application for Erection of Cellular Phone TowerTo

1. Commissioner

Municipal Corporation.....

2. Chief Municipal Officer

Municipal Council/Nagar Panchayat.....

1. I/We, representing the applicant M/s (Name of the Service Providing Company) - and duly authorized by them to submit this application under (Name of the rules) hereby submit this application for -

Grant of Permit under rule.....for erection of a Cellular Phone Tower in the Municipal area under you.Renewal of existing Permit No.....dated.....due to expire on.....Grant of Permit to install an additional antenna on an existing tower.

2. Relevant information in support of my application are as follows :

1. Full Name, Address and Contact details of the applicant.

2. Constitution.

3. Line of Business of the applicant.

4. Income Tax PAN Number.

5. Name and Contact details of the Local Representative of the Applicant.

6. Details of the GOI licence granted to function as a telecommunication service provider.

7. Location where the Tower is proposed to be erected.

8. Is the proposed site a sensitive area ? If yes, details thereof.

9. Description of the building/land where the tower is proposed for erection.

10. Name and contact details of the owner(s) of the building/land where the tower is proposed to be erected.

11. Physical specifications of the tower proposed.

12. Is the application for installing an additional antenna in an existing tower ? If yes, details of the existing tower and the Permit under which it was erected.

13. Are there OH HT/LT Electric Lines and/or Service Lines in the proximity of the proposed/ existing tower ?

14. Details of the Generator and other auxiliary equipment proposed to be installed with the tower.

15. Particulars of supporting documents attached.

16. Particulars of payment of permit Fee/Renewal Fee.

17. Any other information the applicant wishes to furnish in support of his application.

I/We confirm that -(1)I/We have read and understood the rules, and agree to abide by these.(2)The information furnished by me/us is true and correct to the best of my/our knowledge and belief.

Place : Signature, Name, designation and seal of the applicant's representative

Date :Format-II[See Rule 17]Certificate of Permit

Dated..... Permit No.....

Under.....Rules, 2010, permission is granted to M/s.....for erection of a Cellular Phone Tower at the following location on the terms and conditions mentioned below :

Location of the Tower

Terms and Conditions of Grant of Permit:

1.

2.

3.

4.

SealSignature of the Competent AuthorityIndemnity BondThis deed of indemnity is made by Shri.....S/o

Shri.....Resident.....of.....on behalf of the M/s.....There as I am applied for erection of cellular tower in the plot of/on the building of Shri..... (plot/Building owner) situated at.....Khasra

No.....Cityto Commissioner/ CMO along with the consent of land owner before said.And whereas for the sanction of permission for erection of cellular tower. I hereby undertake indemnity and keep harmless the Nagar Palik Nigam/Nagar Palika Parishad/ Nagar Panchayat from all types of proceeding in courts and other constitutional authorities and all times to hold myself liable for all damages, losses, pilferage due to fire or negligence of the workers, or any type of the natural/other calamities and accidents.I further state that the company shall always abide by the aforesaid terms & conditions of this deed of indemnity.Signature with Seal Applicant/Authorised Representative of the Company/Firm(On 50/- Non-judicial stamp duty Notarized)List of Enclosures

1. Consent of the owner of the building and the agreement with him.

2. Receipt showing evidence of having paid the permit Fee/Renewal Fee as prescribed by these Rules.

3. In case the tower is proposed to be erected on a vacant land, consent of the owner of the land and the agreement with him.

4. Relevant drawing of the building and the tower for erection of the tower and certificate regarding structural safety and stability from a qualified structural engineer from any of the following institutions : -

a. National Institution of Technology, Raipur. b. Certificate from any Government Engineering College. No other certificate shall be accepted.

5. In case the tower is in the proximity to a High Tension Power Line, the precise distance must be clearly mentioned.

6. Indemnity Bond clearly stating that the applicant will be solely responsible for any loss or damage caused or consequences flowing from any civil or criminal proceedings.

7. Wherever necessary, the service provider must obtain and produce No-Objection Certificate (NOC) from the Air Traffic Controller of the Airports Authority of India. Likewise in case of erecting towers near ancient/ historical buildings, NOC obtained from the Archaeological Department must be attached.

8. In case the tower is proposed to be erected within a radial distance of Chief / Minister's Residence, High Court, a NOC from the relevant department will have to be obtained and attached.