



# ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಬೆಂಗಳೂರು ರಾಜ್ಯ ಪತ್ರ

ಭಾಗ- IV-A	ಬೆಂಗಳೂರು, ಬುಧವಾರ, ಫೆಬ್ರವರಿ ೨೪, ೨೦೧೬ (ಫಾಲ್ಗುಣ ೫, ಶಕ ವರ್ಷ ೧೯೩೭)	ನಂ. ೩೧೮
Part- IV-A	Bengaluru, Wednesday, February 24, 2016 (Palguna 5, Shaka Varsha 1937)	No. 318

## URBAN DEVELOPMENT SECRETARIAT

### NOTIFICATION

NO. UDD 211 GEL 2014 (P), Bangalore, dated: 24.02.2016

The draft of the Karnataka installation of new Telecommunication Infrastructure Towers Regulations, 2015, which the Government of Karnataka proposes to make in exercise of the powers conferred by section 13E of the Karnataka Town and Country Planning Act, 1961 read with section 427 of the Municipal Corporations Act, 1976 and Section 325 of the Karnataka Municipalities Act, 1964 is hereby published as required by section 13E of the said Act, for the information of the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the official Gazette.

Any objection and suggestion, which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above, will be considered by the State Government. Objections and suggestions may be addressed to the Secretary to Government, Urban Development Department, Vikasa Soudha, Bangalore - 560001.

### DRAFT REGULATIONS

**1. Title, commencement and application.-** (1) These Regulations may be called the Karnataka Installation of new Telecommunication Infrastructure Towers Regulations, 2015.

(2) They shall come into force from the date of their final publication in the official Gazette.

(3) Notwithstanding anything contained in the zoning regulation of any Local Planning area the provisions of these regulations shall apply to all local planning areas in the State.

**2. Definitions.-** In these regulations, unless the context otherwise requires,-

(a) 'Act' means the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963);

(b) "Sanctioning Authority" means the Commissioners of Municipal Corporations, The Commissioners of city Municipal councils, Chief Officer of Town Municipal councils, Town Panchayaths and Panchayat Development Officers of Gram Panchayaths falling in Urban Development Authority areas shall be competent to accord permission for clearance of installation of new Tele Communication Infrastructure Towers (TIT) following these regulations and guidelines issued by Government of India from time to time in their respective jurisdiction;

(c) "Telecommunication Infrastructure Tower (TIT)" shall include Ground Based Tower (GBT) or Roof Top Tower (RTT) or Roof Top Poles (RTP) or Cell Phone Tower (CPT), Antenna fixtures, Fabricated antenna, Tower to install the telephone lines and transmission towers. But it shall not include the Antennas installed for domestic purpose, namely Television Antennas or Dish Antennas.

**3. Essentiality of Permit.-** No person shall erect or re-erect any non-Governmental telecommunication infrastructure tower or telecommunication pole structures or accessory rooms or make alteration or cause the same to be done without obtaining a separate permission for each such tower or telecommunication pole structures from the Sanctioning Authority.

**4. General guidelines for location of Telecommunication Infrastructure Tower.-** (1) Location of Telecommunication infrastructure towers is governed by radio frequency system adopted therefore as far as possible residential areas shall be avoided. However where it is not possible to avoid residential areas, permission from the sanctioning Authority for installation on roof top of a building shall be considered.

(2) First preference shall be given to the location of tower in commercial areas or other public areas.

(3) In residential areas, Telecommunication Infrastructure Towers shall be located in open spaces or community buildings in the locality.

(4) Where it is not possible to locate Telecommunication Infrastructure Towers as in sub-regulation (3) above, the Telecommunication Infrastructure Towers shall be permitted on the roof top of residential buildings subject to the condition that a structural safety certificate from a certified Structural Engineer has been obtained.

**5. Submission of application for Permit.-** Application for permit shall be submitted to the Sanctioning Authority along with following Plans and Documents.-

- (1) **Location Plan.-** (scale 1:1000) three copies of the Location Plan shall show the site with reference to the surrounding existing developments duly showing the access and approach to the site or building wherein the tower or room is proposed;
- (2) **Site Plan.-** (scale 1:100) three copies of the Site Plan shall show plot dimensions, access street width, details of existing structures within the plot with their uses, height, and number of floors, set-back from the plot boundaries and between them; proposed tower and ancillary structures.
- (3) **Structural Stability Certificate.-** one copy (original) of Structural Stability Certificate along with height of the tower shall be submitted in respect of the Telecommunication Infrastructure Tower and room and also the building over which it shall be erected. The Structural Stability Certificate shall be obtained from a registered or a retired Structural Engineer of the Central or State Government Service or Quasi-Government Organization registered as a Structural Engineer;
- (4) **Copy of Sanctioned Plan** of the Building and Occupancy Certificate issued by the Sanctioning Authority;
- (5) **Ownership Document** - One copy (attested) to prove the ownership of the building or site;
- (6) **Lease Agreement Deed or Consent Agreement deed.-** One copy (attested) signed by the applicant and the owner of the site or building;
- (7) Drawing of tower with complete details including the specifications of foundations and design parameters;
- (8) Height of the tower along with its elevation (MSL);
- (9) In case the tower is in the vicinity or adjoining to high or low tension line- then its distance from the same shall be clearly indicated in the drawings;
- (10) The weight of Tower or antenna in Metric tonnes;

- (11) Indemnity Bond (original) to take care of any loss or injury that may occur due to accident caused to neighbours by the tower (including a declaration to the effect that the applicant shall take special precaution for fire safety and lightning and he shall be solely responsible for paying all kinds of compensation and damages and would be responsible for any civil or criminal case arising there from;
- (12) No objection Certificate issued by the Karnataka State Fire Services Department;
- (13) Copy of certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the DG sets [The DG sets used shall be as per the provisions under Environment (protection) Act, 1986 and the Noise pollution (Regulation and Control) Rules, 2000] is to be submitted by the Telecom Service Providers for Infrastructure Providers;
- (14) Copy of SACFA clearance or copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection or rejection, TSPs or IPs shall take corrective actions or remove the tower; and
- (15) Acknowledgement receipt issued by TERM Cells (DoT) or the self certificate submitted by Telecom Service Provider/ Infrastructure Provider in respect of Mobile tower/BTS (ground based/roof Top or pole or wall mounted) in the format as prescribed by TEC, DoT, establishing or certifying that all general public areas around the tower shall be within safe EMR exposure limit as per peak traffic measurement after the antennae starts radiating.

**6. Scrutiny and Disposal of Application.**- (1) The Sanctioning Authority shall verify and may issue or refuse the permit, not later than forty five days from the date of receipt of application along with the plans and documents as under regulation 4. In case of refusal, the reasons for the same shall be clearly mentioned.

(2) The permit issued shall be a work permit and the construction or erection of telecommunication tower or telecommunication pole structures or accessory rooms essential for the use of such tower or pole structures shall be completed within two years from the date of issue of such permit.

(3) The period of the permit shall be extended for a further period of two year if an application for the same is submitted to the Sanctioning Authority, within the valid period of the permit duly paying 25% of the prescribed fee and charges and in the prescribed form duly attaching the original permit in these regulations.

**7. Restriction to erect Telecommunication Infrastructure Towers.-**

**(1) Water Bodies:** (i) No building or Telecommunication Infrastructure Tower shall be allowed in the bed of water bodies like river or nala and in the Full Tank Level (FTL) of any lake, pond, kunta lands. Unless and otherwise stated, the area and the Full Tank Level (FTL) of a Lake or Kunta shall be reckoned as measured and as certified by the Irrigation Department (Water Resources Department).

(ii) Telecommunication Infrastructure Tower shall not be erected within,-

(a) 6 meters from the boundary of the River.

(b) 5 meters from the boundary of Lakes or Tanks or Kuntas of area 10.00 Ha and above.

(c) 3 meters from the boundary of Lakes or Tanks or Kuntas of area less than 10Ha.

(d) 5 meters from the defined boundary of Canal, Nala, Storm Water Drain of width more than 10.00 meters and 3.00 meters from the defined boundary of Canal, Nala, Storm Water Drain of width up to 10meters.

**(2) Railways:** The distance between the Railway Property Boundary and the Telecommunication Infrastructure Tower shall be 30m as per Indian Railways Works Manual or as per no objection certificate given by the Railway Authorities.

**(3) Electrical Lines:** The Right-of-way widths recommended for Electrical lines of various Transmission Voltage are as indicated in the table below:-

**(i) Right-of-way (ROW) for Electrical lines.-**

Sl. No.	Transmission voltage	Width of the Right-of-way (ROW) in meters
01	11 kV	7.0
02	33 kV	15.0
03	66 kV	18.0
04	110 kV	22.0
05	132 kV	27.0
06	220 kV	35.0
07	400 kV	52.0

**(ii) Distance of site from Electric Lines.-** No Telecommunication Infrastructure Tower shall be allowed to be erected or re-erected or any additions or alterations made to Telecommunication Infrastructure Tower in a site within the distance quoted below in accordance with the current Electricity Rules and its amendments from time to time between the building and any overhead electric supply line;

		Vertically in mtrs.	Horizontally in mtrs.
i	Low and medium voltage lines and service lines	2.5	1.2
ii	High voltage lines upto and including 33,000 V.	3.7	2.0
iii	Extra high voltage lines beyond 33000 V.	3.7 (plus 0.3m for every additional 33,000 V. or part thereof)	2.0 (plus 0.3m for every additional 33,000 V. or part thereof)

**(4) In the reserved forest or forest areas:** for erecting the Towers, NOC from the Forest Department shall be submitted.

**(5) Heritage, Religious and Other Structures:** (i) In case of Sites located within the distance up to 100meters from protected monuments as notified under the Ancient Monuments and Archeological sites and Remains Act 1958 (central Act 24 of 1958) or the Karnataka Ancient and Historical monuments and Archeological sites and Remains Act, 1961 (Karnataka Act 7 of 1962) no building or Telecommunication Infrastructure Tower is allowed;

(ii) For the Sites located within distance of above 100meters and up to 200meters from the protected monuments, the construction of one Telecommunication Infrastructure Tower is allowed only after obtaining prior permission from the Competent Authority.

(iii) Erection of Telecommunication Infrastructure Tower shall not be allowed within a distance of 100m from the school, hospital, buildings and religious buildings or any other prescribed buildings by the Government from time to time.

(iv) In case of Wall Mounted or Pole mounted Antenna, the antenna shall be mounted at least 5 meters above ground level or road level on flyovers.

**8. Basic requirements to erect Telecommunication Infrastructure Towers.- (i) Set Backs of Room or Tower:**

(a) The minimum setback for the accessory room or ground based tower shall be as required under the approved zoning Regulations of Local Planning Areas subject to the condition that it shall

be a minimum of 3m all-round, after leaving the road widening portion if any. If it is roof top installation the tower shall have minimum 3m distance from the boundary of the building edge;

(b) In addition to the distance specified above, set back required for road widening proposed in any of the Master Plan or Zonal Development Plan or Town Planning Scheme or Road Development Plan or any other scheme sanctioned by the Government or Execution Authority shall also be provided.

Provided that no portion of the telecommunication Infrastructure tower pole structure or accessory room shall project or over hang into the neighboring plots.

Provided further that additional distance from boundary abutting the road and other boundaries of the plot proportionate to increase in height shall not be necessary for the telecommunication Infrastructure tower or pole structures or accessory rooms or for the building over which they are proposed.

**(ii) Accessory rooms:**

(a) Accessory rooms such as equipment rooms, shelters or Generator rooms essential for the service shall be permitted along with a telecommunication tower or telecommunication pole structures or separately, if a request is made in the application and plans or drawings of the rooms are attached either along with the application for permit or separately;

(b) The cabin may be made with any material but the area of such cabin shall not exceed 15 Square Meters;

(c) Installation of electricity generator may be allowed if the generator is covered with insulated sound-proof cabin;

(d) Every construction or installation of ancillary necessary for the telecommunication system shall conform to the relevant rules applicable to such construction or installation and license or permit required under such rules shall also be obtained.

(e) The telecommunication tower or ancillary structures shall not prevent or block the access, exit or entry or reduce the width of such access, exit or entry of building or in no way badly affect the safety measures or amenities provided in the building in which it is erected.

**(iii) Sharing of Sites:** The Telecom Operators may share the towers for fixing their respective antennas. The same are however, required to adhere to the prescribed technical requirements, so as to curtail multiplicity of towers as well as to optimize the use of the existing ones. As sharing of antennas on a single tower increases the effects of EMR (Electromagnetic radiations) manifold the height of the tower shall be increased.

**(iv) Installations:**

(a) In order to avoid any eventuality due to thunder storm, lightning conductors shall be installed.

(b) Generator set installed at the tower site to cater to the power requirements of the antenna shall conform to the noise and emission norms as prescribed by the Karnataka State Pollution Control Board.

**(v) Protective Wall:**

(a) Every tower erected on the ground and through which electric power is transmitted or passed shall be provided with protective wall or grill at a distance of one meter from any point of the base.

(b) The wall or grill shall have a minimum of 1.20m height and shall be kept under lock and key, if provided with door.

**(vi). Protection from lightning:** Every telecommunication Infrastructure tower shall be provided with sufficient protection against lightning, conforming to I.S. 2303-1969-Code of Practice, as amended from time to time.

**(vii). Warning lights:**

(a) Every telecommunication tower shall be provided with two Aviation Warning Lights (ANL) each at 40m and 70m height from the ground level and one at the top, the two lights at 40m height shall be fixed in one set of opposite corners and that at 70m height shall be fixed at the other set of opposite corners.

**(viii). Damage and liability:** The applicant and owner shall be responsible for the structural stability of the telecommunication Infrastructure tower and the building in which it is erected and for any damage caused due to inadequate safety measures.

**(ix). Building to be authorized:** Erection of any telecommunication Infrastructure tower or pole structures or accessory rooms shall be permitted only on buildings with valid permissions and Occupancy Certificate obtained from the Local Body.

**(x) Completion Certificate:**

(a) After completion of the work of the telecommunication tower or pole structure and accessory rooms as per permit, the applicant and the engineer shall submit to the Sanctioning Authority completion certificate as in Appendix-A along with a certificate of structural safety or stability of the tower and the building, if the tower or pole is constructed over a building.

(b) The Sanctioning Authority shall, if satisfied that the work has been completed as per permit, issue use certificate as in Appendix-B allotting a number, on the basis of which the authorities concerned shall allow power connection, etc. for use of the service.

**(xi). Unauthorized Telecom Infrastructure Towers:** The Sanctioning Authority shall take necessary action on unauthorized Telecom Infrastructure Towers erected without valid permissions or Completion Certificate, as per the Act provisions duly following the procedure.

Provided that the Radiation norms given by the Department of Telecommunications (DOT) have to be strictly followed by all Tower Infrastructure Service Providers and limit the Power Emissions or Radiations. All the complaints regarding radiation and radiation related technical details are being dealt by TERM cell of Department of Telecommunications (DOT) and any citizen can approach the concerned TERM Cell of Department of Telecommunications (DOT) with regard to grievance on any issues relating to radiation.

**9. Fee structure.-** The fee to be levied while issuing the permit for installation of Telecommunication Infrastructure Tower shall be as per the table-1 below:-

**Table-1**

Fee structure for installation of telecommunication infrastructure tower

Sl. No.	Jurisdiction	One time Prescribed fee per tower
01	Bruhat Bangalore Mahanagara Palike	Rs. 50,000
02	Corporations of the City other than Bruhat Bangalore Mahanagara Palike	Rs. 40,000
03	City Municipal Councils	Rs. 30,000
04	Town Municipal Councils	Rs.20,000
05	Town Panchayaths	Rs.15,000
06	Gram Panchayaths	Rs.10,000

The property owner shall pay property taxes as per relevant rules.

By order and in the name of the Governor of Karnataka

**Y. GOPAL**

Under Secretary to Government,  
Urban Development Department (MA-2).

**APPENDIX- A**

(See rule 8 (x)(a))

**COMPLETION CERTIFICATE BY ARCHITECT, ENGINEER etc.**

Certified that the development or re-development of land or construction or reconstruction or alteration or addition of building or erection of telecommunication tower or pole structure or work has been supervised by me and has been completed as per the approved plan and permit No.....dated.....

Signature

Name and address of Architect or Building Designer or Engineer or Town Planner or  
Supervisor Reg No.:

Place:

Date:

**COMPLETION CERTIFICATE BY THE OWNER**

(See rule 8 (x)(a))

Certified that the development or redevelopment of land or construction or reconstruction or alteration or addition of building or erection of telecommunication tower or pole structure has been completed or partially completed as per the approved plan and permit No.....dated.....

(Signature)

Name and address of owner:

Place:

Date:

**APPENDIX-B**

(See rule 8 (x)(b))

**OCCUPANCY CERTIFICATE OR USE CERTIFICATE**

Certified that the construction or reconstruction or alteration or addition of building or erection of telecommunication tower or pole structure or work under the permit No.....dated.....issued to..... and supervised by.....has been inspected by me and that the work executed is in accordance with the permit and that the building or tower or pole structure is now fit for occupation or use.

Place:

Date :

(Seal and Signature of Sanctioning Authority)

By Order and etc....