

THE HARYANA MUNICIPAL (ERECTION OF COMMUNICATION TOWER) BYE- LAWS, 2009

HARYANA GOVERNMENT, Urban LOCAL BODIES DEPARTMENT,
Notification No. 3/7/2003-R1(2), dated November 11, 2009, Published in the
Haryana Government Gazette (Extra.), dated November 11, 2009 (KRTK. 20,
1931 SAKA).

In exercise of the powers conferred by clause (xxx) of Section 200 and Section 214 of the Haryana Municipal Act, 1973 (Act 24 of 1973) and with reference to Haryana Government, Urban Local Bodies Department Notification no. 3/7/2003-R1, dated 12th August 2009, the Governor of Haryana hereby makes the following bye-laws, namely:--

BYE- LAWS

1. Short title, commencement and extent.-- These bye-laws may be called the Haryana Municipal (Erection of Communication Tower) Bye- laws, 2009:

2. Definitions.-- (1) In these bye-laws, unless the context otherwise requires.--

- (a) "act" means the Haryana Municipal Act, 1973 (Act 24 of 1973);
- (b) "applicant" means an individual, a firm, association of persons, company etc. as the case may be, who has applied for erection of communication towers either for self or for other individual, firm, association of persons or company;
- (c) "competent authority" means Executive Officer of Municipal Council or Secretary of Municipal Committee, as the case may be;
- (d) "designated institute" means and includes.--
 - (i) Indian institute of Technology, Delhi;
 - (ii) Central Building Research Institute, Roorkee;
 - (iii) Rail India Technical and Economic Services Ltd.;
 - (iv) National Council for Building Material, Faridabad;
 - (v) Indian Institute of Technology, Roorkee;
 - (vi) National Institute of Technology; Kurukshetra;
 - (vii) Punjab Engineering College, Chandigarh.

(2) Words and expressions used in these bye-laws but not defined shall have the same meaning respectively as assigned to them in the Act.

3. Location of communication towers.-- The location of communication towers shall be governed by radio frequency system adopted by the application and shall be allowed subject to the following conditions, namely:--

- (i) the communication towers shall be installed in the commercial areas or other public areas;
- (ii) where it is not possible to install the communication towers in commercial areas or other public areas, a possibility shall be explored to install them in park /green belt within residential areas, open spaces or community buildings;
- (iii) where it is not possible to find such suitable space as mentioned at Serial no. (i) & (ii) above, communication towers may be permitted to be installed on the roof-top of residential building, subject to the condition of Structural Safety Certificate;
- (iv) no communication tower shall be installed unless Structural Safety Certificate has been issued by any designated institute.

4. Height of communication tower.-- The maximum height of the communication tower from the ground level shall not exceed thirty-meters subject to clearance from defence, civil aviation and doordarshan authority.

5. Procedure for submission of application.-- The applicant, shall apply for licence to the competent authority along with following documents, namely:--

- (i) ownership document or registered lease deed of the site, on which the communication tower is to be installed;
- (ii) in case the communication tower is to be installed on the roof top, then an affidavit from the owner of the building/site expressing his consent;
- (iii) copies of site plan in duplicate indicating location of communication tower along with dimensions of site, dimension of communication tower and high tension electric lines, if existing nearby;
- (iv) in case the communication tower is to be installed in the built up house, then the sanctioned plan of such house in duplicate, indicating the location of the communication tower along with its dimensions;
- (v) Structural Stability Certificate of the communication tower with structural details from designated institute;
- (vi) indemnity bond indemnifying Municipality, against any loss of life or property in the event of any mishap;
- (vii) demand draft of requisite fee in favour of competent authority.

6. Validity of licence.-- The licence granted by the competent authority for erection of communication towers shall be valid for a period of one year and the applicant shall be required to obtain renewal of licence on annual basis.

7. Preference to municipality.-- The Municipality shall have preference to provide any of its premises or land on rent or lease within the proposed area identified by the applicant for the installation of the communication towers. The municipality shall finalise the terms of such rent or lease within a period of fifteen days from the date of application failing which the applicant shall be free to install the communication tower at the alternate site identified by it.

8. Licence fee.-- (1) The following category of potential zones, classifying the municipalities for the purpose of charging licence fee shall be as under:--

High Potential	Medium Potential	Low Potential
Municipal Council Sonepat, Panipat, Panchkula and Municipal Committee, Sohna, Pinjore & Kaika.	Municipal Council Karnal, Thanesar, Ambala Sadar, Ambala City Yamuna Nagar, Jagadhri, Bahadurgarh, Hisar, Palwal, Municipal Committee Ganaur, Hodal, Bawal and Dharuhera.	All the other Municipal Councils/Committees

(2) The following one-time non-refundable licence fee shall be charged, namely:--

- (i) **High Potential Zone:** Rs. 2.00 lacs. In case the site is shared, an additional fee of Rs. 1.00 lacs per sharing;
- (ii) **Medium Potential Zone:** Rs. 1.5 lacs. In case the site is shared, an additional fee of Rs. 75,000/- per sharing;
- (iii) **Low Potential Zone:** Rs. 1.00 lacs. In case the site is shared, an additional fee of Rs. 50,000/- per sharing;

(3) An annual renewal of licence fee at the rate of 10% of the licence fee per communication tower shall be payable by the applicant.

9. Renewal of licence.-- The applicant shall apply to the competent authority for renewal of licence on one month prior to the expiry of the licence along with 10% of the licence fee and a Structural Stability Certificate of the communication tower from the designated institute.

10. Fees and charges for the exiting communication Towers.-- (1) From the date of commencement of these bye-laws, the communication towers already installed for which either the permission has not been applied for or has not been granted by the competent authority, shall apply within a period of two months for obtaining licence as per the provisions of these bye- laws;

(2) If the existing communication tower does not fulfill the conditions of those bye-laws, the applicant shall remove such tower immediately.

(3) If the applicant fails to remove such towers, then the competent authority shall take action to remove them.

11. Maintenance of the communication towers.-- (1) The applicant to whom licence for setting up of communication towers has been granted, shall be responsible to get the required checks of the communication towers from the designated institute.

(2) The applicant shall take precautions for fire safety, lightning etc. and obtain necessary permission from Fire Officer.

(3) The generator sets installed at the communication tower sites shall conform to the noise and emission norms prescribed by The Haryana Pollution Control Board.

12. Cancellation of licence.-- Notwithstanding anything contained herein, the licence may be cancelled any time by the competent authority for a breach of any condition of the licence or in the public interest. Such applicant shall neither be entitled for any compensation or any loss caused to it by such cancellation of refund of licence fee.

13. Applicant to compensate damages.-- The applicant to whom licence has

been granted, shall be solely responsible for any damage to the building, adjoining buildings and for the public safety.

14. Caution boards and lighting at site.-- The applicant shall provide barricads, danger marks, lighting and other necessary cautions boards, while executing the installation works.

15. Breach of bye-laws.-- Any breach of the bye-laws, committed by the applicant shall result in the cancellation of the licence.
