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GOVERNMENT OF KERALA

Local Self Government (RD) Department

NOTIFICATION

G.O.(P)No. 9/2023/LSGD.

S. R. O. No. 100/2023

*Dated, Thiruvananthapuram, 17th January, 2023.
3rd Makaram, 1198.*

In exercise of the powers conferred under sections 381, 382, 383A, 387, 398 and 406 of the Kerala Municipality Act, 1994 (Act 20 of 1994) read with section 565 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala Municipality Building Rules,



2019 issued under notification G.O.(P) No.77/2019/LSGD. dated 2nd November, 2019 and published as S.R.O. No. 828/2019 in the Kerala Gazette Extraordinary No. 2691 dated 8th November, 2019 namely:-

RULES

1. *Short title and commencement.*—(1) These Rules may be called the Kerala Municipality Building (Amendment) Rules, 2023.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Municipality Building Rules, 2019,-

(1) In sub-rule (1), of rule 2,

(a) in the proviso under clause (bf), after the words

“tower structures”, the words “cabin for telecommunication towers or telecommunication pole structures” shall be inserted;

(b) after clause (bh), the following clause shall be inserted, namely:-

“(bha) ‘In-building solution (IBS) means a telecommunication solution in buildings which is used to extend and distribute the cellular signals of telecom operators within a building to provide high quality and seamless connectivity.”

(c) after clause (cha), the following clause shall be inserted, namely:-

“(chb) ‘Pole’ means an installation of a structure below 12m (anything above 12m may be treated as tower).”

(d) after clause (dh) the following clause shall be inserted, namely:-

“(dha) ‘Telecommunication Tower’ means a vertical structure for installation of antenna(e) that provide radio frequency air interface for telecommunication services.”

(2) In rule 6,

(a) in sub-rule (6) after clause (v), the following clause shall be inserted, namely:-



“(vi) any in-building service infrastructure to be provided in connection with Telecommunication/internet, along with required specifications (in consultation with, and certified by a Credible Telecom Networking hardware-consultant)”

(b) in sub-rule (7), after clause (x), the following clause shall be inserted, namely:-

“(xi) include provisions of in-building solutions, with details of properly demarcated sections within buildings and on roof tops for housing broadband/digital connectivity infrastructure/antenna.”

(c) in Table 1, under sub-rule (13) after Sl. No. 10, the following Sl. No. shall be inserted, namely:-

“

11	Telecom Infrastructure Line	Blue
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”

(3) In rule 8, after item (xiv), the following item shall be inserted, namely:-

“(xv) Telecommunication tower or telecommunication pole structures or accessory rooms whereas an intimation shall be submitted to the Secretary as per Chapter XVIII of these rules.”

(4) in sub-rule (3) of rule 14, the words ‘telecommunication/mobile tower’ shall be deleted.

(5) After rule 41, the following rule shall be inserted, namely:-

“41A. In-building Solutions.- Necessary provision for in-building solutions for the small cell deployment including cable ducts and power connections as stipulated by the Department of Information Technology, Government of Kerala, from time to time, shall be made mandatory for all buildings other than low risk buildings.”

(6) For the existing Chapter XVIII the following chapter shall be substituted



**“CHAPTER XVIII
TELECOMMUNICATION TOWERS**

83. **Essentiality of permit.**-No person shall erect or re-erect any non-Governmental telecommunication tower or telecommunication pole structures or accessory rooms or make alteration or cause the same to be done without first submitting an intimation in Appendix A5 along with the required documents and fees to the Secretary for each such tower or telecommunication pole structures.

84. **Special Provisions.-**

(1) Distance from road and boundaries:-

(i) The base of the tower or poles shall have minimum 3 meters distance from the plot boundary abutting the road, whether it is proposed on land or over a building, even if the building is having less than 3 meters distance:

Provided that the distance from road boundary to the accessory rooms such as equipment rooms, shelters, or generator rooms proposed over a building shall be that of the building.

(ii) In addition to the distance specified under sub-rule(1), set back required for road widening proposed in any Master Plan/Detailed Town Planning Scheme/Interim Development Order in force under the Kerala Town and Country Planning Act, 2016 (Act 9 of 2016), shall also be provided.

(iii) Distance from other boundaries of the plot to the base of the telecommunication tower or pole or structure or accessory rooms shall be minimum 1.20 meters:

Provided that if the telecommunication tower or pole structures or accessory rooms are proposed over a building, the distance from the boundaries other than that abutting a road, shall be that of the existing building;

Provided further that if the building abuts any plot boundary and the telecommunication tower or pole structures or accessory rooms are also proposed to abut that boundary then consent of the owner of the plot on the abutting side shall be obtained and produced along with the intimation;

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



(2) Provisions regarding F.S.I. and height:-

The provisions regarding F.S.I., coverage, height restriction with regard to width of road and distance from the boundary abutting road and dimension of parts of building shall not apply to telecommunication towers or pole structures or accessory rooms such as equipment rooms, cabins, shelters or generator rooms.

Provided that the height of the telecommunication towers or pole structures or accessory rooms, including the height of the building if they are proposed over a building, shall be restricted as in sub-rule (2) and (3) of rule 24.

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

(3) Accessory rooms: -

- (i) In case of accessory rooms such as equipment rooms, cabins or generator rooms essential for the service that are to be installed along with a telecommunication tower or telecommunication pole structure or separately, plans/drawings of the rooms shall be attached either along with the intimation to Secretary or separately.
- (ii) The accessory room may be made with any material but shall be used only for housing equipment related to the operation of telecommunication tower or telecommunication pole structure. The installation of electricity generator is allowed with insulated sound-proof cabin only.
- (iii) Every construction or installation, ancillary or necessary for the telecommunication system other than telecommunication tower, pole structures, accessory rooms shall conform to the relevant rules applicable to such construction or installation and license or permit required under such rules shall also be obtained.
- (iv) 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.

(4) Electrical line clearance: - Every tower or ancillary construction shall satisfy the minimum vertical and horizontal clearance from electrical lines as stipulated in the Indian Electricity



Act, 1910 and Indian Electricity Rules, 1956 as amended from time to time and also any regulation issued by the State Electricity Board.

(5) Protective Wall:-

- (i) 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 minimum one meter from any point of the base.
- (ii) The wall or grill shall have a minimum of 1.20 meters height and shall be kept under lock and key, if provided with door.

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

(7) Warning lights and colour specifications:- Every telecommunication tower, above 40 meter height, shall be provided with Warning Lights (ANL) and colour specifications as stipulated by the Telecommunication Department or any other applicable statutes.

85. **Damage and liability.-**(1) The applicant/owner/Telecom service provider shall be responsible for the structural stability of the telecommunication tower and the building in which it is erected and for any damage caused due to inadequate safety measures.
- (2) Erection of any telecommunication tower or pole structures or accessory rooms shall be done only over authorised buildings which are structurally safe.

86. **Town Planning Scheme provisions.-**Telecommunication towers or pole structures or accessory rooms can be erected in any zone of Master Plan/ Detailed Town Planning Scheme/Interim Development Order in force under the Kerala Town and Country Planning Act, 2016 (Act 9 of 2016) if any, or over any building irrespective of its occupancy.

87. **Submission of intimation.-**(1) Intimation for erection or re-erection or alteration of any non-Governmental telecommunication tower or telecommunication pole structures or accessory rooms shall be submitted to the Secretary in the form in **Appendix A5** along with the following documents:

- (i) Two copies of site plan, location, elevation, sectional elevation for



Telecommunication towers and two copies of site plan and location plan in the case of telecommunication pole structures

- (ii) structural stability certificate if required as per these rules
- (iii) copy of agreement executed with department of Telecommunications or license or permit issued by an authority approved by Government of India from time to time
- (iv) document to prove ownership
- (v) receipt of payment of fee for erection of Telecommunication towers or pole structures or accessory rooms
- (vi) required NOC as per rule 5(4) of these rules and other applicable statutes

The submission of intimation gives the right for the applicant to proceed with commencement of work.

Note:-(1) Ownership document may be a property tax receipt or land tax receipt or mortgage deed or deed of agreement or license or consent document.

(2) No structural stability certificate shall be necessary in the case of telecommunication pole structures and accessory rooms.

(3) In case the telecommunication tower is proposed above any building, structural stability certificate shall be submitted in respect of that building also.

(4) The site plan shall show plot dimensions, access street width, details of existing structures within the plot with their uses, height, number of floors, set back from the plot boundaries and between them; proposed tower and ancillary structures for telecommunication towers. In the case of telecommunication pole structures, the site plan shall show plot dimensions, details of the existing structure and proposed location of the pole structure in the existing site.

(5) The structural stability certificate shall be prepared and issued by a Structural Engineer registered as per these rules. In the case of towers erected by Central or State Government or Quasi-Government Organisation, the structural stability certificate may be prepared and issued by a competent engineer employed in such



firms. The drawings submitted shall also be duly certified for the structural stability. In the case of telecommunication pole structures, structural stability certificate is not necessary.

- (6) Fee for erection or re-erection or alteration of any non-Governmental telecommunication tower or telecommunication pole structures or accessory rooms shall be:-
- (a) For towers of any height, rupees ten thousand;
 - (b) For pole structures rupees two thousand and five hundred; and
 - (c) For the accessory rooms essential for the use of telecommunication tower or pole structures, fee at the rate of Rs.15 per sq. m. of built-up area shall be remitted.

88. **Completion Report.**-(1) After completion of the work of the telecommunication tower or pole structures and accessory rooms the applicant and/or the service provider and the engineer shall submit a completion report in writing to the Secretary along with a copy of the intimation submitted to the Secretary prior to the construction of the telecommunication tower or pole structures and accessory rooms as the case may be.

(2) The Secretary can carry out inspection to check whether the telecommunication tower or pole structures and accessory rooms are erected as per the provisions in these rules at any time.”

(7) After Appendix A4, the following Appendix shall be inserted namely:-



“APPENDIX- A5

(See rules 83, 87)

**APPLICATION FOR INTIMATION FOR THE ERECTION/RE-ERECTION/
ALTERATION OF TELECOMMUNICATION TOWERS/TELECOMMUNICATION POLE
STRUCTURES/ACCESSORY ROOMS**

..... Municipal Corporation/ Municipal
Council/Town Panchayat

1. Name and address of Applicant(s)/Owner(s) :

2. Name and address of the Infrastructure service
provider /Telecom service provider :

3. Nature of development:
 - (i) Erection of Telecommunication towers/
pole structures/accessory rooms :
 - (ii) Re-erection of Telecommunication towers/
pole structures/accessory rooms :
 - (iii) Alteration of Telecommunication towers/
pole structures/accessory rooms :

4. **Details of plot:**
 - (i) Revenue Village :
 - (ii) (a) Survey No :
 - (b) Resurvey No :
 - (iii) Sub Division :
 - (iv) Taluk :
 - (v) District :
 - (vi) Extent in Sq.m :
 - (vii)Ward No. :
 - (viii) Authorised number of the building over
which the telecommunication structure is



proposed (if applicable) :

(ix) Authorised number of the nearest building :

(x) Nearest Electric Post/Telecom Post number :

5. Whether the land, if any, contiguous to this plot
of the owner shown in the site plan (Rule 6(4)(a)(i)) : Yes /No

6. Whether Government or Quasi-Government :

7. Details of the Telecommunication structure :

a. Height of the structure

8. Provisions of Schemes, if any, applicable to the construction

Road Widening

Sl. No.	Name of the TP Scheme	Stage (Sanctioned / Published)	Existing Width of road (in m)	Proposed Width of road (in m)	Building Line (in m)	Set Back Required from Existing road boundary (in m)	Set back provided (in m)

9. Details of fee paid:

(i) Amount :

(ii) No. and date of receipt :

10. Details of documents, plans, certificate, etc. enclosed.

11. Details of NOC obtained.

SL. No	Required	Whether enclosed or not	Details of the NOC / Clearances



12.

DECLARATION

I,.....hereby declare that the measurements, specifications and other details mentioned above are correct, complete and true to the best of my knowledge and belief and that I shall abide by the approved plan and the provisions in the Act and Rules in undertaking the construction.

Signature of the Applicant(s)/Owner(s) with name

Signature of the Infrastructure service provider/
Telecom service provider

Place:

Date:

13.

CERTIFICATE

Certified that the site plan is prepared after verification of ownership document and site and the measurements shown are found to be correct.

Signature:

Name:

Place:

Reg.No.:

Date:

Address:

(Registered Institution/ Architect/Engineer/ Town
Planner/Supervisor)



14.

UNDERTAKING

I,.....hereby undertake that the erection of the telecommunication tower/telecommunication pole structure/accessory rooms and/or land development will be carried on/being carried on/was carried on in accordance with the rules in force.

Place:

Signature:

Date:

Name:

Reg.No.:

Address:

(Registered Institution/ Architect/Engineer/
Town Planner/ Supervisor)”

By order of the Governor,

DR SHARMILA MARY JOSEPH,
Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As part of the Government's strategy to promote usage of 5G network, erection of Telecommunication towers, telecommunication pole structures, accessory rooms are essential. It is essential to provide necessary provisions to intimate the erection of Telecommunication towers, telecommunication pole structures, accessory rooms to the Secretary. In accordance with the provisions of the Kerala Municipality Act, 1994 (Act 20 of 1994), Government has decided to amend further the Kerala Municipality Building Rules, 2019 suitably.

The notification is intended to achieve the above object.

