

PERMIT AND INSPECTIONS

3.1 PERMITS

No building or structure regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished without obtaining permit for each such work from the Building official.

Exceptions:

The following works are exempted from the requirement of a permit unless they do not otherwise violate the provisions of this Code, for the said work or any other adjacent property, regarding general building requirements, structural stability and fire safety requirements of this Code:

- a) Opening or closing of a window or a door or a ventilator;
- b) Providing internal doors;
- c) Providing partitions;
- d) Providing false ceiling;
- e) Gardening;
- f) Painting;
- g) Plastering and patch work;
- h) Re-flooring;
- i) Construction of sunshades on one's own land;
- j) Re-erection of portion of buildings damaged by earthquake or cyclone or other natural calamities, to the extent and specification as existed prior to such damage; and
- k) Solid boundary walls less than 1.5 m and open boundary wall less than 2.75 m in height.

3.2 TYPES OF PERMIT

Building permit shall comprise of the following 4(four) stages:

- a) Land use certificate
- b) Large and specialized project permit.
- c) Building permit
- d) Occupancy certificate.

Permit of all or any of the above may be necessary for a particular area/city/town/municipality. Requirement in this regard shall be incorporated in the building construction byelaws/ rules/regulations valid for that particular area/city/town/municipality.

3.2.1 Validity of Permits from the Date of Issuance

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|----|--------------------------------------|-----------|
| a) | Land use certificate | 24 months |
| b) | Lange and specialized project permit | 24 months |
| c) | Building permit | 36 months |

(unless construction upto plinth level is done)

- d) Occupation certificate Perpetual

(unless any change in use and physical properties.)

3.2.2 Permits Obtained Prior to Adoption of Code

If permit for a building or structure or a work regulated by this Code is obtained before adoption of this Code and the building or structure or work for which the permit is obtained is not completed within three years from the date of issuance of such permit, the said permit shall be deemed to have lapsed and fresh permit shall be necessary to proceed further with the work in accordance with the provisions of this Code.

3.3 CONSTITUTION OF BUILDING PERMIT COMMITTEES

3.3.1 As per the provisions laid out in the Building Construction Act the government may constitute various committees to examine and scrutinize applications mentioned in Clause 3.2 above and approve or refuse permits thereby.

3.3.2 Each committee will have specific Terms of Reference and Work Procedure.

3.4 APPLICATION FOR PERMIT

3.4.1 Any person who intends to undertake any work on a building or structure or land regulated by this Code shall file application in writing on the prescribed form furnished by the Building official for that purpose.

3.4.2 Application for permit for any work under the provisions of this Code shall be accompanied by necessary documents, drawings, certificates, clearances and other relevant information as required by the Building Official for that particular city/ town/municipality/ jurisdiction area etc.

3.4.3 The drawings shall have any of the sizes specified in the following table:

Notation (ISO Standard)	Size (mm)
A0	841 x 1189
A1	594 x 841
A2	420 x 594
A3	297 x 420
A4	210 x 297

3.4.4 Operation and Maintenance of Utility Services

The government may undertake works for operation, maintenance, development or execution of any of the following utility services without requiring obtaining permit from the Building official.

- a) Railways
- b) National Highways
- c) National Waterways
- d) National Gas grid
- e) National Power grid
- f) Major Ports
- g) Airways and Aerodromes
- h) Telecommunications
- i) Electronic Broadcasting Services

- j) Any other services which the Government may, by notification, declare to be a service for the purpose of this section if the Government is of the opinion that the operation, maintenance, development or execution of such service is essential to the community.

Buildings constructed in connection with these services shall conform with the specifications of this Code.

3.5 DISPOSAL OF APPLICATION

- 3.5.1 Subject to the submission of correct and complete application for the permits included in section 3.2.1 above, should be disposed by the Building Official within the time limit as below:

	Type of Permit	Maximum type allowed for disposal (approval or refusal of the Building official)
a.	Land use certificate	15 days
b.	Large and Specialized Project permit	45 days
c.	Building permit	45 days
d.	Occupancy certificate	15 days

- 3.5.2 The Building Official shall notify the applicant according to above table as the case may be either approval or refusal of the permit for any work. If the Building Official does not notify the applicant of such approval or refusal within this specified period, the application shall be deemed to have been approved provided the fact is brought to the notice of the Building Official. Such approval shall not be interpreted to authorize any person to do anything in contravention of or against the terms of lease or titles of the land or against any other regulations, bylaws or ordinance operating on the site of the work or any of the provisions of this Code.

- 3.5.3 Refusal of permit shall be accompanied with reason and the Building Official shall quote the relevant sections of this Code which the application/drawings/submissions contravene. The applicant may correct or remove such reasons and reapply for permit with any fee if applicable. The Building Official shall scrutinize the re-submitted application and if there be no further objection it shall be approved and permit issued.

3.6 PREPARATION AND SIGNING OF DRAWINGS

- 3.6.1 All drawings submitted for approval shall be prepared and signed by relevant technical personnel's specified in this Code, which shall be considered as equivalent to certifying that the drawing on which the signature appears conforms to all the requirements of this Code. Technical personnel shall put his or her signature with date on the title box of the drawing along with his name, address, professional society membership number and any other information required by the concerned Building Official.

- 3.6.2 The drawings shall also contain the signature, name and address of the owner.

- 3.6.3 Subject to the classification and use of buildings, all drawings for approval and execution shall be prepared by the technical personnel specified in the following table corresponding to relevant work.

Height of building (Floors)	Floor area (Sq.Meter)	Building type	Qualification and Competence of Technical person	Job-wise list of authorized Technical Personnel
Up to 5 Storey	up to 1000m ²	A	Member/Associate Member/Candidate Member of relevant professional body and enlisted to perform design and related works.	<p>(1) Land Survey: Civil Engineer, Diploma Civil Engineer or Certified Surveyor.</p> <p>(2) Soil Test report: Geological/Civil Engineer or Qualified Person / Firm in Soil Testing</p> <p>(3)Architectural Design: Architect/Civil Engineer/5-year experienced Diploma Architect</p> <p>(4)Structural Design: Civil or Structural Engineer</p> <p>(5) Plumbing and Sanitary Design: Plumbing Engineer/Qualified Architect or Engineer</p> <p>(6)Mechanical (HVAC/Vertical Transportation)Design: Mechanical Engineer</p> <p>(7) Electrical Design: Electrical Engineer</p> <p>(8)Construction Supervision: Construction Supervisor, Architect and Engineer</p> <p>(9) Completion Report: Architect / Engineer in charge</p>
Any Height	up to 7500m ²	A, B, C, F1, F2, G and H	Member of relevant professional body and enlisted to perform design and related works	<p>(1) Land Survey: Civil Engineer, Diploma Civil Engineer or Certified Surveyor.</p> <p>(2) Soil Test report: Geological/Civil Engineer or Qualified Person / Firm in Soil Testing</p> <p>(3)Architectural Design: Architect</p> <p>(4)Structural Design: Civil or Structural Engineer</p> <p>(5) Plumbing and Sanitary Design: Plumbing Engineer/Qualified Architect or Engineer</p> <p>(6)Mechanical (HVAC/Vertical Transportation)Design: Mechanical Engineer</p> <p>(7) Electrical Design: Electrical Engineer</p> <p>(8)Construction Supervision: Construction Supervisor, Architect and Engineer</p> <p>(9) Completion Report: Architect / Engineer in charge</p>
Any Height	Building of Any Size	All Types	Member/Fellow of relevant professional body+8-years work experience and enlisted to perform design and related works	<p>(1) Land Survey: Civil Engineer, Diploma Civil Engineer or Certified Surveyor.</p> <p>(2) Soil Test report: Geological/Civil Engineer or Qualified Person / Firm in</p>

Soil Testing
(3) Architectural Design: Architect
(4) Structural Design: Civil or Structural Engineer
(5) Plumbing and Sanitary Design: Plumbing Engineer/Qualified Architect or Engineer
(6) Mechanical (HVAC/Vertical Transportation) Design: Mechanical Engineer
(7) Electrical Design: Electrical Engineer
(8) Construction Supervision: Construction Supervisor, Architect and Engineer
(9) Completion Report: Architect / Engineer in charge

3.7 FEES

All applications shall be accompanied by fees as specified by the authority from time to time without which the application shall be deemed to be incomplete.

3.8 RESPONSIBILITIES AND DUTIES OF THE OWNER

3.8.1 General

The owner of a building or structure regulated by the provisions of this Code shall be responsible for carrying out the work in conformity with the provisions of this Code. Granting of permission for any work or approval of plans or inspection by the Building Official or any of the deputies shall not relieve the owner from such responsibility.

3.8.2 Employment of Technical Personnel

Design, execution and supervision work of any building shall be carried out by authorized technical personnel as outlined in this Code. Owner shall take the services of as many professionals as required according to type and size of the work.

3.8.3 Right of Entry

The owner shall allow the Building Officials to enter the site for the purpose of enforcing the Code as required by the provision of Sec 2.2.4 and for the purpose of inspection as provided in Section 3.10 below.

3.8.4 Permits from Other Agencies

The owner shall obtain permit as may be applicable from other concerned agencies relating to building, zoning, grades, sewers, water mains, plumbing, signs, blasting, street occupancy, gas, electricity, highways and all other permits required in connection with the proposed work.

3.8.5 Information on Progressive Work

The owner shall inform the Building Official about attainment of construction work of different stages as required by the Building Official in prescribed form.

3.8.6 Safety Measures

The owner shall take proper safety measures in and around the construction site.

3.8.7 Notice of Completion

The owner shall notify the Building Official of the completion of the work for which permit was granted in prescribed form. The work shall not be accepted as complete without such certification from the Building Official.

3.8.8 Documents at Site

The owner shall preserve at the site a copy of all permits issued and all drawings approved by the Building Official. Results of tests carried out for determination of conformity of the work with the provisions of this Code shall also be preserved and made available for inspection during execution of the work.

3.9 RESPONSIBILITIES AND DUTIES OF TECHNICAL PERSONNEL

3.9.1 To qualify as Architect, Engineer, Supervisor of any building works one should have membership of the respective professional body in the country. They should have permission to perform design and related works to be granted by the professional institute.

3.9.2 All technical professionals are bound to design, execute and supervise any building which is subjected to approval granted under this Code.

3.9.3 Any lapses on the part of the technical personnel in delivering just and correctness shall call for punitive actions against him/her in the proper forum.

3.10 INSPECTION

All works relating to a building or structure regulated by the provisions of this Code for which permits are required shall be subject to inspection by the Building Official. Modalities and frequency of such inspections shall conform to the requirements put forward by the approving authority.

3.11 UNSAFE BUILDINGS

3.11.1 General

All buildings considered to constitute danger to public safety or property shall be declared unsafe and shall be repaired or demolished as directed by the Building Official.

3.11.2 Examination

The Building Official shall examine or cause examination of every building reported to pose threat to safety or be damaged by wear and tear or accident and shall make a written record of such examination.

3.11.3 Notification

If a building is found to be unsafe the Building Official shall notify the owner of the building and specify the defects thereof. The notice shall require the owner within a stated time either to complete the required repair or improvement or demolish and remove the building or portion thereof.

3.11.4 Disregard of Notice

In case the owner fails, neglects or refuses to carry out the repair or improvement of the unsafe building or portion thereof as specified in the notice, the Building Official shall cause the danger to be removed either by demolition or repair of the building or portion thereof or otherwise, the cost of which shall be borne by the owner.

3.11.5 Cases of Emergency

If the Building Official considers that an unsafe building or structure constitute imminent danger to human life or health or public property, the Building Official shall at once or with a notice as may be possible promptly

cause such building or structure or portion thereof to be rendered safe or removed. In such cases the decision of the Building Official shall be final and binding and he or any of his assigned deputies may at once enter such structure or land on which it stands or the abutting land or structure, with such assistance from and at such cost to the owner as may be deemed necessary. The Building Official may also get the adjacent structures vacated and protect the public by an appropriate fence or such other means as may be necessary.

3.12 DEMOLITION OF BUILDINGS

If a building or structure is to be demolished, the owner shall notify all agencies providing utility services to the building. Such agencies shall remove all their appurtenances and equipment and dismantle all service connections to ensure a safe condition. The Building Official shall not grant any permit for demolition of a building until a release is obtained from the utility services stating that all service connections have been removed in the proper manner.

3.13 VALIDITY OF THIS CODE

3.13.1 Partial Invalidity

In case any provision of this Code is held to be illegal or void, this shall have no effect on the validity of any other provision of the Code nor on the same provision in different cases nor on the Code as a whole, and they shall remain effective.

3.13.2 Invalidity of Existing Buildings

If any provision of this Code is held to be illegal or void by the Authority as applied to an existing building or structure, validity of that provision or any other provision of the Code in its application to buildings hereafter erected shall not be affected.

3.14 ARCHITECTURAL AND ENVIRONMENTAL CONTROL

3.14.1 Besides enforcing the provisions of this Code for normal buildings and structures, the Building Official shall, for special structures such as those listed in Section 3.14.2 below, also examine the aesthetics and environmental issues vis-a-vis the existing structures and the characteristics of the area, and exercise architectural and environmental control in accordance with the provisions of this section.

3.14.2 Special structures for which architectural and environmental control shall be exerted by the Building Official shall include:

- a) major public building complexes
- b) buildings in the vicinity of monuments and major sculptures
- c) buildings and structures near existing structures identified to be architecturally valuable.
- d) buildings and structures near historic buildings or in a area of historical or archaeological significance.
- e) buildings near any structures that represents the special characteristics of an area
- f) any proposed building or structure that represents the special characteristics or forms part of a larger master plan of an area, and
- g) any development that may have an effect on or mar the environment or characteristics of an area.

- 3.14.3** The Authority shall, for the purpose of exercising the architectural and environmental control and for identifying existing structures having architectural value, appoint a standing committee comprising noted experts from the fields of Architecture, Archeology, Planning, History, Art, Literature, Engineering or any other discipline which may be deemed relevant. The committee shall examine the aesthetic quality of the proposed building, structure or development and the effect it may have on the characteristics and environment of the area in order to ensure aesthetic continuance of the new structure with the existing ones and aesthetic blending of the new structure with the surroundings. The committee may require additional drawings and information for a detailed study of the proposed work. The committee for the purpose of arriving at their decision, may at their discretion depending on the magnitude of the project and impact it may have on public life, hear the architect of the proposed work who may wish to explain the various features of the project, note comments of other experts in the relevant disciplines, or in exceptional circumstances, institute a public hearing to assess public reaction to the project.
- 3.14.4** The committee may approve the proposed work, recommend changes in the scheme, or disapprove the scheme, for reasons of aesthetics and environmental control.
- 3.14.5** The Building Official shall not issue permit for undertaking the proposed work until obtaining a report from the standing committee stating that the intended work is acceptable in respect of its effect on the environment, landscape, architectural characteristics, historical feature or any other aesthetical quality of the locality, area or landscape concerned.

3.15 MAKING IMPLEMENTATION PROCEDURES

Detailed byelaws and implementation procedure to enforce the provisions of this Code shall be prepared and published by the relevant authorities.

Related Appendices

- APPENDIX A Form for Application of Land Use/Development/Building Permit
- APPENDIX B Form for Certificate of Supervision
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- APPENDIX C Form for Sanction or Refusal of Land Use/Development/Building Permit
- APPENDIX D Form for Appeal against Refusal of any Permit
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- APPENDIX E Form for Completion Certificate
- APPENDIX F Form for Occupancy Certificate