

Municipal Corporation Shimla



Building Bye-Laws
1998

BUILDING BYE-LAWS

PART-1-ADMINISTRATION

1. SHORT TITLE EXTENT AND COMMENCEMENT

- 1.1 These bye-laws may be called the Municipal Corporation Shimla Building Bye-laws, 1998.
- 1.2 These bye-laws shall come into force from the date of publication in the Rajpatra Himachal Pradesh.

2. DEFINITIONS:

2.01 In these bye-laws, unless the context other wise requires:-

1. "Act" means the Himachal Pradesh Municipal Corporation Act-1994 (12 of 1994);
2. "addition to the building" means addition to the cubic contents or to the floor area of a building;
3. "alteration" means a change from one occupancy to another, or a structural change, such as an addition to the area or height, or the removal of part of a building, or any change to the structure, such as the column, beam, joist, floor or other support, or a change to or closing of any required means of ingress or egress or a change to the fixtures or equipment;
4. "applicant" means and includes a person who gives notice to the Corporation of his intention to erect or re-erect a building on a plot of land of which he/she is a owner and shall include his authorised representatives;
5. "assembly building" means and shall include any building or part of a building where group of people congregate or gather for amusement, recreation, social, religious, patriotic, civil, travel and similar purposes, for example theaters, motion picture houses, assembly halls, auditoria, exhibition halls, museums skating rinks, gymnasium, restaurants, places of worship, dance halls, club rooms, passenger stations, and terminals of air surface and other public transportation services, recreation piers and stadia
6. "balcony" means a horizontal cantilevered or projection including a hand-rail, balustrade to serve as passage or sitting out place;
7. "basement storey" means the storey which is next below the ground storey or which is in any part for more than half of its height below the main level of the street or ground adjoining the principal entrance to the building;
8. "building height" means the vertical distance measured from the plinth level to ridge level of the roof. Architectural feature serving no other function except that of decoration shall be excluded for the purpose of taking height;
9. "building line" means the line upto which the plinth of a building adjoining a street or extension of a street or on a future street may lawfully extend and include the lines prescribed if any in any scheme;

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(Authoritative English text of Government Notification No.

LSG-B(16) 20/81 dated 17-3-1998 as required under

Article 348 (3) of the Constitution of India)

Government of Himachal Pradesh

Deptt. of Urban Development.

No. LSG-B (16) 20/81, dated Shimla-171002, the 17-3-1998

NOTIFICATION

The following Building Bye-Laws made by the Shimla Municipal Corporation in exercise of the powers conferred by Clause-D of section 395 of the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994) having been previously published and approved by the state Government as required under section 397 (1) of the aforesaid Act, are hereby published for general information and shall come into force within the limits of Shimla Municipal Corporation from the date of publication of this notification in the Rajpatra, Himachal Pradesh (extra ordinary) namely :-

- 10. "business building" means and shall include any building or part of a building which is used for transaction of business, for the keeping of accounts and records for similar purposes, doctors service facilities, barber shops, beauty parlour, city halls, town halls, court houses, libraries shall be classified in this group in so far as principal function of these is transaction of public business and the keeping of books and records;
- 11. "ceiling height" means vertical distance between the floor and the ceiling;
- 12. "chhajja/weather shade" means a continuous sloping or horizontal overhang over the open space not exceeding 45cm. in width;
- 13. "chimney" means the construction by means of which a flue is formed for the purpose of carrying the products of combustion from a heat producing appliance to the open air. Chimney includes chimney stack and the flue pipe;
- 14. "courtyard" means a space permanently open to the sky, enclosed fully or partially by buildings and may be at ground level or any other level within or adjacent to a building;
- 15. "covered area" means the ground area covered immediately above the plinth level covered by the building but does not include the space covered by:-
 - a) garden, rockery, plant, nursery, waterpool, swimming pool (if uncovered), platform round a tree, tank, fountain, bench, and the like;
 - b) drainage culvert, conduit, catch-pit, gully pit, chamber, gutter and the like;
 - c) courtyard, compound wall, gate, slide swing, canopy, porch, areas covered by chajja, watchman hut or alike projections and steps of natural profile which are uncovered and open to sky;
 - d) approach bridge (Covered/Uncovered) from public street, path and road to the building at any floor level.
- 16. "damp proof course" means a course consisting of some appropriate water proofing material provided to prevent penetration or dampness or moisture from any part of the structure to any other part at a height of not less than 15 cm above the surface of the adjoining ground;
- 17. "drainage" means the removal of any liquid by a system constructed for the purpose;
- 18. "dry area" means the space between the hill slope and building which is properly protected by breast wall/retaining wall and is open to sky to facilitate free circulation of air and light and prevent the building from dampness;
- 19. "educational building" means and shall include any building used for school, college or day-care purposes involving assembly for instruction, education or recreation and shall also include cretche (s);
- 20. "existing building or its use" means a building, structure or its use as sanctioned/ approved/regularised by the Commissioner, existing before the commencement of these bye-laws;
- 21. "external wall" means an outer wall of a building not being a party wall even though adjoining to a wall of another building and also means a wall abutting on an interior open

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space of any building;

- 22. "fire resisting material" means material which has certain degree of fire resistance;
- 23. "floor" means the lower surface in a storey on which one normally walks in a building;

Note :-

The sequential numbering of floor from the major street shall be determined by its relation to the determining entrance level. From the major street for floors at or wholly above ground level the lowest floor in the building with direct entrance from the road/ street shall be termed as ground floor. The other floors above ground floor shall be numbered in sequence as floor-1, floor-2, etc. with numbers increasing upwards;

- 24. "floor area ratio (FAR)" means the quotient obtained by dividing the total covered area on all floors by the area of the plot, i.e:

$$\text{FAR} = \frac{\text{Total covered area of all floors}}{\text{Plot Area}}$$

Note:-

For the purpose of this part covered area equals the plot area minus the area due or open spaces in the plot.

- 25. "flue" means a confined space provided for the conveyance to the outer air of any product of combustion resulting from the operation of any heat producing appliance or equipment employing solid, liquid or gaseous fuel;
- 26. "footing" means a foundation unit, constructed in brick work, masonry or concrete under base of a wall or column for the purpose of distributing the load over a large area;
- 27. "foundation" means that part of the structure which is in direct contact with and transmitting loads to the ground;
- 28. "front" in relation to a building means generally the portion facing the major street from which it may or may not have any access;
- 29. "garage, private" means a building or out-house designed or used for the storage of private owned motor driven or other vehicles;
- 30. "habitable room" means a room occupied or designed for occupancy by one or more persons for study, living, sleeping, eating, kitchen if it is used for living room but not including bathrooms, water closet compartments, laundries, serving and storage pantries, corridors, cellars, attics and spaces that are not used frequently;
- 31. "hazardous building" means and shall include any building or part of a building which is used for the storage, handling, manufacture or processing of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and/or which may produce poisonous fumes or explosions for storage, handling, manufacturing or processing which involve highly corrosive, toxic or noxious alkalies, acids or other liquids or chemicals producing flame, fumes and explosive mixtures of dust or which result in the divisions of matter into fine particles subject to spontaneous ignition;
- 32. "industrial building" means and shall include any building or part of a building or structure,

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- in which product or materials of all kinds and properties are fabricated, assembled or processed, refineries, gas plants, mills, dairies, factories etc;
33. "institutional building" means and shall include any building or part thereof which is used for purposes such a medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity, care of infants, convalescents or aged persons and for penal or correctional detention in which the liberty of the inmates is restricted, hospitals, sanatoria, custodial institutions and penal institutions like jails, prisons, mental hospitals, reformatories;
34. "Registered licensed Architect/Engineers/Plumbers" means a qualified Architect, Engineer, Plumber, who has been enrolled/licensed by the Commissioner or any other officer authorised under the provision of the Act;
35. "masonry" means an assemblage of masonry units properly bounded together with mortar;
36. "mumty or stair cover" means a structure with covering roof over a staircase and its landing built to enclose only the stairs for the purpose of providing protection from weather and not used for human habitation;
37. "mezzanine floor" means an intermediate floor between two floor levels above ground floor and at least one side of it should form an integral part of space/floor below and shall form a part of F.A.R;
38. "occupancy or use group" means the principal occupancy for which a building or a part of a building is used or intended to be used, for the purposes of classification of a building according to the occupancy. An occupancy shall be deemed to include subsidiary occupancies which are contingent upon it;
39. "open space" means an area, forming an integral part of the site, left open to the sky;
40. "parapet" means a low wall or railing built along the edge of a roof or a floor;
41. "parking space" means an area enclosed or unenclosed, covered or open, sufficient in size to park vehicles, together with a drive way connecting the parking space with a street or alley and permitting ingress and egress of the vehicles;
42. "partition" means an interior non-load bearing wall, one storey or part storey in height;
43. "plinth" means the portion of a structure between the surface of the surrounding ground and surface of the floor, immediately above the ground;
44. "plinth area" means the built up covered area measured at the floor level of the basement or of any storey;
45. "plot" means a piece of land enclosed by definite boundaries;
46. "porch" means a covered surface supported on pillars or otherwise for the purpose of pedestrian or vehicular approach to a building;
47. "residential building" means and shall include any building in which sleeping accommodation is provided for normal residential purposes with or without cooking or dining or both facilities. It includes one or two or multifamily dwellings, lodging or rooming.



- houses, dormitories, apartment houses and flats and hostels;
- 48. "room height" means the vertical distance measured from the finished floor surface to the finished ceiling;
- 49. "row housing" means a row of houses with only front, rear and interior open spaces;
- 50. "site office" means a room(s)/shed constructed temporarily on the plot or the site of construction that may be permitted by the Commissioner for a limited period during the construction of the building;
- 51. "site or plot" means a parcel/piece of land enclosed by definite boundaries;
- 52. "storage" means a space where goods of any kind or nature are stored;
- 53. "storage buildings/godown" means and shall include any building or part of a building used primarily for the storage or sheltering of goods, wares or merchandise like ware houses, cold storages, freight depot, transit-shed, store houses, garrages, hangers, truck terminals, grain elevators, barns and stables;
- 54. "store room" means a room used as storage space;
- 55. "storey" means the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it;
- 56. "to abut" means to be positioned juxtaposed to a road, lane, open space, building etc;
- 57. "terrace" means the open space at roof level or at any floor level;
- 58. "water closet (WC)" means a privy with arrangement for flushing the pan with water;
- 59. "window" means an opening to the outside other than a door which provides all or part of the required natural light or ventilation or both to an interior space and not used as a means of egress/ingress.

2.02 The words and expressions not defined in these bye-laws shall have the same meaning or sense as in H.P. Municipal Corporation Act, 1994 and Interim Development Plan for Shimla Planning Area 1979.

2.03 All mandatory Zonal Plan regulations regarding use, coverage, set backs, open spaces, height, number of storeys, parking standards etc. for various categories of building including modification there on made from time to time shall be applicable mutatis mutandis in the building regulations under these bye-laws. All amendments/modifications made in those regulations will automatically be included as part of these bye-laws.

3. **APPLICABILITY OF THE BYE-LAWS:**

3.1 Subject to the provision of the Act, these building bye-laws shall apply to the building regulation, activity, in Shimla Municipal Area under the jurisdiction of the Municipal Corporation as under:-

- a) where a building is erected, the bye-laws apply to the design and construction of the building;

- b) where the whole or any part of the building is removed, the bye-laws apply to all parts of the building whether removed or not;
- c) where the whole or any part of the building is demolished, the bye-laws apply to any remaining part and to the work involved in demolition;
- d) where a building is altered the bye-laws apply to the whole building whether existing or new except that the bye-law applied only to part if that part is completely self contained with respect to facilities and safety measures required by the bye-law;
- e) where the occupancy of a building is changed, the bye-law applies to all parts of the building affected by the change.

3.2 EXISTING APPROVED BUILDINGS:

Nothing in these Bye-law shall require the removal, alteration or abandonment, nor prevent continuance of the use or occupancy of an existing approved building, unless in the opinion of the Commissioner, such building constitutes a hazard to the safety of the adjacent property or the occupants of the building itself.

4. INTERPRETATION:

In these bye-laws, the use of present tense includes the future tense, the masculine gender includes the feminine and the neuter, the singular number includes the plural and the plural includes the singular. The word "Person" includes a corporation as an individual, writing includes printing and 'typing' and 'signature' includes thumb impression made by a person who cannot write if his name is written near to such thumb impression.

5. BUILDING SANCTION REQUIRED:

No person shall erect, re-erect or make alteration or demolish any building or cause the same to be done without first obtaining a separate building sanction for each such building from the Commissioner.

6. PRE-CODE BUILDING SANCTION:

If any building, sanction for which has been issued before the commencement of these bye-laws, if not wholly completed within a period of two years, from the date of such sanction the said sanction shall be deemed to have lapsed and fresh sanction shall be necessary to proceed further with the remaining work.

PART-II

7. PROCEDURE FOR OBTAINING BUILDING SANCTION.

7.1 NOTICE:

7.1.1 Every person who intends to erect, re-erect a building or execute any of the works specified in sections 243 and 244 of the Act, shall give a notice in writing to the Commissioner in Form-1 and such notices shall accompany with building plans in six copies. The plans may be ordinary prints on ferro paper, one of them shall be on tracing cloth. The following other documents shall also be attached alongwith notice:-

- (a) sale-deed/lease deed, tatima, jamabandi and demarcation report etc. duly accompanied by an annexed site plan giving the physical description of the plot/property. In such cases where lease deed has not been executed no objection certificate from the lessor shall be submitted
- (b) no objection certificate from the Town and Country Planning Department regarding land use as per Interim Development Plan/Development Programme/Zonal plan, wherever required.
- (c) approval from the Chief Inspector of Factories in case of Industrial Buildings;
- (d) approval from Chief Controller of Explosive, Nagpur and Divisional fire officer (H.P.) in case of hazardous building;
- (e) in sinking zone i.e. the area northern side of Ridge above circular cart road/road between nallah near "White Hotel" upto "North Bank" building on western side, for the buildings more than two storeys details of foundations and structural calculation shall be required to be supplied with a certificate from the State Geologist that the soil is sufficiently strong to take the load of proposed construction. Similar certificate shall also be taken in the sliding zone which includes Ladakhi mohalla, the spurs below the building in which the office of the Directorate of Education is housed and the surrounding area on and around Clarks Hotel.
- (f) structural design duly prepared and signed by registered qualified structural Engineer in Form-2.
- (g) at least two photographs of proposed site from different angles.

7.1.2. The applicant who intends to erect building shall fix the boundary pillars at site before giving the notice for such erection.

7.2 KEY PLAN AND APPROVAL OF SITE:

A key plan drawn to a scale of not less than 1:1,000 shall be submitted alongwith notice, showing boundary location of the site with respect of neighbourhood landmarks.

7.3 SITE PLAN:

The site plan sent with the notice under bye-law 7.1.1 shall be drawn to a scale of not less than 1:200 and shall show:-

- (a) the boundaries of the site and of any contiguous land belonging to the owner thereof;

- (b) the position of the site in relation to neighbouring street;
- (c) the name of the streets in which the buildings is proposed to be situated, if any;
- (d) all existing building standing on, over or under the site;
- (e) the position of the building and of all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in (a) in relation to:-
 - (i) the boundaries of the site and in case where the site has been partitioned, the boundaries of the portion owned by the applicant(s) and also the portions owned by others;
 - (ii) all adjacent streets, building (with number of storeys and height) and premises within a distance of 12 m of the site and of the contiguous land (if any) referred to in (a) and
 - (iii) if there is no street within a distance of 12 m of the site, the nearest existing street;
- (f) the means of access from the street to the building, and to all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in (a);
- (g) space to be left about the building to secure a free circulation of air, admission of light and access for scavenging purposes;
- (h) the width of the street (if any) in front and of the street (if any) at the side or rear of the building;
- (i) the direction of north point relative to the plan of the buildings;
- (j) any existing physical features, such as nallahs, drains, trees monuments/landmarks etc;
- (k) the ground area of the whole property and the break up of covered area on each floor with the calculations for percentage covered in term of the total area of the plot as required under the bye-laws governing the coverage of the area;
- (l) parking plans indicating the parking spaces for all buildings except for individual residential buildings;
- (m) the proposed building shall be fixed with permanent feature;
- (n) disposal of waste water/rain water; and
- (o) drain to be connected with Municipal Corporation nallaha/drain.
- (p) any other document/information as may be considered essential by the applicant.

7.4 BUILDING PLAN

The plans of the building and elevations and sections accompanying the notice shall be drawn to a scale of 1:100. The plan shall:-

- (a) include floor plans of all floors together with the covered area clearly indicating the size and spacing of all framing members and sizes of rooms and the position and width of staircases, ramps and other exit way, lift wells, lift machine room and lift pit details;

- (b) show the use or occupancy of all parts of the buildings;
- (c) show exact location of essential services, for example, water closet, sink, bath water storage tanks and the like.
- (d) include sectional drawings showing clearly the sizes of the footings, thickness of basement wall, wall construction, size and spacing of framing members, floor slabs and roof slabs with their materials. The section shall indicate the heights of building and rooms and also the height of the parapet; and the drainage and the slope of the roof. At least one section should be taken through the staircase; kitchen and toilet, bath and water closet;
- (e) show front, side and rear elevations and all the elevations if the building is open from all the sides;
- (f) indicate details of service privy, if any;
- (g) give dimensions of the projected portions beyond the permissible building line;
- (h) include roof plan indicating the drainage and the slope of the roof;
- (i) give indications of the north point relative to the plan;
- (j) details of parking space if provided;
- (k) give indication of all doors, windows and other openings including ventilators with sizes in proper schedule form;
- (l) such other particulars as may be required to explain the proposal clearly and as prescribed by the Commissioner.
- (m) contour plan of the site;
- (n) level of each floor with respect to road/paths/street;
- (o) total height of the building.

(Note - The drawings comprising of all the requirements from (a) to (o) should be prepared and signed by registered Engineer)

7.5 SERVICE PLAN:

Plans, elevations and sections of private water supply, sewerage, disposal system and details of building services, where required by the Commissioner, shall be made available on a scale not less than 1:100.

7.6 SPECIFICATIONS:

General specifications of the proposed construction giving type and grade of material of public use in Form-3 duly signed by the registered Engineer may be shown accompanying the notice. In addition to this the specifications be written on one side of the plan being submitted for sanction.

7.7 DIMENSIONS:

All dimensions shall be indicated in metric units.

7.8 COLOURING OF PLAN:

(a) COLOURING NOTATIONS FOR PLANS:

The plan shall be coloured as specified in Table-I. Further prints of plans shall be on one side of paper only.

Table-1

S. No.	References	Colour
1.	Proposed Work	Red
2.	Existing Work	Green
3.	Boundary	Yellow
4.	Road/Path	Black
5.	Drain	Blue
6.	Sewerage	Brown
7.	Work proposed to be demolished	Orange

7.9 SUPERVISION:

Notice shall be further accompanied by a certificate of supervision in Form 4 and Form 5 duly signed by the registered Engineers as the case may be.

7.10 SIGNING THE PLANS:

All the plans shall be duly signed by the owner and Engineer registered with Municipal Corporation Shimla and shall indicate their names and address and registration number.

7.11 It shall be obligatory on the part of the owner to provide proper path/streets giving access to the plots into which the land may be divided. The path/streets will be so provided that it shall connect with a regular public or private street. Such path/streets shall be properly demarcated and paved with such other features as may be necessary for the safety of the users.

7.12 The owner of the land, while dealing with the land for selling, making plots or otherwise, as mentioned in bye-law 7.1.1, shall send to the Commissioner a written application, with a layout plan showing the following particulars:-

- (a) the plots into which the land is proposed to be divided for the erection of buildings thereon and the purpose or purposes for which such buildings are to be used;
- (b) the reservation or allotment of any site for any street, open space park, recreation ground, school market or any other public purpose;
- (c) the intended level, direction and width of street or streets;
- (d) the regular line of street or streets; and

(B)

- (e) the arrangement to be made for leveling, paving, metalling, flagging, channeling, sewerage, draining, conserving and lighting street or streets.

8. **NOTICE FOR ALTERATION ONLY:**

When the notice is only for an alteration of the building only such plans and statement as may be necessary, shall accompany the notice.

8.1 No notice and building sanction is necessary for the following alterations, which do not otherwise violate any provision regarding general building requirements, structural stability and fire safety requirements of these bye-laws:-

- (a) plastering and patch repairs;
- (b) replacement of roofing sheets;
- (c) re-flooring and repair of flooring;
- (d) opening & closing windows, ventilators and doors not opening towards other's property;
- (e) construction or re-construction of sun-shade not more than 45 cm in width within one's own land and not overhanging over other persons land or property public street/drain;
- (f) construction or re-construction of parapet not exceeding 1 metre in height and also construction or re-construction of boundary walls as permissible under these bye-laws but not exceeding 1.5 metre;
- (g) white washing, painting etc. including erection of false ceiling in any floor at the permissible clear height provided the false ceiling in no way can be put to use as a loft mezzanine floor or independent floor and does not result in lowering the height of ceiling to less than the required minimum height;
- (h) erection or re-erection of internal partition shall be allowed provided the same are within the preview of these bye-laws;
- (i) shifting/relocating water tanks or main gate within one's own compound.

9. **GRANT OF SANCTION OR REFUSAL:**

9.1 The Commissioner may either sanction or refuse the plans and specifications or may sanction them with such modifications or directions as it may deem necessary and there upon shall communicate his decision to the person giving the notice.

If within 60 days of the receipt of notice under 7.1 of bye-laws, the Commissioner fails to intimate in writing to the person, who has given the notice, of its refusal or sanction or any intimation, the notice with its plans and statements shall be deemed to have been sanctioned provided the fact is immediately brought to the notice of the Commissioner in writing by the person who has given notice and having not received any intimation from the Commissioner within fifteen days of giving such written notice. Subject to the conditions mentioned in, these bye-laws, nothing shall be construed to authorise any person to do any thing in contravention or against the terms of lease or titles of the land or against any other regulations, bye-laws or ordinance operating on the site of the work.

9.2 Once the plan has been scrutinised and objections have been pointed out, the owner giving notice shall modify the plan to comply with the objections raised and re-submit it. The Commissioner shall scrutinise the re-submitted plan and if there be further objections, the same shall be intimated to the applicant for compliance after which plans shall be sanctioned.

10. DURATION OF SANCTION:

The sanction once accepted, shall remain valid for two years from the date of sanction. The building sanction shall be got revalidated.

11. REVALIDATION OF PLANS:

Revalidation of plans after the expiry of validity period shall be subject to the following conditions:-

- (a) where work is in progress and there are no deviations, the case may be considered for extension of time.
- (b) for cases where there are deviations, the cases may be considered on merits after imposing the composition fee as per general guide lines.

12. REVOCATION OF SANCTION:

The Commissioner may revoke any building sanction issued under the provisions of these bye-laws, where ever there has been any false statement, suppression or any mis-representation of material facts in the application on which the building sanction was based or if there is a gross deviation during the progress of construction from the sanctioned plan.

13. VALID NOTICE:

Notice containing complete information as required in bye-laws No. 7.1.1 and 7.1.2 shall be considered as valid notice.

14. QUALIFICATIONS OF REGISTERED TECHNICAL PERSONNEL FOR PREPARATION OF SCHEMES FOR BUILDING SANCTION AND SUPERVISION.

The qualification of the technical personnel and their competence to carry out different jobs for building sanction and supervision for the purpose of registration by the Commissioner or any other officer authorised by him and the registration shall be valid for one calendar year ending 31st. December after which it shall be renewed annually is as follows:-

- (a) **Engineer**
 - Qualification-** The Engineer shall hold such qualifications for the purpose of registration as are given in section 243 of the Act.
 - Competence:** The registered engineer is competent to carry out the work related to Building Sanction as given below and will be entitled to submit.

- (i) All plans and related information connected with building sanction;
- (ii) Structural details and calculations for all buildings;

- (iii) Certificate of supervision for all buildings;
- (iv) Sanitary/water supply works for all type of buildings;
- (v) All layout plans;
- (b) **Plumber:**

Plumbers shall be licensed by the Commissioner through an examination of the candidate having the following minimum qualifications:

Qualifications:

- (i) Knowledge of English/Hindi/Urdu.
- (ii) Working knowledge of drawings and sketches.
- (iii) Certificate of training from I.T.I for the trade with minimum two years experience of execution of sanitary and plumbing works under any Govt. Deptt./Local Bodies or licensed Architect/Engineer.

OR

A sound practical knowledge or experience of sanitary and plumbing works under any Govt. Deptt./Local Bodies or licensed Architect for period of five years.

Competence:

A licensed plumber shall be competent to do the following jobs independently.

- (a) Submission of sanitary plans upto 500 sq.mtr. plot size and 4 storeyed buildings
- (b) Execution/supervision of sanitary works upto 500 sq. mtrs. plot size and 4 storeyed buildings.
- (c) Execution of sanitary works for all kind of buildings under the supervision of all licensed Engineer.

15. PROCEDURE DURING CONSTRUCTION WORK:

15.1 Neither the granting of the sanction nor the approval of the drawings and specifications, nor inspection made by the Commissioner or any other official of Municipal Corporation, during erection of the building shall in any way relieve the owner of such building from full responsibility for carrying out the work in accordance with the requirements of these bye-laws.

15.2 NOTICE FOR COMMENCEMENT OF WORK:

Before commencement of the building work at site for which building sanction has been granted, the owner, within a period of maximum one year from the date of sanction, shall give notice to the Commissioner of the intention to start the work at the building site in the proforma given in Form-6. The owner shall commence the work within seven days from the date of such notice.

15.3 DOCUMENTS AT SITE:

The person to whom a sanction is granted shall during construction make readily available

for inspection a copy of the approved drawings and specifications.

16. NOTICE OF COMPLETION:

Every owner shall have to submit a notice of completion of the building to the Commissioner regarding completion of the work described in the building sanction. The notice of completion shall be submitted by the owner as per proforma given in Form-7, 8, and 9. accompanied by one copy of completion plan in tracing cloth and four ferro prints with fee of rupees 50/- and the following documents:-

- a) Copy of sale deed, lease deed, latest tatima, jamabandi, etc. in case of change of ownership.
- b) Two photographs showing front and side elevation of the completed structures.
- c) Tax clearance certificate from Municipal Corporation.

A committee consisting of Engineer water works and drainage, Electrical Engineer, Architect Planner, Medical officer of Health and headed by the Commissioner will inspect the site before according the sanction of the completion plan.

17. DEVIATIONS DURING CONSTRUCTION:-

If during the construction of a building any substantial departure from the sanctioned plan is intended to be made by way of internal alterations or external additions, sanction from the Commissioner shall be obtained. The revised plan showing the deviations shall be submitted and the procedure laid down for the original plan heretofore apply to all such amended plans.

18. OCCUPATION OF BUILDING:

No person shall occupy or allow any other person to occupy any building or part or a building for any purpose until such building or part has been granted the completion certificate.

19. COMPLETION CERTIFICATE:

The Commissioner, on receipt of the notice of completion, shall inspect the work and communicate the sanction or refusal or objections there-to, within 30 days from the date of receipt of notice of completion. If nothing is communicated within this period, it shall be deemed to have been approved by the Commissioner for occupation.

20. NOTICE ON COMPLETION OF PLINTH LEVEL WORK:

The owner who has completed the work upto plinth level and before the commencement of the superstructure work shall give notice to the commissioner in form-10, failing which the construction/structure so raised shall be treated as unauthorised.

21. UNSAFE BUILDING:

All unsafe buildings shall be considered to constitute danger to public safety and hygiene and sanitation and shall be restored by repairs, demolition or dealt with under section 258 and 259 of the Act.

22. **DISTANCE FROM ELECTRIC LINES:**

No Verandah, balcony, Saiban or the like shall be allowed to be erected or re-erected or any additions or alterations made to a building within the distance quoted below in accordance with the provisions of Indian electricity Act and the Rules made there under and its amendments from time to time, between the building and any overhead electric supply line:-

	<u>Vertically</u>	<u>Horizontally</u>
a. Low and medium voltage lines and service lines.	Metre 2.40	Metre 1.22
b. High voltage lines upto and including 33000 V.	3.66	1.83
c. Extra high voltage lines beyond 33000 V.	(Plus 0.3 m for every additional 33000 V or part thereof.)	(Plus 0.3 m for every addl. 33000 V. or part thereof.)

23. **MINIMUM SIZE OF SITE:**

The minimum size of sites for the construction of different types of buildings for different use groups, shall be in accordance with provisions of the Interim Development Plan/ Development Plan for Shimla Planning area.

24. **MEANS OF ACCESS:**

- 24.1. No building shall be erected so as to deprive any other building of the means of access.
- 24.2. Every person who erects a building shall not at any time erect or cause or permit to erect or re-erect any building which in any way encroaches upon or diminishes the area set apart as means of access.

25. **OPEN SPACES, AREA AND HEIGHT LIMITATIONS:**

- 25.1. Every room intended for human habitation shall abut on an interior and exterior open space or on an verandah, open to such interior or exterior open space.
- 25.2. The open spaces to be left around the building including set backs, covered area, total built up area, limitations through F.A.R. shall be as per Interim Development Plan/ Development Plan for Shimla Planning Area.
- 25.3. The set backs of the respective buildings shall be as per Zoning Regulations of the Development Plan/Interim Development Plan, for Shimla Planning Area.

26. **REQUIREMENT OF PARTS OF BUILDINGS:**

26.1 **PLINTH OF BUILDINGS:**

The plinth or any part of a building or outhouse shall be located with respect to surrounding ground level so that adequate drainage of the site is assured but not at a height less than 45 cm. In case of sloping site the maximum height of the plinth level should however

not be more than 2.00 metre, including the plinth from the lowermost level of the original ground profile.

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26.2 **HABITABLE ROOMS:**

26.2.1. **SIZE:**

Habitable room shall have a minimum floor area of 9.5 sqm. and shall also have a minimum width of 2.4 metres. In the hostels attached to recognised educational institutions the minimum size of a habitable room should be 7.5 sq.mtrs.

26.2.2 **HEIGHT:**

- (a) The minimum height of each floor excluding thickness of slab shall be 2.75 metre including the beam. The maximum height of the floor shall not be more than 4 metres measured from the surface of the floor to the lowest point of the ceiling (Bottom of Slab).
- (b) The maximum height of the building shall not exceed 14 meter excluding plinth and parking floor wherever sanctioned and shall be determined from the plinth upto the ridge of the roof. However for detached buildings constructed in plots of area less than 100 sq.m. the maximum height of building shall not exceed 8.00 metres.

26.2.3. At least 1/6 area of the living room will be rendered for sufficient air and light by providing windows or ventilators.

26.2.4. Every room except, kitchen, bath, store, water closet, study room, puja room and dinning room is a habitable room.

26.3 **KITCHEN:**

- (a) The area of the kitchen shall not be less than 4.50 sqm. with a minimum width of 1.80 metres.
- (b) A kitchen which is also intended to be used as a dining room shall have a floor area not less than 7.50 sqm. with minimum width of 2.10 metre.
- (c) The door of the kitchen shall be fly proof and the entire kitchen shall be well lit and well ventilated.
- (d) Unless, separately provided in a pantry means for the washing of kitchen utensils, which shall lead directly or through a sink to grated or trapped connection to the waste pipe.
- (e) A kitchen shall have a sink with minimum dimension of 0.60 metre by 0.45 metre or a water proof washing tray of minimum 10 cm. depressed into floor.
- (f) An effective flue/exhaust fan with other sufficient arrangements to prevent any smoke flowing to the kitchen.
- (g) The floor of the kitchen shall be of impervious and fire resistance nature.

(h) Height of the kitchen shall be equal to the height of habitant room.

26.4 BATH ROOMS AND WATER CLOSETS:

26.4.1 SIZE:

The size of a bathroom shall be not less than 1.80 sq. meter with a minimum width of 1.20 mtrs. and minimum lengths of 1.50 mtrs. The minimum size of water closet shall be 1.1 sq. meter with a minimum width of 0.90 mtrs. and minimum length of 1.20 mtrs. If it is a combined bathroom and water closet, the minimum area shall be 2.8 sq. mtrs. with a minimum width of 1.2 mtrs. and minimum length 2.35 sq.mtrs.

26.4.2 OTHER REQUIREMENTS:

Every bathroom or water closet shall:-

- (a) be so situated that at least one of its walls shall open to external air and shall have a minimum opening in the form of window or ventilation to the extent of 0.37 sqm. or if external wall is not possible it should abut to shaft with minimum dimension of 0.90 m. where exhaust fan shall be provided for ventilation,
- (b) not be directly over or under any room other than another latrine, washing place, bath/ or terrace unless it has a water tight floor,
- (c) be provided with an impervious floor covering, sloping towards the drain with a suitable grade and not towards verandah or any other room,
- (d) have water tight seats with non-absorbent material,
- (e) be enclosed by walls or partitions and the surface of every such wall partition shall be finished with a smooth impervious material to a height of not less than 1 m. above the floor of such a room.

26.4.3 No. room containing water closets shall be used for any purpose except as a lavatory and no such room shall open directly into any kitchen or cooking space by a door, window or other opening. Every room containing water closet shall have a door completely closing the entrance to it.

26.4.4 When the outer door of latrine/privy is open the seat shall not be visible from the street or other public place.

27. MEZZANINE FLOOR:

27.1 SIZE:

Mezzanine floor shall be permitted only between ground floor and first floor in only commercial buildings, such as Banks, Restaurants etc. The mezzanine area upto 25% of the actual covered area on the ground floor is permissible and shall be counted in the F.A.R.

27.2 HEIGHT:

The height of mezzanine floor shall not be less than 2.20 meter and not more than 2.75 meter.

27.3 **OTHER REQUIREMENTS:**

A mezzanine floor may be permitted over a room or a compartment provided that:

- (a) the mezzanine shall have direct light and ventilation to the extent of 10% of its floor area.
- (b) it is constructed so as not to interfere under any circumstances with the ventilation of the space over and under it and does not violate any other bye-law.
- (c) such mezzanine floor or any part of it shall not be used as kitchen; and
- (d) in no case a mezzanine floor shall be closed so as to make it liable to be converted into unventilated compartments.

28. **BASEMENT:**

Basement shall be considered as storey. A cavity wall with at least 6" cavity drain shall have to be provided against hill side in basement floor.

29. **STORE ROOM:**

29.1 **SIZE:**

The area of a store room shall not be less than 3 sq. metre. In case, the area of the store room is more than 3 sq. metr., the light and ventilation requirement to the extent of 10% of the floor area shall have to be provided.

29.2 **HEIGHT:**

The height of store room shall be equal to the height of habitant room.

30. **PRIVATE GARAGE:**

30.1 A garage in the compound or on land adjoining to the building of a house can be permitted provided that the maximum height of the garage shall be 2.20 mts. and provided that on the valley side the garage shall be constructed by constructing retaining wall filled with boulders/earth upto road level provided further that the depth of original profile shall not exceed 2 Mts. from the road level. The garage shall however be permitted after leaving proper front set back and the applicant shall have to obtain the N.O.C. from the competent authorities.

30.2 The provision of one parking floor in the building shall be allowed with maximum height of 2.20 m. from the surface of the floor to the lowest point of the ceiling and also exempted from the F.A.R. provided that the parking floor level abuts on the road which is through for vehicular traffic.

30.3 The size of private garage in the open plot shall not be less than 2.50 Mts. x 5.0 Mts. or the size of the vehicle. However, due to topographical constraints this provision can be relaxed, for small cars, by the Commissioner.

31. **BALCONY:**

The building or a unit of the building shall have a balcony on any of the side. The width of the balcony shall, not be more than 1.2 m. and the balcony shall normally face the *frontage*.

The minimum width of a corridor in a residential building shall be one metre and in all other buildings 1.20 metre.

33. **LIFTS:**

33.1 Where lift facility is available all the floors of the building shall be accessible for 24 hours by the lifts. The lifts provided in the buildings shall not be considered as a means of escape in case of emergency/fire.

33.2 Grounding switch, at ground floor level, to enable the fire service to ground the lift in case of an emergency shall also be provided.

33.3 The lift machine room shall be separate and no other machinery shall be installed therein.

NOTE:

The specifications for the construction of the lift shall be as per National Building Code.

34. **ROOF:**

34.1 The roof of a building shall be so constructed or framed with such slope as to permit effective clearance of the snow and drainage of the rain water by means of rain water pipes of adequate size.

34.2 The maximum angle of the roof from outer edge of the wall to the ridge shall ordinarily be 30 degree.

34.3 However often some pinnacles/spires or domes are constructed for adding beauty to the building or for ensuring aesthetic requirements. These may be permitted/regularised over and above the 14 Mts. maximum height of the building provided such spires/pinnacles or domes are so constructed that these are non habitable.

35. **TERRACE/GLASS HOUSE/MUMTY:**

The terrace at roof level shall be allowed equal to 1/3rd floor area of the top floor. In this area the owner can also construct glass house/terrace garden subject to the condition that such glass house does not go higher than the ridge of the roof.

The owner may also be permitted to install solar system and in case such installation is above the roof and results in exceeding the maximum height of 14 mts. of the building the same can be considered for sanction depending upon the merit of the each case. Mumty and stair case to the terrace at roof level shall be allowed. The clear height of mumty shall not exceed 2.20 m. from mid landing and waist slab of the staircase, leading to terrace, at any point of the building.

36. **STAIRS:**

36.1 The width of the stair case leading to any floor of a residential building shall not be less than one metre and for buildings other than the residential building the following minimum width shall be provided.

- a. Hotels, flats, hostels, group housing and educational buildings like schools, colleges. etc.

1.50 m.

b. Institutional buildings like hospitals and assembly buildings like auditorium, theatres cinemas. 2.0 m.

36.2 The minimum width of treads without nosing shall be 25 cm. for an internal stair case for residential buildings. In case of other buildings the minimum tread shall be 30 cm. The treads shall be constructed and maintained in a manner to prevent slipping. Winders shall be allowed in residential buildings provided they are not at the head of a downward flight.

36.3 The maximum height of riser shall be 19 cm. in the case of residential buildings and 15 cm. in the case of other buildings. They shall be limited to 15 per flight.

36.4 The minimum head room in the passage under the landing of a stair case shall be 2.20 metre.

36.5 Interior staircase shall be constructed as a self contained unit with at least one side adjacent to an external wall and shall be completely enclosed. For buildings more than 12m. height, all staircases shall be enclosed.

37. **SPIRAL STAIR CASE:**

37.1 In commercial building consisting of three or more storeys, provisions of spiral stair case other than a regular stair case, as fire escape shall be provided.

37.2 The spiral fire escape shall be not less than 1.50 meter in dia meter and shall be designed to give adequate head room.

38. **RAMPS:**

38.1 Ramps with a slope of not more than 1 in 10 may be substituted for stairways and shall comply with all the applicable requirements of required stairways as to enclosure, capacity and limiting dimensions, larger slopes shall be provided for special uses but in no case greater than 1 in 8. For all slopes exceeding 1 in 10 and where the use is such as to involve danger of slipping, the ramp shall be surfaced with approved non-slipping material.

38.2 The minimum width of the ramps in hospitals shall be 2.25 m.

38.3 Handrails shall be provided on both sides of the ramp.

38.4 Ramps shall lead directly to outside open spaces at ground level or courtyards or safe place.

39. **RE-ERECTION OF BUILDING ON OLD LINE:**

The permission for re-erection on old line for dilapidated, burnt, and unsafe building may be considered after receiving the notice from the owner of the property.

39.1 The notice shall accompany with old sanctioned plan or plan of the existing building duly certified by a qualified Architect/graduate engineer.

39.2 The notice shall accompany with all the documents as required for new proposed erection of buildings.

39.3 The sanction for re-erection shall be given for the existing covered area and number of floors and with the same height.

- 39.4 the sanction for re-erection shall be given at the same plinth level.
- 39.5 In heritage zone the sanction for the re-erection shall be given only after maintaining old existing facade of the building.

40. **BASIC AMENITIES:**

The basic amenities such as water connection, sewerage connection and electric connection shall only be given on the following terms:

- (a) One water connection on commercial basis shall be given for the construction purpose only after proposed plan is sanctioned subject to availability of water.
- (b) N.O.C for one temporary electric connection shall be issued for construction purpose only after proposed plan is sanctioned and construction is carried out as per sanctioned plan.
- (c) Water connection on domestic basis shall be given only after the completion plan of the particular floor/portion/whole of building is sanctioned. For the remaining construction the owner will be provided the trade connection.
- (d) N.O.C. for permanent electric connection shall be issued only after completion plan of particular floor/portion/whole of building is sanctioned.
- (e) Sewerage connection shall be given only after the completion plan of the particular portion/floor and whole of the building is sanctioned.
- (f) In the case of old existing building where the completion plan has not been sanctioned by the Commissioner, the trade water connection shall be given to the occupier/owner till the completion plan is sanctioned.

41. **GENERAL:**

- 41.1 In Bazaar area and in all other areas which may be considered to be congested area by the Municipal Corporation every building abutting on the valley side of a street shall be constructed so as to be within a building angle of not more than $37\frac{1}{2}^{\circ}$. In case of a building abutting on the otherside of a street a building angle of not more than 45° shall be allowed.

NOTE:

The term building angle means the angle formed between the horizontal line at street level and line drawn from higher point of proposed building to the farthest edge of the street opposite the proposed buildings.

- 41.2. No building shall be constructed on a vacant site/plot within any area restricted by the State Govt. without its prior approval.
- 41.3 The specifications for the construction of buildings other than residential buildings shall be as per National Building Code.
- 41.4 The specifications for the installation of fire control system may be as per National Building Code.
- 41.5 The walls of every building shall be constructed of non-inflammable material and in the

43.3 For group of plots exceeding 10 in number on one particular access, minimum vehicular access shall be of 5 metres width. However, 3 metres minimum wide pedestrian links can be provided to smaller cluster of plots not exceeding 10 in number.

43.2 Layout of plots shall be governed by ways/access having acceptable grades, i.e. minimum 1:15 and which may not obstruct view or vista.
Orientation of the plots shall be provided in such a manner so as to be in conformity with the integration of existing plots/infrastructure, wind direction, natural flow of surface drainage to allow unobstructed rain water discharge.

43. CARVING OF PLOTS:

42.8 The development of land shall be made in such manner so as to achieve maximum air, light and sun where it is needed mo

42.2 Where, it is essential to develop a plot by cutting, it shall be responsibility of the plot owner to provide, according to the Engineering specifications, retaining and breast walls so that such cutting of natural profile of the land may not harm the adjoining uphill side properties. However, cutting of natural profile shall not exceed more than one storey (3 meters in any case having a provision of diaphragm wall for step housing).

42. SITE DEVELOPMENT:

42.1 The development of land shall be made in such a manner that natural profile of the land is least disturbed and disposal of surplus earth shall be made only on those points as are specified by Municipal Corporation from time to time.

41.11 Where tree is involved no building application shall be considered where the distance between building and outer edge of tree is less than 2 mtr.
41.10 Not more than one dwelling unit per floor will be allowed in residential buildings constructed in plots having an area upto 250 sq.m. For plots measuring over 250 sq.mt. one additional dwelling unit may be allowed and thereafter for every 100 sq.mt. additional area of the plot additional dwelling unit may be considered.

41.9 No building shall be constructed adjoining the road (N.H. and S.H.) without leaving the setbacks as may be prescribed by State Government from time to time and after obtaining N.O.C. from State PWD/C.P.W.D. as the case may be.

41.8 In case of sanction sought for erection of buildings in the immediate vicinity COMMAND HEAD QRS Office Complex and Command Officer's Mess, the Commissioner may call for the comments of station Head Qrs.

41.7 Every building is required to be renovated viz painted, distempered, white washed, roof painted at least once in three years by the owner/tenant.

41.6 Number of storeys and conversion of residential building to office use and hotels etc. i.e. commercial use shall be allowed as per Zoning Regulations for the area concerned.
23 cm. case of partition walls between adjoining houses their thickness shall be not less than

44. CONSTRUCTION OF TEMPORARY STRUCTURE:

The owner may construct with prior permission of the commissioner a single storey temporary structure within the boundaries of the site, for builders office, storage of building material shelter for labour etc. during the construction of building thereon or adjoining thereto. This temporary structure shall remain for the period specified in the sanction.

45. Regularisation Of Unauthorised Construction/Violation Of Provision Of I.D.P. / D.P. / Zonal Plan / M.C. Bye-Laws / Deviation From The Sanctioned Plan:

45.1 COMPOUNDABLE ITEM:

45.1.1 If there is deviation from the sanctioned plan but setbacks are intact and the construction is within permissible entitlement of coverage as admissible on the date of filing of the plans, the composition fee shall be charged at the following rates;

- (a) for the deviation upto 10% of the sanctioned area, the composition fee may be charged @ 10% of the cost of construction.
- (b) for the deviation upto 20% of the sanctioned area, the composition fee may be charged @ 10% of the cost of construction for deviations from 0% to 10% and 20% cost of construction for the deviations from 10% to 20%.
- (c) for the deviations above 20%, the composition fee may be charged @ 10% cost of construction for the deviation from 0% to 10% and 20% cost of construction for the deviation from 10% to 20% and 100% cost of construction for the deviation above 20%

45.1.2 If there is deviation from the sanctioned plan and set backs are disturbed, the deviation may be considered for compounding as given below:-

- (a) where the deviation in setbacks at any floor/at plinth level is upto 10% of the sanctioned plan the same may be compounded @ 20% of the cost of construction, subject to the condition that:-
 - (i) there should not be any hindrance/nuisance to the adjoining building/plot/ path/ road/street/drain and neighbours etc.
 - (ii) the erection of building should not be on any Government land belonging to or the land vested in a municipality or a local Authority.
 - (iii) the construction should not be in contravention to the provisions to the Himachal Pradesh Roadside Land Control Act, 1969.
- (b) Any Person aggrieved by the decision of the Commissioner, under S. No. 45.1.2 (a) of these bye-laws, may, within thirty days from the passing of the order by the Commissioner and in the manner prescribed in "appendix-A, appeal to the Divisional Commissioner.
- (c) Any person aggrieved by the decision of the Divisional Commissioner in appeal under clause (b), may, within thirty days from the order made by the Divisional Commissioner and in the same manner as prescribed in (b) above, appeal to the State Government.

(d) The appellate authority may, for reasons to be recorded in writing, allow the appeals to be filed after the expiry of the period of thirty days specified in (b) and (c) and for calculating the aforesaid period of thirty days, the time spent in procuring the certified copies of the orders to be appealed against shall be excluded.

NOTE:

- 1. For the purpose of compounding, the average rate of construction of the year of sanction and year of completion/submission of map shall be taken.
- 2. For purpose of compounding balconies/projections, half the rate of construction shall be taken.
- 3. The maximum permissible percentage of deviations is inclusive of the area of balconies/projections.

46. REPEAL & SAVING:

- (1) The Shimla Municipal Corporation Building Bye-laws of 1975 are hereby repealed.
- (2) Notwithstanding repeal of Building Bye-laws under this Bye-laws, any order, registration, licence, certificate, notice, decision, sanction, approval, authorised, or consent made, issued or given under such Bye-laws shall continue to be in force and have effect as if it were made, issued or given under corresponding provisions of these Bye-laws; and every building plan sanctioned or approved prior to the commencement of these Bye-laws and any application in relation thereto shall be disposed of in accordance with the provisions of the said Bye-laws, as if the said Bye-laws had continued to be enforced and these Bye-laws had not been framed.

27

MUNICIPAL CORPORATION SHIMLA

Form-1

(See bye-law-7.1.1)

Form for First Application to Erect, Re-erect or to make

Material Alteration In any place in a Building

To

The Commissioner,
Municipal Corporation,
Shimla.

Sir,

I hereby give notice that I intend to erect/re-erect/demolition or to make alteration in the Building No..... or to..... on/ in plot No./Khasra No..... situated at..... Shimla in accordance with the building bye-laws of Municipal Corporation Shimla. I forward herewith, the following plans and specifications duly signed by me and (name in block letters), the Engineer who have prepared the plans, designs etc. and will supervise its erection. The copy of other following documents (as applicable) are attached herewith:

1. Key plan/Location plan.
2. Site plan.
3. Building plan alongwith structural design.
4. Service plan.
5. Ownership title.
6. Jamabandi, tatima
7. Demarcation certificate.
8. General specifications.
9. Attested copy of Receipt for payment of application fee.
10. Two photographs of site from different angles.
11. Other documents, as required.

I request that the construction may be approved and permission be accorded to me to execute the work.

Signature of owner.....

Name of owner.....
(in block letters)

Address of owner.....

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Dated.....