

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2570, CUTTACK, SATURDAY, DECEMBER 28, 2013/PAUSA 7, 1935

HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 17th December, 2013

No. 35742-1357-15-0010/2013/HUD.— Government after careful consideration have been pleased to formulate a regulation for installation of Telecom Towers in Urban Area of Odisha with a view to create a healthy and congenial atmosphere for the wellbeing and convenience of general public. Accordingly, the regulation titled “Special regulation for installation of Telecom Towers in Urban Area of Odisha, 2013” is hereby notified, which will come into force from the date of publication in the Gazette with immediate effect.

By Order of the Governor

INJETI SRINIVAS

Additional Chief Secretary to Government



**SPECIAL REGULATION FOR INSTALLATION
OF TELECOM TOWERS IN URBAN AREAS OF ODISHA-2013**

**GOVERNMENT OF ODISHA
HOUSING & URBAN DEVELOPMENT DEPARTMENT**

Preamble:

A regulation to exercise control over installation of Telecom towers on roof top/ground Level or various premises falling in the area under the jurisdiction of Urban Local Bodies and designated Urban Bodies/Areas in Odisha.

1. Applicability:

These regulations shall apply to the whole of the State of Odisha and shall be implemented by all the Telecom Service Providers, Municipal Corporations, Municipal Councils, Notified Area Councils and other designated Urban Bodies/ Areas/Authorities empowered to give plan approval of buildings within their jurisdiction. These regulations will be applicable to all existing/ proposed Telecom towers installed/ to be installed.

2. Definitions:**(1) "Local Body/Authority":**

"Local Body /Authority" shall mean and include all Municipal Corporations, Municipal Councils, Notified Area Councils and other designated authorities as defined in the respective notified Acts and to whom an application for installation of Telecommunication tower is made.

(2) "Telecommunication Cell Site/Base Station":

"Telecommunication Cell Site/ Base Station" shall mean and include a place where tower of requisite height and dimensions, delta, single pole antenna, microwave antenna, cabin of requisite dimension for housing telecom equipment, telecom trans receiver machinery, related civil work, requisite wire and cables, power supply equipments, Diesel Generator set/alternate power supply mechanism, cabin/cupboard for housing any/all of the aforesaid items as necessary. Hereinafter it can be termed as 'Telecom Tower'.

(3) "Service Provider":

"Service Provider" shall mean the Telecom Operators who are the licensees U/s 4 of Indian Telegraph Act and as well as the infrastructure provisioning category-I (IP-I), who has been authorized by the Department of Telecommunication for the purpose of erection and maintenance of the Telecom tower for providing telecom service to the users or his authorized person.

(4) "Appellate Authority":

"Appellate Authority" shall mean an officer authorised/appointed by Housing & Urban Development Department for the purpose of hearing any dispute between the Authority and the Service Provider.

3. Location and permissibility:

The Telecom towers should be located on the vacant lands to the extent possible. If locating the Base Station and antenna in residential area is unavoidable, then the Service provider shall identify the building which is in design stage and plan the erection of Base Station and antenna tower above such building by taking into account the sufficient load of such high tower in the design and planning from the beginning itself. Possibility of multiple users of a single tower should be explored.

However permission for installation of towers should be given as per priority areas listed below.

- i. All municipal buildings except Educational and Health Institutions buildings
- ii. Non-residential buildings
- iii. Residential areas (as defined in the development plan or master plan)
 - a. Vacant land after clearance from concerned authority
 - b. Residential vacant plot leaving minimum 3 metre setback all around
 - c. Residential buildings

(Note: Erection of Cell Tower on residential building shall only be allowed in those cases where no alternative is available),

- d. Group Housing.

3.1 Non-Permissible Locations:

Installation of Telecom towers shall not be allowed in and around (100 Meters) from the buildings where Educational, Religious and Health Care Institutions are functioning. If installing mobile towers is unavoidable, then the service provider has to follow the distance with respect to the height specified in the table below.

Number of multiple antennas in the same direction	Building/ structure distance from the antenna at the same height (In meters)
1	20 meters
2	35 meters
4	45 meters
6	55 meters

Alternatively, operators need to produce safety certificate from Telecom Enforcement Resource and Monitoring (TERM) Cell that all general public areas are within safe EMF exposure limits as per actual peak traffic measurements after the antenna(s) start radiating.

4. Setbacks:

An area of 3 metre radius shall be left as set back around the tower.

5. Restrictions:

The permission to install Telecom tower shall not be given in cases where the proposal is submitted for construction/erection:

- i. On a building which is abutting less than 9m. Right of Way on case to case basis.
- ii. Within 300 meters radius of a monument declared by Archeological Survey of India or State Archaeology.
- iii. Within 100 meters radius from a high security zone/building etc.
- iv. Restrictions imposed by the Competent Authority whenever the location is proposed nearer to natural drainage channel/national highways/railway tracks
- v. Within the funnel zone of the Airport, unless otherwise necessary clearance is obtained from the Local Airport Authority.
- vi. The Base Station cannot be erected within the distance of 100m. radius from the Educational and Health care Institutional buildings. If installing mobile tower is unavoidable, then the service provider has to follow the distance with respect to the height specified in table 3.1.
- vii. On buildings which are unauthorized and structurally unsafe.

6. Installation of ancillary equipments:

- i. In order to avoid any eventuality due to thunder, storm, lightning-conductors/ arresters have to be installed.
- ii. Generator set installed at the tower site to cater to the power requirements of the antenna should conform to the noise and emission norms prescribed by the Odisha State Pollution Control Board (OSPCB).

7. NOCs/ Permissions required:

'No Objection Certificates' (NOC) required for the service provider for getting approval from the concerned authority:

- i. NOC from building owners/ entities having roof top rights or roof top tenants in case of roof based tower/ land owner in case of ground based tower, as the case may be/ of all the flats in case of apartments or from the society if any.
- ii. NOC from the Archaeological Survey of India / State Archeology, wherever applicable.
- iii. Provisional permission from the Department of Telecommunication (DoT) in favour of service provider.
- iv. NOC from different authorities like Urban Local Body/ Development Authorities, which are having its administrative control on the building and wherever erection of Telecom tower is proposed.
- v. Permission from the State Pollution Control Board wherever applicable.
- vi. Permission from the Airport Authority of India wherever applicable.
- vii. Permission from State Forest & Environment Department for forest protected areas, wherever applicable.
- viii. Copy of the clearance from Fire Safety Department only in case for high rise buildings where Fire Clearance is mandatory.

8. Documents required for getting permission:

All applications shall be made to the Local Body by the Telecom Service Provider through an authorized person. The Application to the Local Body/ Bodies shall be made along with the following documents.

- i. Copy of Access service License/ Infrastructure provider Registration Certificate from Department of Telecommunication (DoT).
- ii. Copy of structural stability certificate for ground based tower. In case of roof-top BTS(Base Transceiver Station) towers, structural stability certificate for the building and tower based on written approvals of any authorized Structural Engineer of State/ Local Bodies/ Central Building Research Institute (CBRI), Rourkela/ IIT/ NIT or any other agency authorized by State Govt./ Local Body.
- iii. Data Sheet
 - (a) Name of Service/ Infrastructure provider
 - (b) Location
 - (c) Tower reference
 - (i) Height (ii) Weight (iii) Ground/ Roof top (iv) Pole/Wall mounted
 - (v) Number of antennae.

- iv. Proof of ownership/ lease/ tenancy right over the plot or building where the installation of tower is proposed.
- v. An undertaking from the service provider for the list of equipments proposed to be installed and their characteristics along with design, development and operational parameters with reference to DoT specifications.
- vi. Copy of the type test certificate issued by the Automotive Research Association of India to the manufacturer of the Diesel Generators (DG) sets {the DG sets used shall be as per the provisions under Environment (Protection) Act, 1986 and noise Pollution (Regulation & Control) Rule 2000 as amended from time to time}.
- vii. No Objection Certificate from Airport Authority/Archaeological Survey of India or State Archaeological Department/National Highways/Railways wherever necessary.
- viii. Copy of the clearance from Fire Safety Department only in case for high rise buildings where Fire Clearance is mandatory.
- ix. Copy of Standing Advisory Committee for Frequency Allocation clearance application for the said location submitted to Wireless Planning Commission (WPC) wing of DoT with registration numbers as WPC acknowledgement along with undertaking that in case of any objection/rejection, TSPs/IPs will take corrective actions /remove the tower.

9. Procedure for obtaining Permission:

1. The application shall be made by the service provider or his authorized representative in the prescribed application form along with documents required (as specified in *Annexure-I*).
2. All required documents (mentioned above at 8) shall be signed and certified by an authorized person appointed by the service provider.
3. The application along with the documents and required processing fee shall be submitted to the concerned ULB.
4. The authority shall issue the permission for erection of tower within 2 months from the date of receipt of application.
5. In case of any deficiency in the application, the authority shall intimate the service provider within 1 month for compliances of the deficiencies by the service provider. In this case, the permission will be issued within 2 months from the date of receipt of compliances from the service provider.

6. If the local body does not give any response within 60days after submission of the application, the said application by the service provider shall be deemed to have been approved. The service provider may deposit the prescribed fee with the authority towards the permission.

10. Fee for granting Permission:

After approval of the application received, the Local Body/Authority will intimate the service provider for deposit of the requisite fees for grant of permission. The said fees shall be decided by the State Government in Housing & Urban Development Department from time to time.

11. Single Window Clearance:

Single Window Clearance facility may be provided in a time bound manner to Telecom Service Provider / Infrastructure Provider by the Local Body/ State Government. This will ensure issuance of faster clearances.

12. Validity of permission issued:

The permission issued in favour of the 'service provider' will be valid for a period of 3 years from the date of issue.

13. Renewal of Permission:

The renewal of 'permission' shall be done on submission of prescribed application (*Annexure-II*) before three months of expiry of the permission with all required documents & renewal fees as stipulated by the Government. The concerned Urban Local Body shall sanction the same within 30 days of receipt of application but in no case later than the expiry of the permission issued. Provided in case of no response is received from the Local Body/authority, after 30 days of submission of application by the service provider, the renewal permission applied for shall be deemed to have been granted automatically. Provided further that, in case the service provider fails to apply for renewal of license in time, penalty at the rate of Rs 10,000/- per month of delay shall be levied in addition to the renewal fees. The renewal clause shall also be applicable to the towers which are regularized as stated under these regulations.

14. Regularization/Compounding:

The existing Telecom towers especially in residential areas and located near to Educational, Religious and Health Care Institutions and which are not conforming to any of the above regulations, shall not be renewed but for continuance up to completion of existing contract, they shall be required to produce safety clearance certificate from the TERM Cell:

Provided if permission for installation of Telecom towers is granted on buildings, which may be declared as unauthorized at a later point of time, the local authority shall withdraw permission and issue notice for closure and shifting of the tower with immediate effect.

15. Precautions to be taken by the service provider:

- i. Installation of Base Station Antennas in narrow lanes should be avoided in order to reduce the risks caused by any earth quake or wind related disaster.
- ii. Access to Base Station Antenna sites should be prohibited for general public by suitable means such as wire fencing, locking of the door to the roof etc.
- iii. Access to tower site, even for the maintenance personnel, should be for a minimum period as far as practicable.
- iv. Sign Boards/Warning Signs are to be affixed/attached at Base Station Antenna sites which should be clearly visible and identifiable. A warning Sign should be placed at the entrance of such zone.
- v. The “Warning Sign” should discourage longer stay in the zone, even for the maintenance personnel. The sign board may contain the following text :
 - Ø Danger! RF radiations do not enter!
 - Ø Restricted Area.

16. Responsibility of the service providers:

- i. The service provider shall furnish a legally valid undertaking that they are solely responsible for any damage to the building/environment and public safety.
- ii. The service provider should develop an indemnity bond for assistance when any sudden damage occurs.
- iii. The service provider should take special precaution for all kinds of safety.
- iv. The service provider should be responsible to conduct performance audit of the equipments installed and the Odisha State Pollution Control Board should monitor such auditing work.
- v. The service provider should get the certificate of radiation level emitted from the Telecom tower antenna measured by Government agencies like TERM Cell of “Telecom Regulatory Authority of India” or “Indian Institute of Technology (IIT)”.

- vi. Public awareness programme may be conducted regularly by involving concerned TERM Cell and service providers.
- vii. For all the existing as well as new BTSs/ Towers, Telecom Service Providers are required to submit self-certificates periodically in the format as prescribed by TEC. DoT, in order to ensure that normally all general public areas around the site are within the safe EMR exposure limits. Any violation noticed attracts heavy penalties on TSPs and may also lead to shut down of BTS in case the violation persists.

17. Public Grievance Cell:

In order to effectively address public grievances relating to installation of towers and issues related to telecom infrastructure, State Govt. may set up:

- (a) State Level Telecom Committee (SLTC) consisting of officers from TERM cells, Director, Municipal Administration or his representative, representatives of concerned TSPs and eminent persons etc.
- (b) District Level Telecom Committee (DLTC) consisting of officers from District Administration, Municipal Commissioner/Executive Officer of concerned Urban Local Bodies, representatives of TSPs and eminent persons etc.

18. Appointment of an operator:

In case of multiple users' tower, representatives of such users are individually and severally shall appoint one operator who will be held responsible for looking after installing and operating of a multiple users' tower as per conditions mentioned under Department of Telecommunication regulations.

19. Dispute:

Any dispute between the Authority and the Service Provider will be referred to an Appellate Authority designated by the State Government in Housing & Urban Development Department whose decision shall be final and binding on the parties.

**FORM OF APPLICATION FOR INSTALLATION OF GROUND BASED TOWERS/
ROOF TOP TOWERS/ROOF TOP POLES**

Date.....

Location.....

1. Company Details:
 - a. Name of the Company/Service Provider :
 - b. Address of Registered Office/Head office :
 - c. Address for Local Correspondence :
 - d. Authorized Person with designation :
 - e. Name of the structural Engineer :
 - f. Registration No:
2. DoT License Details

License No & date:

Validity: From:..... To.....
3. Name of Local Body/Authority to whom applied :
4. Location of proposed Tower :
5. Location details : i) Open Space ii) Adjacent to building
iii) Roof Top

Land size.....	Plot No.....
Khata No.....	Ward No:.....
Mouza.....	District.....
6. Ownership details (Land/Building) : Agreement No. Date.....
Copy of lease deed/purchase records furnished : Yes/No
7. Tower Height and type of Station :
8. List of Documents required:—
 - i. Copy of the license & Articles of association
 - ii. Copy of Agreement between the Company and the house/land owner
 - iii. One copy of approved plan of building in case of roof top tower
 - iv. Four copies of the plan of the structure and building site plan
 - v. Structural stability certificate from registered structural engineer in respect of the proposed tower and the building.
 - vi. Certificate from the State Pollution Control Board.
 - vii. NOC from building owners/ land owner / all the flats / society as the case may be as per Clause-7(i) of the regulation.
 - viii. NOC from Local Airport Authority/National Highway/Railway wherever required
 - ix. NOC from A.S.I. if the plot is located in the heritage zone or within 300 meters radius from the boundary of the monument declared by A.S.I./State Archaeology.
 - x. Any other certificates/NOC required by the authority from time to time

Certified that all the information/documents furnished above are authentic and true to best of my knowledge.

Signature of the Authorized Person

**FORM OF APPLICATION FOR RENEWAL OF PERMISSION FOR GROUND BASED TOWERS/ ROOF
TOP TOWERS/ ROOF TOP POLES**

Date.....

Location.....

1. Name of the Company :
 a. Address of Registered Office/Head office :
 b. Local address for correspondence :
2. Name of ULB. :
3. Location of Tower :
4. Location details : (GBT/RTT/RTP)
 Land size..... Plot No.....
 Khata No..... Ward No.....
 Mouza..... District.....
5. Ownership details (Land/Building) : Agreement No. Date.....
 Copy of lease deed/purchase records
 If furnished : Yes/No
6. Tower Height and type of Station :
7. Details of original permission and subsequent renewal details (Please enclose Copy) :
8. Period for which renewal is required:
9. Prescribed renewal fee :
10. List of documents required:
 - i. Copy of Agreement between the Company and the house/land owner
 - ii. Copy of valid license issued by the Telecom Authority, Govt. of India.
 - iii. Details of any changes in articles of association
 - iv. Structural stability certificate from the SERC & registered structural engineer in respect of the tower and the building.
 - v. Pollution level certificate from the State Pollution Control Board.
 - vi. Power of attorney of the authorized signatory
 - vii. Annual routine maintenance certificate given details of the routine maintenance done in the previous year and the physical status of the tower.
 - viii. Any other certificates/NOC required by the authority from time to time.

Certified that all the information/documents furnished above are authentic and true to the best of my knowledge.

Signature of the Authorized Authority
Designation