

(Provisional)

MYANMAR
NATIONAL
BUILDING
CODE
2012

PART 1
PLANNING, ENVIRONMENT,
ADMINISTRATION AND LEGISLATION

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PART 1. PLANNING, ENVIRONMENT, ADMINISTRATION AND LEGISLATION

1.1 GENERAL

1.1.1 Title and Scope

1.1.1.1 Title

These regulations shall be known as **the Myanmar National Building Code**, hereinafter referred to as “this code”, consist of 7 Sections as follow:

- 1) Planning, Environment, Administration and Legislation
- 2) Architecture and Urban Design
- 3) Structural Design
- 4) Soil and Foundation
- 5) Building Services
- 6) Building Materials
- 7) Construction Practices and Safety

1.1.1.2 Scope

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

1.1.2 Definitions

The terminology given hereunder concerns only with the Section 1.

Accessory Use — Any use of the premises subordinate to the principal use and customarily incidental to the principal use.

Alteration — A change from one type of 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 construction of, cutting into or removal of any wall, partition, 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.

Approved — Approved by the Authority having jurisdiction.

Authority Having Jurisdiction — The Authority which has been created by a statute and which, for the purpose of administering the Code/Part, may authorize a committee or an official or an agency to act on its behalf hereinafter called the ‘Authority’.

BDS or Back Drain Service — is a space for drain which locates at the back of the building (see details in TWG 5)

Building — Any structure for whatsoever purpose and of whatsoever materials constructed and every part thereof whether used as human habitation or not and includes foundation, plinth, walls, floors, roofs, chimneys, plumbing and building services, fixed platforms, verandah, balcony, cornice or projection, part of a building or anything affixed thereto or any wall enclosing or intended to enclose any land or space and signs and outdoor display structures. Tents, tarpaulin

shelters etc, erected for temporary and ceremonial occasions with the permission of the Authority shall not be considered as building.

Building Height — The vertical distance measured, in the case of flat roofs from the average level of the ground around, *or from any reference point as determined by the authority* and contiguous to the building or as decided by the Authority to the terrace of last liveable floor of the building adjacent to the external walls; and in the case of pitched roofs, up to the point where the external surface of the outer wall intersects the finished surface of the sloping roof, and in the case of gables facing the road, the midpoint between the eaves level and the ridge. Architectural features serving no other function except that of decoration shall be excluded for the purpose of measuring heights. (Height of building will be measured to the most extreme height in case of heritage conservation areas.)

Building Line — the line up to which the plinth of a building adjoining a street or an extension of a street or on a future street may lawfully extend. It includes the lines prescribed, if any, in any scheme. The building line may change from time-to-time as decided by the Authority.

Conversion — the change of occupancy or premises to any occupancy or use shall be requiring additional occupancy permit.

Development — ‘Development’ means the carrying out of building, engineering, mining or other operations in, or over, or under land or water, or in the use *or change of use* of any building or land, and includes redevelopment and layout and subdivision of any land; and ‘to develop’ shall be construed accordingly.

Drainage — The removal of any liquid by a system constructed for the purpose.

Lanes for bicycles and slow moving vehicles — *like buggies, push carts see TWG 2*

Occupancy or Use Group — *see TWG 2.*

Occupier — Occupier includes any person for the time being, paying or liable to pay rent or any portion of rent of the building in respect of which the ward is used, or compensation or premium on account of the occupation of such building and also a rent-free tenant. An owner living in or otherwise using his own building shall be deemed to be the occupier thereof.

Operational Construction/Installation — A construction/ installation put up *for public services* by *authorised agencies* for operational purposes. (see TWG 5)

Owner — Person or body having a legal *title* in land and/or building thereon. This includes free holders, leaseholders or those holding a sub-lease which both bestows a legal right to occupation and gives rise to liabilities in respect of safety or building condition. In case of lease or sub-leaseholders, as far as ownership with respect to the structure is concerned.

Pathway — Any way meant covered or uncovered for pedestrian. *see TWG 2*

Permit — A permission or authorization in writing by the Authority to carry out work regulated by the Code.

Plot — A piece of land enclosed by definite boundaries.

Registered Architect, Engineer, Structural Engineer, Supervisor, Urban Planner, Landscape Architect, Urban Designer — A qualified architect, engineer, structural engineer, supervisor, urban planner, landscape architect or urban designer who has been registered by the Authority or by the body governing such profession and constituted under a statute, as may be applicable. The registration requirements of these professionals shall be as given in *Annex A*.

NOTES: The word ‘licensing/ licensed, etc’ if used by the Authority in the above context shall be deemed to mean ‘registration/ registered’, etc.

Right of Way (ROW) — See TWG 2

Road — Roads are classified as follows:

Union Highways, District Connectors, Urban Roads etc. in reference to Public Works.

Collectors, Feeders, Residential, Service road etc.

SDS or Side Drain Service — is a space for access to the roadside drain.

Set-back Line — A line usually parallel to the **plot boundaries** and laid down in each case by the Authority, beyond which nothing can be constructed towards the **site boundaries**.

Street — Any means of access, namely, highway, street, lane, pathway, alley, stairway, passageway, carriageway, footway, square, place or bridge, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a specified period, whether existing or proposed in any scheme and includes all bunds, channels, ditches, storm-water drains, culverts, sidewalks, traffic islands, roadside trees and hedges, retaining walls, fences, barriers and railings within the street lines.

Street Level or Grade — The officially established elevation or grade of the centre line of the street upon which a plot fronts and if there is no officially established grade, the existing grade of the street at its mid-point.

To Erect — To erect a building means:

- a) to erect a new building on any site whether previously built upon or not
- b) to re-erect any building of which portions above the plinth level have been pulled down, burnt or destroyed.

Unsafe Building — Buildings which are structurally and constructionally unsafe or unsanitary or not provided with adequate means of egress or which constitute a fire hazard or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, where the building requires either improvement or total removal.

1.1.3 Applicability of the Code

1.1.3.1 All Parts of the Code and their sections shall apply to all buildings described in 3.2 to 3.8, as may be applicable.

1.1.3.2 Where a building is erected, the Code applies to the design and construction of the building.

1.1.3.3 Where the whole or any part of the building is removed, the Code applies to all parts of the building whether removed or not.

1.1.3.4 Where the whole or any part of the building is demolished, the Code applies to any remaining part and to the work involved in demolition.

1.1.3.5 Where a building is altered (see 12.4 and 12.4.1), the Code applies to the whole building whether existing or new except that the Code applies only to part if that part is completely self-contained with respect to facilities and safety measures required by the Code.

1.1.3.6 Where the occupancy of a building is changed, the Code applies to all parts of the building affected by the change.

1.1.3.7 Where development of land is undertaken the Code applies to the entire development of land.

1.1.3.8 Existing buildings The Code shall require the removal, alteration or abandonment, and prevent continuance of the use or occupancy of an existing building, by the opinion of the Authority, and if such building constitutes a hazard to the safety of the adjacent property or the occupants of the building itself.

1.1.4 Alternative Materials, Design and Methods of Construction and Equipment

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

1.1.4.1 Research reports

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

1.1.4.2 Tests

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the official for the period required for retention of public records.

1.2 ORGANIZATION AND ENFORCEMENT

1.2.1. Development Planning and Building Authority

1.2.1.1 The authority

The authority shall be created by the relevant *Government Body* and that authority shall carry out the development planning and building control.

1.2.1.2 Appointment of team of officials

The team of officials shall be appointed by the Authority. The team shall comprise officials drawn from concerned disciplines such as engineers, architects, town planners, landscape architects and urban designers as may be decided by the Authority. For scrutiny of buildings and development areas shall be the responsibility of people with relevant expertise who will be appointed by the authority.

1.2.1.3 Organization

In the Organization of the Authority, such number of officers, technical assistants, inspectors and other employees shall be appointed to assist the team of building officials as shall be necessary for the administration of the Code.

1.2.1.4 Delegation of powers

The Authority may designate one or a group of persons, or agencies who shall exercise all the powers in the name of the authority. The work of the team of building officials may be outsourced to competent professional/ agency group as may be deemed necessary.

1.2.1.5 Qualification of the officials

The qualification of building officials scrutinizing the plans and carrying out inspection of buildings shall not in any case be less than those prescribed in Annex A. (qualifications and -----)

1.2.1.6 Restriction on employees

No official or employee connected with the building authority shall be engaged directly or indirectly in works connected with furnishing of labour, materials or appliances for the construction, alteration, maintenance of a building.

1.2.1.7 Records

Proper records of all applications received, permits and orders issued, inspections made shall be kept properly for future retrieval. The administration of its duties shall be retained and all such records shall be open to public inspection at all appropriate times.

1.2.2 Power and Duties of the Officials

The team of the officials shall enforce all the provisions of the Code and shall act on any question related to the mode or manner of construction and the materials to be used in the erection, addition, alteration, repair, removal, demolition, installation of service equipment and the location, use, occupancy and maintenance of all buildings except as may otherwise be specifically provided.

1.2.2.1 Application and permits

The team of the officials shall receive all applications and issue permits (see in Permit section 12.10) for the erection and alteration of buildings and examine the premises for which such permits have been issued and enforce compliance with the Code.

1.2.2.2 Building notices and orders

The team of building officials shall issue all necessary notices or orders to remove or change illegal or unsafe conditions, to require the necessary safeguards during construction, to require adequate exit facilities in existing buildings and to ensure compliance with all the requirements of safety, health and general welfare of the public as included in the Code.

1.2.2.3 Right of entry

Where it is necessary to make an inspection to enforce provision of this Code, or where the building officials have reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to all in violation of this Code which makes the structure or premise unsafe, the building official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this Code, provided that if such structure or premises can be occupied that credential be presented to the occupants at entry requested. If such structure or premises unoccupied the building officials shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building officials shall have recourse to the remedies provided by law to secure entry.

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In case of dangerous or hazardous building the building official is authorized to enter immediately to inspect without prior notice.

1.2.2.4 Inspection

The team of the officials shall make all the required inspections or it may accept reports of inspections of authoritative and recognized services or individuals; and all reports of inspections shall be in writing and certified by a responsible officer of such authoritative service, as he may deem necessity to report upon unusual technical issues that may arise.

1.2.2.5 Construction not according to plan

Should the team of officials determine at any stage that the construction is not proceeding according to the approved plan or is in violation of any of the provisions of the Code, or any other applicable Code Regulation, Act or Bylaw, it shall notify the owner and the qualified person and all further construction shall be withheld until correction has been effected and approved.

Should the owner fail to comply with the requirements at any stage of construction, the Authority shall issue a notice to the owner asking explanation for non-compliance. If the owner fails to comply within 14 days from the date of receiving the notice, the Authority shall be empowered to cancel the building permit issued and shall cause notice of such cancellation to be securely pasted upon the said construction.

1.2.2.6 Modification

Wherever practical difficulties are involved in carrying out any provision of the Code, the team of the officials may vary or modify such provisions upon application of the owner or his representative provided, the Code shall be observed and public welfare and safety be assured.

1.2.2.7 Occupancy violations

Wherever any building is being used contrary to provisions of the Code, the team of officials may order such use discontinued and the building or portion thereof, vacated by the notice served on any person, causing such use to be discontinued. Such person shall discontinue the use within 10 days after receipt of such notice or make the building or portion thereof, comply with the requirements of the Code.

1.2.2.8 Liability

The official, member of the authority of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

1.2.3. Appealing Authority

In order to determine the suitability of alternative materials or methods of design or construction and to provide for reasonable interpretation of the provisions of the Code or in the matter of dispute relating to an ongoing construction vis-à-vis the sanctioned plan, a Authority of Appeals

consisting of members who are qualified by experience and training and to pass judgment upon matters pertaining to building construction, shall be appointed by the Authority. A representative of the team of officials shall be an ex-officio member and shall act as secretary to **the Appealing Authority**. The *authority* shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the team of building officials with a duplicate copy to the appellant and may recommend such modifications as are necessary.

1.2.3.1 General

In order to hear and decide appeals of orders, decisions or determinations made by the official related to the application and interpretation of this code, there shall be and is hereby created **the appealing authority**. *The appealing authority* shall be appointed by the governing body and shall hold office at its decision. *The authority* shall adopt rules of procedure for conducting its duties.

1.2.3.2 Limitations on authority

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The authority shall have no authority to waive requirements of this code.

1.2.4 Violations and Penalties

1.2.4.1 Unlawful acts

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

1.2.4.2 Notice of violation The official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

1.2.4.3 Prosecution of violation If the notice of violation is not complied, the official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law.

1.2.4.4 Violation penalties Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by the law.

1.2.5 Stop Work Order

1.2.5.1 Authority

Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work-order.

1.2.5.2 Issuance

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

1.2.5.3 Unlawful continuance

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

1.2.6. Miscellaneous

1.2.6.1 Power to make rules

The Authority may make rules for carrying out the provisions and intentions of the Code provided that any rule shall not be in direct/ indirect conflict or nullify/ dilute any of the provisions of the Code.

1.2.6.2 Power to prescribe procedures & set standards

The officials may, from time to time, issue or amend codes or other documents setting out such standards, designs, requirements, procedures or other details pertaining to the matters under the Act and these Regulations, not inconsistent with the provisions of the Act and these Regulations.

The Authority may make rules for carrying out the provisions and intentions of the Code provided that any rule shall not be in direct/indirect conflict or nullify/dilute any of the provisions of the Code.

1.3 PERMIT AND INSPECTION

1.3.1 Development Planning Permit

1.3.1.1. Planning permit required

All major land use developments, which include new construction, extension, retrofitting, increase of floor area, and changes in usage of buildings/land, shall require "Planning Permit". Planning permit shall be granted by "The Development Planning and Building Authority", as in accordance with Section 1.B.1 of this Code.

1.3.1.2 Zoning requirements

All major land use developments, which include new construction, extension, retrofitting, increase of floor area, and changes in usage of buildings/land, shall be in conformity with zoning classification. (*Refer to Development Control Chapter*)

1.3.1.3 Urban aesthetics control

Compliance with the provisions of the Code is adequate for normal buildings. But for major public building complexes or buildings coming up in an important area near historic/monumental buildings and areas of urban conservation, the aesthetics of the whole scheme may also have to be examined, vice-versa existing structures. In addition, any development which may detract the general characteristics and environment of historical, architectural or other monuments should also be subject to the provisions of this clause. This clause is intended to cover very few structures to come up in the vicinity of other declared/historically important structures.

An Urban Arts Committee shall be established at the city/state level on issues related to urban aesthetics, through a statute. *This Committee* shall accord approval to all major buildings/important development projects having bearing on the urban aesthetics, depending upon the importance of the area with respect to natural or built heritage or projects. *The Urban Arts Committee* shall act as guardian of urban architecture; mainly with regard to building form and envelope, the relationship between the building, and the ambient environment vice-versa other dependant factors. *The Committee* shall be formed with specialists in urban aesthetics, heritage conservation etc.

The Urban Arts Commission should also be charged with advising the city government, on schemes which will beautify the city and add to its cultural vitality.

1.3.1.4 Environment control and land law

It is necessary for the developers and the qualified persons to abide by the Myanmar Environmental Conservation Law of 2012 and to be in conformity with other land bylaws of the regional authorities.

1.3.1.5 Application for planning permission

Everyone who intends to do major land use developments, which include new construction, extension, retrofitting, increase of floor area, and changes in usage of buildings/land shall give notice in writing to the Authority of his said intention in the prescribed form and such notice shall be accompanied by plans and documents as required (*soft/hard copy*).

Works exempt

Notwithstanding above clause, no planning permission shall be necessary:

- a) for the carrying out of such works as are necessary for the maintenance, improvement, or other alteration of a building, being works that affect only the interior of the building and do not_
 - involve any change in the use of the building or the land to which it is attached;
 - materially affect the external appearance of the building;
 - involve any increase in the height or floor area of the building;
 - involve any addition to or alteration of a building that affects or is likely to affect its drainage, sanitary arrangements, or its soundness; or
 - contravene or involve or result in inconsistency with any provision in the local plan;
- b) for the carrying out by any authority established by law to provide utilities of any works for the purposes of laying, inspecting, repairing, or renewing any drains, sewers, mains, pipes, cables, or other apparatus, or for the purpose of maintaining or repairing roads, including the breaking open of any road or ground for those purposes;
- c) for any excavation, including excavation of or for wells, made in the ordinary course of agricultural operations in areas zoned for agriculture;
- d) for the use of any land or building for a period not exceeding one month or such further period as the local planning authority may allow for purpose of_
 - a temporary or mobile cinema, theatre, or show;
 - a temporary amusement park, fair, or exhibition; or
 - a temporary ceremony or festivity of a religious, social, or other character,

and for any development necessary to give effect to such use;

- e) for the construction or erection on any land of temporary buildings for the accommodation of workers involved in the construction or erection of a building on the land, for which planning permission has been granted;
- f) for the use of any land or building within the area of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such; or
- g) for the making of such material change in the use of land or buildings as the State/Regional Authority may prescribe to be a material change for which no planning permission is necessary.

1.3.1.6 Submission requirements

Where the development involves the erection of a building, the planning authority may give written directions to the applicant in respect of any of the following matters:

- a) the level of the site of the building;
- b) the line of frontage with neighbouring buildings;
- c) the elevations of the building;
- d) the class, design, and appearance of the building;
- e) the setting back of the building to a building line;
- f) access to the land on which the building is to be erected; and
- g) any other matter that the planning authority considers necessary for purposes of planning.

In addition to the documents and plans required to be submitted above, the applicant shall submit a development proposal report which shall contain the following:

- a) the development concept and justification;
- b) a location map and a site plan;
- c) particulars of land ownership and restrictions, if any;
- d) (i) a description of the land including its physical environment, topography, landscape, geology, contours, drainage, water bodies and catchments and natural feature thereon;
- (ii) a survey of the trees and all forms of vegetation; and
- (iii) particulars of a building, which may be affected by the development;
- e) a land use analysis and its effect on the adjoining land;
- f) layout plans, the details of which are specified in *layout plan requirement*; and
- g) such other matters as may be prescribed by the planning authority.

The authority may specify that the development proposal report submitted in respect of certain categories of development shall include an analysis of the social implications of the development for the area which is the subject of the application for planning permission.

The layout plan requirement shall show the proposed development and in particular:

- a) where the development is in respect of any land _
 - measures for the protection and improvement of its physical environment;
 - measures for the preservation of its natural topography;
 - measures for the improvement of its landscape;
 - measures for the preservation and planting of trees thereon;
 - the location and species of trees and other vegetation thereon;
 - the making up of open spaces;

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- the proposed earthworks, if any; and
- description of the works to be carried out; and
- b) where the development is in respect of a building with special architecture of historical interest, particulars to identify the building including its use and condition, and its special character, appearance, make and feature and measures for its protection, preservation and enhancement; and
- c) where the development involves a building operation, particulars of the character and appearance of buildings in the surrounding areas.

Any other matter that the planning authority considers necessary for purposes of planning means other requirements such as:

- The application of the Planning Permit shall conform to the “zoning requirements of the respective area” as described in 1.C.1.2 of this Code.
- The application of the Planning Permit shall be attached with changes or new requirements of infrastructure.
- The requirements in infrastructure, after and during the construction period shall be accompanied by the new concept of infrastructure provision.
- The application of the Planning Permit shall be attached with the conceptual design of the planned activities, which shall include:
 - 1) Plot area ratio/index
 - 2) Built-up area ratios
 - 3) Plans of all levels
 - 4) The building heights
 - 5) Parking facilities
 - 6) Three-dimensional presentation in relation with surrounding environment within 300 feet radius.
- The application of the Planning Permit shall conform to the requirements of existing heritage conservation bylaws of respective towns / settlements and areas.
- The application of the Planning Permit shall conform to corresponding portions of this code.

1.3.1.7 Fees

Processing Fees: The current fees payable for the processing of planning applications are prescribed. The fees must be paid at the time of application. Government departments and statutory boards are not exempted from payment. Application fees are payable in respect of the following:

- for written permission to develop or subdivided land or buildings;
- for written permission with regard to works within conservation area;
- for determination of development charge;
- for approval on car park plans or proposals;
- for inquiry about encumbrances on property;
- for search of the record plan or development register;
- for plans and certification of notice, order, etc; and
- for usage and installation of infrastructure as required by the respective authorities.

Development Charges:

Where a local plan or an alteration of a local plan effects a change of use, density, or floor area in respect of any land so as to enhance the value of the land, a development charge shall be levied in respect of any development of the land commenced, undertaken, or carried out in accordance with the change.

The rate of the development charge or the method of calculating the amount of development charge payable shall be as prescribed by the rules (*under Urban and Regional Planning Act*).

The State/Regional Authorities may, by above rules, exempt any person or class of persons or any development or class, type, or category of development from liability to the development charge, subject to such conditions as the State/Regional Authority may specify in the rules.

NOTE— The fees may be charged as a consolidated fee. In the event of a building/development permit is not issued, the fees so paid shall not be returned to the owner, but he shall be allowed to re-submit it without any fees after complying with all the objections raised by the Authority within a period of one year from the date of rejection after which fresh fees shall have to be paid.

1.3.1.8 Decision for approval and revision

The Authority shall examine the applications for permits and amendments there to within a reasonable time after filing. If the Authority is satisfied that the proposed work conforms to the requirements of this code, the Authority shall issue a permit within reasonable period. If the applications do not conform to the requirements of the Authority, the Authority shall reject such applications in writing, stating the reasons. The applicant has a right to revise and reapply based on the reason given by the authority.

1.3.1.9 Issuance

The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the planning authority. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the planning authority finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified in C.1.7 have been paid, the planning authority shall issue a permit therefore to the applicant.

When the planning authority issues the permit where plans are required, the planning authority shall endorse in writing or stamp the plans and specifications APPROVED. Such approved plans and specifications shall not be changed, modified or altered without authorizations from the planning authority, and all work regulated by this code shall be done in accordance with the approved plans.

1.3.1.10 Suspension and revocation

The Authority has the right to keep the application in the suspension or to revoke the permit wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code and in case the activity falls within the area of other planning process. However, the Authority shall give the applicant in writing of the reason for suspension and revocation.

1.3.1.11 Responsibilities of the owners/developers

Requirements and Duties:

Neither the granting of the permit nor the approval of the drawings and specifications, nor inspections made by the Authority 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 the Code (see Violation and Penalties).

Every Owner shall-

- a) permit the Authority to enter the building or premises for which the permit has been granted at any reasonable time for the purpose of enforcing the Code;
- b) submit required documents of approved planning permit of the site;
- c) obtain, where applicable, from the Authority, permits relating to building, zoning, grades, sewers, water mains, plumbing, signs, blasting, street occupancy, electricity, highways, and all other permits required in connection with the proposed work;
- d) give notice to the Authority of the intention to start work on the site (see *Form for notice for commencement*);
- e) give written notice to the Authority in case of termination of services of a professional engaged by him; and
- f) obtain an occupancy permit (see *Form for Occupancy Permit*) from the Authority prior to any:
 - 1) occupancy of the building or part thereof after construction or alteration of that building or part, or
 - 2) change in the class of occupancy of any building or part thereof.

Upon the request of the holder of the permit, the Authority may issue a temporary certificate of occupancy for a building or part thereof, before the entire work covered by permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of building without endangering life or public welfare.

1.3.1.12 Responsibilities of the qualified persons

1.12.1 Architects, engineers, structural engineers, landscape architect, urban designer, supervisors, town planners and Licensed contractors wherever referred in the Code, shall be registered by the respective Authorities, as competent to do the work for which they are employed. A guide for the equivalent technical qualifications and professional experience required for such registration with the Authority is given in (**Annex Guide for the Qualifications and Competence of Professionals**).

1.12.2 The Registered town planner shall be competent to carry out the work related to the development permit as given below:

- a) preparation of plans for land subdivisions/ layout and related information connected with development permit for all areas,
- b) issuing of certificate of supervision for development of land of all areas.

1.12.3 In case the registered professional associated with the preparation and signing of plans or for supervision, is being changed during any stage of building/land development process, the professional shall inform the Authority in writing about the further non-association with the project.

1.3.1.13 Validity of permit

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

1.3.1.14 Expiration

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one year after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one year after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than one year each. The extension shall be requested in writing and justifiable cause demonstrated.

1.3.2 Building Permit

1.3.2.1 Building permit required

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

1.3.2.2 Application for permit

Application. To obtain a permit, the applicant shall first file an application there for in writing on a form furnished by the building authority safety for that purpose. Such application shall:

- 1) Identify and describe the work to be covered by the permit for which application is made.
- 2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- 3) Indicate the use and occupancy for which the proposed work is intended.
- 4) Be accompanied by construction documents and other information as required in *Submission Requirements Section*.
- 5) Be signed by the applicant, or the applicant's authorized agent.
- 6) Give such other data and information as required by the building official.

Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons there for. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

- 1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
- 2) Oil derricks.
- 3) Sidewalks and driveways not more than 3 feet above adjacent grade, and not over any basement story below and are not part of an accessible route.
- 4) Painting, papering, carpeting, cabinets, counter tops and similar finish works of interior spaces.
- 5) Temporary structures as defined in TWG-2 of this Code.
- 6) Prefabricated swimming pools accessory to a Group R-3 (see Zoning Specification) occupancy that are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
- 7) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- 8) Swings and other playground equipment accessory to detached one- and two-family dwellings.
- 9) Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

Electrical Repairs and maintenance:

Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations:

The activities concerning this sector shall be coordinated with **concerned telecommunication authorities**.

Temporary testing systems:

A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

- 1) Portable heating appliance.
- 2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

- 1) Portable heating appliance.
- 2) Portable ventilation equipment

- 3) Portable cooling unit.
- 4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
- 5) Replacement of any part that does not alter its approval or make it unsafe.
- 6) Portable evaporative cooler.
- 7) Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

- 1) The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- 2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

1.3.2.3 Submission requirements

Submittal documents. Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional, according to respective council laws, required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exceptions: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

Information on construction documents: Construction documents shall be dimensioned and drawn upon suitable materials. Electronic media documents may be required by the building official. Construction documents shall indicate clearly the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, rules and regulations, as determined by the building official.

Fire protection system: The requirements concerning fire protection and other safety systems shall apply the concerned portions of this Code (see TWG 5).

Means of egress: The construction documents shall show in sufficient detail the location, construction, size and character of the means of egress in compliance with the respective portions of this Code (see TWG 2&5).

Exterior wall envelope and boundary line: Construction documents for all buildings shall describe clearly the exterior wall envelope, the set-back and boundary line in sufficient detail to determine compliance with this code.

Site plan

The construction documents submitted with the application for permit shall be accompanied by the demarcation map and site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades as applicable, flood prone areas, flow directions, and design flood elevations shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show portions to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

Examination of documents: The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other existing laws.

Approval of construction documents: When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." Required number of set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

Previous approvals: This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been issued previously or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

Phased approval: The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with the requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

1.3.2.4 Fees

Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment paid.

Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the concerned authority.

Building permits valuations. The applicant for a permit shall provide the permit value at time of application. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.

Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

Refunds. The building official is authorized to establish a refund policy.

1.3.2.5 Relevant laws

The building permit shall be processed in the framework of this Code and Town & Country Planning Act to be promulgated by the Government of the Republic of the Union of Myanmar and other relevant Acts such as respective City Development Committee Acts, etc.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

1.3.2.6 Decision for approval and revision

The Authority shall examine the applications for permits and amendments there to within a reasonable time after filing. If the Authority is satisfied that the proposed work conforms to the requirements of this code, complying also the structural, safety of buildings, requirements in public utility services, etc. the Authority shall issue a permit within reasonable period. If the applications do not conform to the requirements of the Authority, the Authority shall reject such applications in writing, stating the reasons. The applicant has a right to revise and reapply based on the reason given by the authority.

1.3.2.7 Suspension and revocation

The Authority has the right to keep the application in the suspension or to revoke the permit wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code and in case the activity falls within the area of other planning process. However, the Authority shall give the applicant in writing of the reason for suspension and revocation. However, the Authority shall give the applicant in writing of the reason for suspension and revocation.

1.3.2.8 Placement of permit & signage

The building permit or copy shall be kept on the site of the work until the completion of the project, together with the following documents:

- The plans, elevations, sections, structural drawings and other details as required for the construction
- The mechanical and electrical drawings and utilities design drawings

The signage shall be of the same format as described by the Authority and shall indicate the consultants and companies in the following order:

- Owner/Developer and the name of the project
- The Architect or the Architectural firm
- The Structural Engineer or Structural Engineering firm
- The consultants for building services
- The contracting firm or firms

Alteration/revision Notice. When the notice is only for an alteration of the building, only such plans and statements, as may be necessary, shall accompany the notice.

No notice and building permit is necessary for the following alterations, and the like which do not otherwise violate any provisions regarding general building requirements, structural stability and fire and health safety requirements of the Code:

- a) Opening and closing of a window or door or ventilator;
- b) Providing intercommunication doors;
- c) Providing partitions;
- d) Providing false ceiling;
- e) Gardening;
- f) White washing;
- g) Painting of interior spaces;
- h) Re-tiling and reproofing;
- j) Plastering and patch work;
- k) Re-flooring; and
- m) Construction of sunshades on one's own land.

1.3.2.9 Deviations during construction

If during the construction of a building any departure (excepting for items as given in 2.8.2) from the sanctioned plan is intended to be made (see also B.2.5 *Construction not according to plan*), sanction of the Authority shall be obtained before the change is made. The revised plan showing the deviations shall be submitted and the procedure laid down for the original plan heretofore shall apply to all such amended plans except that the time limit shall be **30 days** in such cases.

1.3.2.10 Grant of permit or refusal

The Authority shall inform the applicant in written form whether the permit has been sanctioned or refused, by giving full reasons in case of refusal.

1.3.2.11 Responsibilities and duties of owners/developers

Neither the granting of the permit nor the approval of the drawings and specifications nor inspections made by the Authority 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 the Code.

Every owner shall:

- a) permit the Authority to enter the building or premises for which the permit has been granted at any reasonable time (referred to *Right of Entry*) for the purpose of enforcing the Code;
- b) submit a document of ownership of the site;
- c) obtain, where applicable, from the Authority, permits relating to building, zoning, grades, sewers, water mains, plumbing, signs, blasting, street occupancy, electricity, highways, and all other permits required in connection with the proposed work;
- d) submit the certificate for execution of work as per structural safety requirements (see Form for certificate for execution of work as per structural safety requirements); and give written notice to the Authority regarding completion of work described in the permit (see Form for building completion application)
- e) give written notice to the Authority in case of termination of services of the professionals engaged ;

Documents at Site

- a) Where tests of any materials are made to ensure conformity with the requirements of the Code, records of the test data shall be kept available for inspection during the construction of the building and for such a period thereafter as required by the Authority.
- b) The person to whom a permit is issued shall during construction keep pasted in a conspicuous place on the property in respect of which the permit was issued:
 - i) a copy of the building permit; and
 - ii) a copy of the approved drawings and specifications .

1.3.2.12 Responsibilities and duties of qualified persons

Architects, engineers, structural engineers, landscape architects, urban designers and town planners wherever referred in the Code, shall be registered by the concerned council/ Authority. A guide for the equivalent technical qualifications and professional experience required for such registration with the Authority is given in *Guide for the qualifications and competence of the professionals*.

In case the registered professional associated with the preparation and signing of plans or for supervision, is being changed during any stage of building/land development process, the professional shall inform the Authority in writing about the further non-association with the project.

1.3.2.13 Validity of permit

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

1.3.2.14 Expiration

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one year after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one year after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than one year each. The extension shall be requested in writing and justifiable cause demonstrated.

1.3.2.15 Building demolition

Before a building is demolished, the owner shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish a building shall not be issued until a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as, meters and regulators have been removed or sealed and plugged in a safe manner.

1.3.3 Inspections

1.3.3.1 General

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

1.3.3.2 Preliminary inspection

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

1.3.3.3 Required inspections

The official, upon notification, shall make the inspections set forth in the construction process when and where necessary, i.e., Planning/Development inspection, phase by phase inspections up to final inspection.

1.3.3.4 Inspection agencies

The official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

1.3.3.5 Inspection requests

It shall be the duty of the holder of the permit or their duly authorized agent to notify the official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such works that are required by this Code.

1.3.3.6 Approval required

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the official. The official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the official.

1.3.3.7 Building Completion Certificate (B.C.C)

Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of *Building Completion* there for as provided herein. Issuance of a certificate of *Building Completion* shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of *occupancy* that contains the following:

- 1) The building permit number
- 2) The address of the structure
- 3) The name and address of the owner
- 4) A description of the portion of the structure for which the certificate is issued
- 5) The edition of the code under which the permit was issued
- 6) The use and occupancy, in accordance with the provisions of 'Use and Occupancy Classification Chapter' (TWG2).
- 7) The type of construction as defined in 'Types of Construction Chapter' (TWG 7).
- 8) Any special stipulations and conditions of the building permit.

Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of building completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any regulation or any of the provisions of this code.

1.3.4. Service Utilities

1.3.4.1 Connection of service utilities

No person shall make connections from utilities, such as source of water, source of energy, fuel or power, etc. to any building or system that is regulated by this code for which a permit is required, until released by the building official.

1.3.4.2 Temporary connection

The concerned authorities shall authorize the temporary connection of the building or system to the utility sources.

1.3.4.3 Authority to disconnect service utilities

The concerned authorities shall authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

1.3.5 Unsafe Building

All unsafe building shall be considered to constitute danger to public safety and shall be restored by repairs or demolished or dealt with as otherwise directed by the Authority.

1.3.5.1 Examination of unsafe building

The Authority shall examine or cause to be examined every building reported to be unsafe or damaged, and shall make a written record of such examination.

1.3.5.2 Special cases

The Buildings defined as heritage structures can be exempted from immediate demolishing if the concerned authority would take the responsibility for further maintenance and protection from public safety.

1.3.5.3 Notice to owner/occupier

Whenever the Authority finds any building or portion thereof to be unsafe, it shall, in accordance with established procedure for legal notice, give to the owner/occupier of such building written notices stating the defects thereof. This notice shall require the owner or the occupier within a stated time either to complete specified repairs or improvements or to demolish and remove the building or portion thereof. The Authority may direct in writing that the building which in his opinion is dangerous, or has no provision for exit if caught fire, shall be vacated immediately or within the period specified for the purpose; provided that the Authority concerned shall keep a record of the reasons for such action with him. If any person does not comply with the orders of vacating a building, the Authority shall take legal actions to comply with the orders.

1.3.5.4 Disregard of notice

In case the owner or occupier fails, neglects, or refuses to comply with the notice to repair or to demolish the said building or portion thereof, the Authority shall cause the danger to be removed whether by demolition or repair of the building or portion thereof or otherwise.

1.3.5.5 Cases of emergency

In case of emergency, which, in the opinion of the Authority involves imminent danger to human life or health, the decision of the Authority shall be final. The Authority shall forthwith or with such notice as may be possible promptly cause such building or portion thereof to be rendered safe by retrofitting/strengthening to the same degree of safety or removed. For this purpose, the Authority may at once enter such structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as may be deemed

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necessary. The Authority may also get the adjacent structures vacated and protect the public by an appropriate fence or such other means as may be necessary.

1.3.5.6 Costs

Costs incurred under 'Disregard of Notice' and 'Cases of Emergency' shall be charged to the owner of the premises involved. Such costs shall be charged on the premises in respect of which.

APPENDIX 1

A. ZONING CLASSIFICATION

The followings are classified zones. The requirements in the zoning plans shall be described in Urban and Regional Planning Act to be promulgated.

I Residential Use Zone:

- a) *Primarily* Residential Use Zone
- b) *Mixed* Residential Use Zone

Use Zone 1(a) Primarily Residential Use Zone

- 1) All residential building including single and multifamily dwellings, apartment dwellings and tenements together with appurtenances pertaining there to;
- 2) Professional consulting offices of the residents and other relevant uses therefore;
- 3) Petty shops dealing with daily essentials including retail provisions, soft drinks, cigarettes, newspapers milk Kiosks, cycle repair shops and single person tailoring shops;

Use Zones 1(b) Mixed Residential Use Zone

Uses Permitted

- 1) All uses permitted under Use Zone (a) i.e. Primarily Residential Use Zone
- 2) All buildings belonging to R-6, R-7 and R-8 of **TWG2**
- 3) Community Halls, and Religious buildings, welfare centres and Gymnasium
- 4) Recreation clubs, Libraries and Reading rooms
- 5) Clinics (**up to I- TWG-2**), Dispensaries and Nursing homes
- 6) Government, Municipal and other institutional Sub-Offices
- 7) Police Stations, Post & Telegraph Offices, Fire Stations and Electric Sub-station
- 8) Banks and Safe Deposit Vaults;
- 9) Educational institutions
- 10) Restaurants, Hotels and other Boarding and Lodging Houses
- 11) Petrol filling and Service station
- 12) Departmental stores or super market or wet market, shops for the conduct of retail business

Use Zones 1(c) Informal Residential Use Zone

Uses Permitted

Informal residential zones are the areas that exist in some cities, however, these are to be identified in the development plan as for future improvement and upgrading.

II Commercial Use Zone – Use Zone 2

Use permitted

- 1) All uses permitted in use zone 1(a) and 1(b) i.e residential use zone.
- 2) All commercial and business uses including all shops, stores, markets, and uses connected with the display of merchandise, either wholesale or retail rent excluding exposures, obnoxious products and other materials likely cause health hazards and **hazardous to the environment (see TWG-2)**.
- 3) Business Offices and other commercial and financial institutions.

- 4) Warehouses, repositories and other uses connected with storage or wholesale trade, but excluding storage of explosives or products which are either obnoxious or likely to cause health hazards.
- 5) Cinemas, the theatres and other commercial entertainment centres;
- 6) Research experimental and testing laboratories not involving danger of fire, explosions or health hazards;
- 7) Transportation terminals including bus stands, railway stations and urbanized parking lots;
- 8) Automobiles repair shops and garages;

III. Industrial Use Zone – Use Zone 3.

- | | |
|--|---------------------|
| A) Controlled Industrial use zone | a) Hazardous free |
| B) General Industrial use zone | b) Low hazardous |
| C) Special Industrial and Hazardous use zone | c) Medium hazardous |
| | d) Hazardous |

(The definition of hazardous levels see-TWG2)

Use Zone III (a) Controlled Industrial Use Zone

Uses Permitted.

- 1) All commercial uses listed under use zone 1(a), 1(b) and 2 i.e. residential and commercial use zones;
- 2) Industries using electric power not exceeding 130 H.P. (L.T. maximum load) but excluding industries of obnoxious and hazardous nature by reason of odour, liquid effluent, dust, smoke, gas vibration etc. Or otherwise likely to cause danger or nuisance to public health or amenity;
- 3) Hotels, Restaurants and Clubs, places for social inter course, recreation and worship and dispensaries and clinics, and
- 4) Residential buildings for caretakers, watchman and other essential staff required to be maintained in the premises.

Use Zone III (b) General Industrial Use Zone

Uses Permitted.

- 1) All commercial uses listed under use zone 1(a), 1(b) and 2 i.e. residential and commercial use zones;
- 2) All industries without restrictions on the horse power installed or type of motive power used excluding those of obnoxious or hazardous nature by reason of odour, liquid effluent, dust, smoke, gas vibration etc. Or otherwise likely to cause danger or nuisance to public health or amenity;
- 3) Hotels, Restaurants and Clubs, places for social inter course, recreation and worship and dispensaries and clinics, and
- 4) Residential buildings for caretakers, watchman and other essential staff required to be maintained in the premises.

Use Zone III (c) Special Industrial and Hazardous Use Zone

Use Permitted.

- 1) All commercial uses listed under Use Zones 1 and 2 i.e. residential and commercial use zones,

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- 2) All industries permissible in the Use Zones III (a) and III (b) i.e. the controlled and general industrial use Zones.
- 3) All uses involving 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 explosion.
- 4) All uses involving storage, handling, manufacture or processing which involve highly corrosive, toxic or noxious alkalis acids or other liquids or chemicals producing flames, fumes and explosive, poisonous, irritant or corrosive gases.
- 5) All uses involving storage, handling or processing of any material producing explosive mixtures of dust, or which result in the division of matter into fine particles subject to a spontaneous ignition.
- 6) Processing or manufacturing anything from which offensive or unwholesome smells arise.
- 7) Melting or processing tallow or sulphur.
- 8) Staring, handling or processing of manure, offal, blend, bones, rags, hides, fish, herms or skin;
- 9) Washing or driving wool or hair;
- 10) Making fish oil;
- 11) Making soap, boiling or pressing oil, burning bricks, tiles, pottery, or lime;
- 12) Manufacturing of distilling sago and artificial manual;
- 13) Brewery beer, manufacturing by distillation barrack or spirit containing alcohol
- 14) In general, any industrial process which is likely to be dangerous to human life or health or amenity and not permissible in the Use Zone III(a) and III (b) i.e. controlled industrial and the general industrial use zones;
- 15) Hotels, restaurants and clubs, or places for social intercourse, recreation and worship or dispensaries and clinics, and
- 16) Residential buildings for caretakers, watchman and other essential staff required to be maintained in the premises.

IV. Public and Social (PS) Government/Semi-Government/Public Offices (PS- 1)

Government Land (use determined) (PS-2)

Educational and Research (PS-3)

Medical and Health Care Services (PS-4)

Social, Cultural and Religious (PS-5) (*library, museum, galleries*)

Utilities and Services (PS-6) (*Garage/Parking, Gasoline Station*)

Cremation and Burial Grounds (PS-7)

Exhibition Hall, Convention Facilities

Bus, railway and harbour Terminals,

V. Educational Use Zone – Use Zone 5.

Use Permitted

- 1) Schools, Colleges and other higher education and Training institutions and the uses connected therewith;
- 2) All uses permitted in Use Zone 1 (a) i.e. primary residential use zone
- 3) Hotels and single person apartments

- 4) Recreation clubs Libraries and Reading rooms and
- 5) Restaurants.

VI. Public and Semi-public Use Zone – Use Zone 6

Uses Permitted

- 1) Government and Quasi Government Offices;
- 2) Art Galleries, Museums, Aquarium and Public Libraries;
- 3) Hospitals, Sanitary and other medical and public health institutions;
- 4) Harbour, Airport and Flying Club;

VII. Agricultural Use Zone – Use Zone 7.

Uses permitted.

- 1) All agricultural uses;
- 2) Farm houses and buildings for agricultural activities;
- 3) Rural settlements with allied uses;
- 4) Public and Private parks, playfield, gardens, caravan and camping sites and other recreational uses;
- 5) Dairy, Poultry, Fishery Farms, etc.
- 6) Water tanks bodies and reservoirs;
- 7) Sewage farms, Compost and garbage dump yards;
- 8) Airports and broadcasting installations;
- 9) Forestry;
- 10) Cemeteries, Crematoria and Burning and Burial grounds;
- 11) Storing and drying of fertilizers;
- 12) Fish curing;
- 13) Salt manufacturing;
- 14) Brick, tile or pottery manufacture;
- 15) Stone crushing and quarrying; and
- 16) Sand, clay and Gravel quarrying.

VIII Special Area Old Built-up (Core) Area (City Centre) (S-1)

Heritage and Conservation Areas (S-2)

Scenic Value Areas (S-3)

Cantonments (S-4)

Village Settlement (S-5)

Other Uses (S-6)

Airport

Quarry

B. REQUIREMENTS FOR PERMIT APPLICATION

Submittal Documents

Where the development involves the erection of a building, the local planning authority may give written directions to the applicant in respect of any of the following matters, that is to say:

- h) the level of the site of the building;
- i) the line of frontage with neighbouring buildings;

- j) the elevations of the building;
- k) the class, design, and appearance of the building;
- l) the setting back of the building to a building line;
- m) access to the land on which the building is to be erected; and
- n) any other matter that the local planning authority considers necessary for purposes of planning.

In addition to the documents and plans required to be submitted, the applicant shall submit a development proposal report which shall contain the following:

- h) the development concept and justification;
- i) a location map and a site plan;
- j) particulars of land ownership and restrictions, if any;
- k) (i) a description of the land including its physical environment, topography, landscape, geology, contours, drainage, water bodies and catchments and natural feature thereon;
- (ii) a survey of the trees and all forms of vegetation; and
- (iii) particulars of a building, which may be affected by the development;
- l) a land use analysis and its effect on the adjoining land;
- m) layout plans, the details of which are specified; and
- n) such other matters as may be prescribed by the local planning authority.

The Authority may specify that the development proposal report submitted in respect of certain categories of development shall include an analysis of the social implications of the development for the area which is the subject of the application for planning permission.

Layout Plans

The layout plans under paragraph shall show the proposed development and in particular:

- where the development is in respect of any land _
- measures for the protection and improvement of its physical environment;
- measures for the preservation of its natural topography;
- measures for the improvement of its landscape;
- measures for the preservation and planting of trees thereon;
- the location and species of trees with a girth exceeding 0.8m and other vegetation thereon;
- the making up of open spaces;
- the proposed earthworks, if any; and
- description of the works to be carried out.