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NOTIFICATION

No. B. 13017/8(2)/2018-UD&PA, the 9th May, 2019. In exercise of the powers conferred by Section 371 of the Mizoram Municipalities Act, 2007 (Act No. 6 of 2007), and after the draft notification is published for one month (i.e. from 10.04.2019 - 10.05.2019) as required under sub-section (1) of Section 371 of the Mizoram Municipalities Act, 2007 for information of the public, the Government of Mizoram is pleased to notify the Aizawl Municipal Council Building Regulations (Amendment), 2019 for general information.

Dr C. Vanlalramsanga,
Secretary to the Govt. of Mizoram,
Urban Development & Poverty Alleviation Department.

No. B.13017/8(2)/2018-UD&PA dt. 09.05.2019. In exercise of powers conferred by section 371 of the Mizoram Municipalities Act, 2007 (Act No. 6 of 2007), the Board of Councillors makes the following regulations to amend The Aizawl Municipal Council Building Regulations, 2012, namely:-

1. Short title and commencement:

- (1) These regulations may be called the Aizawl Municipal Council Building (Amendment) Regulations, 2019.
- (2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of regulation 3:

- (1) For regulation 3(14) of the Aizawl Municipal Building Regulations, 2012 (hereinafter referred to as the Principal Regulations), the following shall be substituted, namely:-

“‘**Coverage**’ means the quotient obtained in terms of percentage by dividing the plinth areas of ground floor by plot area, i.e., **Coverage = Plinth area x 100/Plot area**”.

- (2) For regulation 3(36) of the Principal Regulations, the following shall be substituted, namely :-

“‘**National Building Code**’ means the National Building Code of India and as amended from time to time”.

3. Amendment of regulation 5 :

- 1). In clause (ii) of sub-regulation (1) of regulation 5 of the Principal Regulations the word "Chairman" shall be inserted between the words "concerned" and "Local Council".
- 2). In clause (ii) of sub-regulation (2) of regulation 5 of the Principal Regulations the word "Chairman" shall be inserted between the words "concerned" and "Local Council".
- 3). In clause (iv) of sub-regulation (3) of regulation 5 of the Principal Regulations the word "Chairman" shall be inserted between the words "concerned" and "Local Council".
- 4). In sub-regulation (3) of regulation 5 of the Principal Regulations the word "concrete building" shall be substituted by the words "permanent building".
- 5). Clause (v) of sub-regulation (3) of regulation 5 of the Principal Regulations shall be substituted by the following, namely :-

"(v) **Structural Drawing with Certification as in Annexure – E (1)**

- 6). In sub-regulation (3) of regulation 5 of the Principal Regulations after clause (ix) the following clause(x) shall be added, namely:-
 "(x) Latest Revenue Tax Receipt/ Tax Clearance".

"Provided that in case of change of name (permit holder), the following documents shall be required - Application in plain paper, NOC from previous permit holder countersigned by Chairman Local Council, copies of Revised LSC (2 nos.)"

"Provided further that in the case of building up to G+2 or 10 meters in height, (v) and (vi) above shall not be necessary if an undertaking of structural safety by competent technical person registered under Aizawl Municipal Corporation is enclosed with the application.

"Provided also that if the applicant and the **Ownership Title** holder is not same, then NOC from the **Ownership Title** holder countersigned by the concerned Chairman, Local Council shall be enclosed. In case, if the **Ownership title** holder is a deceased then Heirship Certificate shall be enclosed".

- 7). Sub-regulation 13 of regulation 5 of the Principal Regulations, the following shall be substituted by the following namely :-

"13. "A fine ranging from rupees one thousand **upto** rupees **ten** thousand may be imposed on a technical person **and/or suspension/ cancellation of his/ her technical license or both** by any person authorized by the Aizawl Municipal Council on this behalf for any of the following reasons:

- (i) failure to supervise construction of a building in respect of which he signs the plans and drawings;
- (ii) failure to give commencement certificate in the form as prescribed under Regulation 12 read with Annexure D;
- (iii) failure to report deviation from the sanctioned plan as required under Regulation 13;
- (iv) failure to give completion certificate in the form as prescribed under Regulation 16 read with Annexure E;
- (v) preparation, on more than two occasions, of plans and drawings of a project which are not in conformity with the requirements of the Regulations, and
- (vi) Failure to comply with any of the Duties & Responsibilities of Technical persons as stated in ANNEXURE B – 1

- vii) Such action/inaction may be punishable by suspension or cancellation or a fine punishable under Section 374 of the Mizoram Municipalities Act, 2007 of the said technical license.

Provided that no fine shall be imposed nor suspension/cancellation technical license shall be made without giving the concerned person a reasonable opportunity of being heard".

4. Amendment of regulation 7 :

For regulation 7 of the Principal Regulations, a new sub-clause (c) shall be added, namely:-

"(c) Permission may be refused or granted with conditions in high security zones as declared by the State Government from time to time.

Provided that this sub-clause shall not apply to private land declared by the State Government as "high security zone".

5. Amendment of regulation 8:

Regulation 8 of the Principal Regulations, shall be substituted by the following, namely:-

"8. Duration of Validity of Building Permission: -

- 1). The building permission once accorded shall remain valid up to three years.
- 2). Extension of permit may be extended subject to the approval of the Sanctioning Authority.
- 3). The following information shall accompany the application for renewal of building permit:
 - i). Application in plain paper.
 - ii). Original building permit
 - iii). Receipt of the original fees paid
- 4). The building permit shall be deemed as cancelled if not renewed before the expiry of the validity period and a new application shall be insisted thereafter".

6. Amendment of regulation 18 :

Regulation 18 of the Principal Regulations shall be substituted by the following, namely:-

"(18) Any building/structure reported to be unsafe or damaged shall be examined by a technical committee to be constituted by the Aizawl Municipal Corporation which shall make a written record of its finding and recommendations. The Aizawl Municipal Corporation shall, after taking the recommendations of the committee into consideration, give necessary direction to the owner or occupier to complete repairs as may be specified or to demolish the building within specified time and shall be dealt with as per the provision of Section 139, 165 and 335 of the Act.

Provided that the Aizawl Municipal Corporation shall have the power to get any building which has been declared as unsafe evacuated at any time with the help of police, if necessary".

7. Amendment of regulation 20 :

Regulation 20 of the Principal Regulations shall be substituted by the following, namely:-

"20. Fees for building permission:

Fees to be paid on application for building permission shall be as per the provisions which are as under:

1. For a ground area upto 100 sq.m **Rs.150** for the First storey, **Rs. 300** for the Second and **each** subsequent storey.

2. For a ground area more than 100 sq.m but not exceeding 250 sq.m. **Rs.300** for the First storey, **Rs. 500** for the Second and **each** subsequent storey.
3. For a ground area more than 250 sq.m but not exceeding 500 sq.m **Rs. 500** for the First storey, **Rs.1000** for the Second and **each** subsequent storey.
4. For a ground area more than 500 sq.m but not exceeding 1000 sq.m **Rs. 1000** for the First storey, **Rs.2000** for the Second and each subsequent storey.
5. For a ground area more than 1000 sq.m and above **Rs.2500** for the First storey, **Rs. 5000** for the Second and **each** subsequent storey”.

8. Amendment of regulation 22 :

- (1) In clause (i) of regulation 22 of the Principal Regulations under Item “Front Set Back”,
 - i). Sub-clause (a) shall be substituted by the following, namely:-
“a) For all Plot sizes with vehicular access or abutting a vehicular road: 1.2 m”
 - ii). Sub-clause (b) shall be omitted
 - iii). Sub-clause (c) shall be omitted
 - iv). Sub-clause (d) shall be omitted
- (2) Sub-clause **(d)** of item “Rear Set Back” under clause (i) of regulation 22 the Principal Regulations shall be substituted by the following, namely:- “ d) Plot **depth** upto 9 m: 0.6 m”.
- (3) Regulation 22 (ix) of the Principal Regulations shall be substituted by the following, namely:-

“(ix) In case of plots less than 93 sq.m and not having a vehicular approach or not abutting a vehicular road, the prescribed setbacks may be decided **in consultation with the concerned Local Council and on submission of a NOC from the adjacent neighboring land owner(s), whereby all other requirements of the Regulation with respect to structural safety, building services, lighting and ventilation, etc are ensured**”.

- (4) Regulation 22 (x) of the Principal Regulations shall be substituted by the following, namely:-

“(x) If, in the interest of the public, it becomes necessary to **prescribe or alter any provision of this regulation** taking into consideration the Master Plan/ Zonal/ Ward Development Plan, the size of the plot, the area in which the building is situated, the height of the building or any other relevant factor, the Aizawl Municipal Corporation shall have the power to do so and the reason or reasons thereof shall be communicated to the applicant in writing”.

9. Amendment of regulation 23 :

In Regulation 23 of the Principal Regulations, after clause (vi), the following sub-clause (vii) shall be added, namely :-

“(vii) For plots less than 46.45 sq.m, construction shall be allowed for only public utilities and services such as garage, waiting shed, public toilets, etc. in consultation with the concerned Local Council”.

10. Amendment of regulation 29 :

Sub - regulation (3) of regulation 29 of the Principal Regulations, shall be substituted by the following, namely:-

“(3) **Fire escape or external stairs:** In any buildings, the fire escape placements shall be dictated by the travelling distance, the maximum of which should not be more than 22 meters”.

11. **Amendment of regulation 34(i) :**

Sub - regulation (i) of regulation 34 of the Principal Regulations, shall be substituted by the following, namely :-

“(i) The display of advertising signs and building signs on buildings and land shall be in accordance with **Display of Advertisement and Hoarding Regulations, 2013**”.

12. **Amendment of regulation 39:**

(1) In sub - regulation (1) of regulation 39 of the Principal Regulations, the following proviso shall be added, namely :-

“Provided also that in Institutional (Medical) Buildings, Government Buildings or Special project buildings approved by the State Government and Assembly Buildings in case of vertical or horizontal extension, the FAR may be relaxed on the merit of the specific site conditions, provided a NOC from immediate neighbours within a radius of 20 m from the periphery of the said plot is also included”.

(2) In sub - regulation (2) of regulation 39 of the Principal Regulations, the following shall be substituted, namely:-

“Height Limitation:

“The height of building shall be restricted to 19 m (64'4"); Provided that if an entire floor is used as a parking space, that floor shall not be taken into account while calculating height subject to the condition that the total height of the building shall not exceed 22 m. In case of plots smaller than 93 sq.m the height of a building shall not exceed 12.85 m (42'2") and in case of plots of size 93 to 130 sq.m the height of building shall not exceed 16 m (52'6");

“Provided that staircase cover or mummy and safety installations shall not be taken into account while calculating height ;

Provided further that the project shall mean programs implemented by the State or Central Government or projects considered special projects by the State due to the building use ;

Provided also that in case of Institutional (Medical) Building, Government Buildings or Special project buildings approved by the State Government, the height may be relaxed depending on the specific site conditions and conformity to all other requirements of relevant regulations whereby all other requirements of the Regulation with respect to structural safety, soil test report, etc are ensured”.

(3) In sub - regulation (3) of regulation 39 of the Principal Regulations, the following proviso shall be added, namely :-

“Provided that in the case of Institutional (Medical) Building, Government Buildings or Special project buildings approved by the State Government and Assembly Buildings the ground coverage may be relaxed in the merit of each case, provided the mandatory setbacks are maintained”.

13. **Amendment of regulation 44 :**

(1) The words ‘and from all the adjacent neighbouring plots’ appeared at para 44(2) may be deleted.

- (2) Clause (10) of regulation 44 of the Principal Regulations, shall be substituted by the following, namely :-
“(10) To submit an undertaking for the safe removal/ demolition of the tower on completion of its usage or due to safety aspects”.
- (3) Regulation 44 (10) of the Principal Regulations shall be renumbered as 44(11).

14. **Amendment of regulation 49 :**

Regulation 49 of the Principal Regulations, shall be substituted by the following namely:-

“49. Relaxation : Any provision of these regulations may be relaxed by the Aizawl Municipal Corporation with prior approval of the State Government.

“Provided that such approval may be deemed as approved if not conveyed within three months”.

15. **Addition of regulation 50 :**

After Regulation 49 of the Principal Regulations, the following regulations 50, 51 and 52 shall be added, namely :-

- 1) **“50) Revision :** The contents of this regulations may be periodically revised from time to time”.
- 2) **“51) Matters not contained in regulations :** In case of any requirements, not including in the existing provisions of the regulations, the Aizawl Municipal Corporation may issue Notifications/ Circulars on such matters from time to time”.
- 3) **“52) Interpretation :** The interpretation of the regulations of the Aizawl Municipal Corporation will be final and binding”.

16. **Amendment of Annexure A :**

After SI No 9) of Annexure A of the Principal Regulations, the following shall be added, namely :-

“10) Receipt of latest Revenue Tax paid”.

17. **Amendment of Annexure B-I :**

- 1) Clause (12) of Article I of ANNEXURE B-I of the Principal Regulations shall be omitted.
- 2) In article II of Annexure B-I of the Principal Regulations, after clause (7), clause (8) the following shall be added, namely :-
“8) If it affects the neighbor’s land/ property, the owner/ offender shall be fined to borne the expenditure for demolition, repairs and reconstruction of the neighbor’s land/ property”.

18. **Amendment of Annexure C :**

Annexure C of the Principal Regulations shall be substituted by the following, namely :-

ANNEXURE C

FORM OF GRANT OF BUILDING PERMIT

(Regulation 7(a) of the Aizawl Municipal Corporation Building Regulations, 2012)

No.....

Dated.....

To,

Pu/Pi _____

With reference to your application recorded as No _____ dated _____ for grant of permit for erection/re-erection/alteration/addition of a semi-permanent/permanent _____ building on a plot covered by LSC/Pass No _____ in _____ Ward in the locality of _____(Veng), I hereby inform you that –

- permission has been granted as per the approved drawings/ documents enclosed herewith.
- permission has been granted with the following modifications/conditions :

- (1) _____
- (2) _____
- (3) _____

Period of validity of building permission:
Three years from the date of issue of this letter.

Date _____

Signature of the authorized officer : _____
 Name : _____
 Designation : _____

(Office Seal)

Copy to :

- 1) Chairman, Local Council, _____ for favour of inf. and necessary action.
- 2) Technical person concerned.
- 3) Guard File.

19. **Insertion of Annexure C :**

After Annexure C-II of the Principal Regulations, the following Annexure C -III shall be inserted, namely :-

ANNEXURE C-III

UNDERTAKING

(Regulation 5(11) of the AMC Building Regulations, 2012)

I hereby certify that the work in the plot covered by LSC/ Pass No. ____ in _____ Ward in the locality of _____ Veng, shall be supervised by me and will be completed in accordance with the Sanctioned building plans specifications as approved by the Aizawl Municipal Corporation. I _____ hereby assure that no provisions of the Aizawl Municipal Building Regulations, 2012 will be violated.

Date: _____

Signature : _____
 Name (in block letters) of Technical Person: _____
 License/ Registration No: _____

20. **Insertion of Annexure D-1 :**

After Annexure D of the Principal Regulations, the following Annexure D-1 shall be inserted, namely :-

ANNEXURE D-1
FORM OF NOTICE FOR COMPLETION OF PLINTH LEVEL CERTIFICATE
(Regulation 5(11) of the AMC Building Regulation, 2012)

To,

Secretary,
Aizawl Municipal Corporation,
Aizawl, Mizoram.

Sir,

I have the honour to inform you that erection/ alteration of a building on Plot No. _____, Ward No. _____, _____ Veng has been completed upto plinth level as per Approved/ Sanctioned Building Plan vide your No. _____ dated _____ on date _____.

Date: _____

Signature : _____
Name (in block letters) of Technical Person: _____
License/ Registration No: _____

By Order,

Secretary to the Govt. of Mizoram,
Urban Development & Poverty Alleviation Department.