

ADMINISTRATION AND ENFORCEMENT

Part 2

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Purpose and Scope

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CHAPTER 1

Purpose and Scope

1.1 PURPOSE

The purpose of this part is to specify the provisions for administration and enforcement of the Code.

1.2 SCOPE

This part of the Code sets forth the administrative procedure for enforcement of the provisions thereof. The applicability of the Code, provision for designating a Building Official, powers and duties of such Building Official, obligations and liabilities of engineers, architects or planners, provisions against violation of the Code and procedure for obtaining building permits are specified in this part.

1.3 TERMINOLOGY

This section provides an alphabetical list of the terms used in and applicable to this part of the Code. In case of any conflict or contradiction between a definition given in this section and that in Part 1, the meaning specified in this section shall govern for interpretation of the provisions of this part.

ALTERATION : Any change, addition or modification in construction such as structural, dimensional, or any removal of any part of a building or any change to or closing of any required means of ingress or egress or a change to the fixtures or equipment or any change in occupancy or use.

APPLICANT : A person, a firm, a company, a corporation, or a government, semi-government or non-government agency who intends to undertake any work regulated by this Code and who has filed an application to the Building Official for this purpose in a form prescribed in the Code.

APPROVED PLAN : The set of plans, designs and specification of a building submitted to the Authority as per provision of this Code and duly approved and sanctioned by the Authority.

AUTHORIZED OFFICER : An officer appointed by the Government by notification in the Official Gazette to exercise in any area the functions of an Authorized Officer.

BUILDER : A person, a firm, a company, a corporation or a government, semi-government or non-government agency who undertakes construction of any work regulated by the Code. Owner of a building or structure in connection to which the work is undertaken shall not be considered as a Builder.

CONSTRUCT, TO : To construct a new building or reconstruct an existing building or to convert a building from one occupancy to another.

DEVELOPMENT : Carrying out construction of buildings, engineering, mining or other operations in, or over or under land or water. Includes redevelopment and layout and subdivision of any land. 'To develop' and other grammatical variations shall be interpreted accordingly.

ERECT, TO : See CONSTRUCT, TO.

OWNER (OF A BUILDING) : The person, organization or agency at whose expenses the building is constructed and who has the legal right over the land on which it is constructed or one who has the right to transfer the same and includes his or her heirs, assignees and legal representatives, and a mortgagee in possession.

PERMIT : A written document or certificate issued by the Authority for carrying out a specific activity under the provisions of this Code.

UNSAFE BUILDING : A building which, in the opinion of the Building Official, is structurally unsafe, or insanitary, or lacks proper means of ingress or egress, or which constitutes a hazard to life or property.

1.4 APPLICABILITY

The requirements of this Code shall be complied within any construction, addition, alteration or repair, use and occupancy, location, maintenance, demolition and removal of a building or structure or any appurtenances connected or attached to it as set forth herein below.

1.4.1 Construction

For construction of a new building, the provisions of this Code shall apply to its design and construction.

1.4.2 Removal

For removal of any portion or the whole of a building, the provisions of this Code shall apply to all parts of the building whether removed or not.

1.4.3 Demolition

For dismantling or demolition of any part or the whole of a building, the provisions of this Code shall apply to any remaining portion and to the work involved in the dismantling or demolition process.

1.4.4 Alteration

For alteration of a building, the provisions of this Code shall apply to the whole building whether existing or new. If the portion of the building to which the alteration is made is completely self contained with respect to the facilities and safety measures required by this Code, the provisions of this Code shall apply only to that portion and not to the whole building.

1.4.5 Maintenance

Maintenance work shall be undertaken for all new and existing buildings and all parts thereof to continue their compliance with the provisions of this Code. All devices, equipment and safeguards installed as per the requirements of this Code shall be maintained in conformity with the edition of the Code under which installed. The owner of the building or his designated agent shall at all times be responsible for the safe and sanitary maintenance of the building or structure, its means of egress facilities and the safety devices, equipment and services installed therein. The Building Official may cause reinspection of a building to determine its continued compliance with this section.

1.4.6 Repair

Application or notice to the Authority administering the Code is not necessary for ordinary repairs to buildings or structures, provided such repairs do not involve the cutting away of any wall or portion thereof, the removal or cutting of any structural or bearing element, the removal or alteration of any required means of egress, or the rearrangement of any parts of a structure affecting the access and exit facilities. All works involving addition to, alteration or change of use of any building or structure shall conform to the requirements set forth in Part 9 of this Code.

1.4.7 Land Development

For development of a land for construction of a building, the provisions of this Code shall apply to the entire development work.

1.5 ALTERNATIVE PROVISIONS

1.5.1 **Approval**

The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed herein provided such alternative material or method has been approved and its use authorized by the Building Official.

Such alternative may be approved by the Building Official provided the Building Official finds that the proposed design is in compliance with the provisions of this Code and that the material and the method of work and construction proposed for the intended work ensure at least the same level of suitability, strength, effectiveness, fire resistance, durability, safety and sanitation as that required by the provisions of this Code.

Whenever any such alternative is proposed, the Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The Building Official shall record the details of any action granting approval of any such alternative.

Whenever any new material or method of construction not specified in this Code, and for which sufficient evidence of compliance with the provisions of this Code is not available, is proposed to be used, the Building Official may require tests to be carried out as a proof of compliance with the provisions of this Code at the expense of the owner of a building or structure for which such alternate is proposed.

Tests shall be carried out as specified in this Code or by other recognized test standards. If for any test there is no provision in this Code or there is no recognized and accepted test method, the Building Official shall determine the test procedure.

Tests shall be performed by an approved agency and the reports thereof shall be retained by the Building Official for the period required for the retention of public records.

1.5.2 **Modifications**

Modifications may be granted for individual cases by the Building Official, with the approval of the Authority, when there are practical difficulties in carrying out the provisions of this Code provided that :

- i) There is a special individual reason found in the opinion of the Building Official that makes strict adherence to this Code impractical;
- ii) The modifications do not lessen any fire protection requirements or any degree of structural integrity; and
- iii) The modifications are in conformity with the intent and purpose of this Code.

The Building Official shall record any action regarding granting of such modifications for future reference of the Code enforcing agency.

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Organization and Enforcement

2.1 CODE ENFORCEMENT AGENCY

The Government shall establish a new or designate an existing agency responsible for enforcement of this Code with a given area of jurisdiction. For the purpose of administering and enforcing the provisions of this Code the code enforcing agency shall have the authority of the government and shall herein be referred to as the Authority.

2.1.1 Building Official

The administrative and operational chief of the code enforcing agency shall be designated as the Building Official who shall act on behalf of the Authority. The Building Official may designate an employee or employees who shall carry out the specified duty and exercise the specified power of the Building Official.

2.1.2 Merging the Jurisdictions under Small Local Bodies

Small local bodies like pourashavas and thanas located outside the larger city municipalities and having insufficient funds for individually carrying out the task of a code enforcing agency may jointly appoint or designate, with the approval of the authority, a Building Official who shall have a jurisdiction over the combined area of jurisdiction of the concerned local bodies.

2.1.3 Organization

The Building Official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be required for proper administration of the Code and as authorized by the Authority.

2.1.4 Qualification of the Building Official

The person to be designated as the Building Official shall be at least an engineer, architect or planner in addition to fulfilling any other requirement of the Authority. The employees of the Building Official shall be adequately qualified to carry out the responsibilities assigned to them by the Building Official.

2.1.5 Restrictions on the Building Official

The Building Official or any of his employees shall not in any way, directly or indirectly, be engaged in planning, design, construction, repair, maintenance, modification or alteration of a building, certification of any work or materials, supply of materials, labour, equipment or appliances or any other work regulated by the provisions of this Code. The Building Official or any of his employees shall not be interested in business,

either directly or indirectly, as planner, engineer, architect, builder or supplier or in any other private business transaction or activity within the jurisdiction of the Authority which conflicts with his official duties or with the interest of the code enforcing agency.

2.1.6 Damage Suit

In the process of discharging the official duties as required and permitted by the Code, the Building Official or any of his employees shall not be personally liable for any damage that may be caused to any person or property. Any suit filed against the Building Official or any of his employee because of an act performed by him in the official discharge of his duties and under the provisions of the Code shall be defended by the legal representative of the Authority until the final decision of the proceedings. In no case shall the Building Official or any of his employees be liable for costs in any legal action, suit, or defence proceeding that may be filed in pursuance of the provisions of the Code.

2.2 POWERS AND DUTIES OF THE BUILDING OFFICIAL

2.2.1 General

The Building Official shall be authorized to enforce all the provisions of this Code and for such purposes the Building Official shall have the power of a law enforcing officer.

The Building Official shall be authorized to interpret this Code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions in conformity with the intent and purpose of this Code.

2.2.2 Deputies

The Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time in accordance with the prescribed procedures and with the approval of the Authority.

The Building Official may designate such officers or inspectors as may be necessary to carry out the functions of the code enforcement agency.

2.2.3 Recognition of Professional Services

The Building Official may recognize the professional services provided by engineers, planners, architects and supervisors. Such recognition may be withdrawn by the Building Official under the provisions set forth in Sec 2.6.3.

2.2.4 Application and Permits

Applications shall be made in writing to the Building Official for any erection, construction, addition, alteration, modification, repair, improvement, removal, conversion or demolition of any building or structure regulated by this Code. The Building Official shall receive such applications, examine the premises, enforce compliance with this Code and issue permits for the intended work.

2.2.5 Building Notices and Orders

All necessary notices and orders to correct illegal or unsafe conditions, to require the specified safeguards during construction, to require adequate access and 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 this Code shall be issued by the Building Official.

2.2.6 Right of Entry

The Building Official may enter a building or premises at reasonable times to inspect or to perform the duties imposed by this Code if:

- i) it is necessary to make an inspection to enforce the provisions of this Code; or
- ii) the Building Official has reasonable cause to believe that a condition contrary to or in violation of this Code exists making the building or the premises unsafe, hazardous or dangerous.

If the building or premises is occupied, the Building Official shall present credentials to the occupant and request entry. If the building or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or any other person having charge or control of the building or premises and request entry. If entry into the building or premises is refused or the owner of the unoccupied building or premises cannot be located, the Building Official shall secure entry as provided by the law.

2.2.7 Inspection

The Building Official shall inspect all construction or work for which a permit is required or he shall accept reports of inspection by an engineer, architect or planner and may approve or disapprove the work inspected. The work or construction to be inspected shall remain accessible and exposed for inspection purposes until the approval is obtained.

All reports of inspection shall be in writing and certified by the Building Official or the engineer or the architect making the inspection.

Approval of work or construction as a result of such inspection shall not be interpreted to be an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction.

The Building Official may require survey of the site and adjoining areas to verify that the structure is located in accordance with the approved plans.

2.2.8 Orders to Stop Work

The Building Official may issue an order for immediate discontinuation of a work and cancellation of a previous permit for such work at any stage if:

- i) any work is being done contrary to the provision of this Code or other pertinent laws or ordinances implemented through the enforcement of this Code; or
- ii) it is determined by the Building Official that the construction is not proceeding according to the approved plan.

In such cases the Building Official shall notify the owner in writing of such an order and all further construction shall be stayed until correction has been effected and approved.

2.2.9 Occupancy Violation

The Building Official may order the current uses of a building discontinued and the building or portion thereof vacated by serving a notice on any person if the Building Official determines that the building or structure or equipment therein regulated by this Code is being used contrary to the provisions of this Code. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this Code.

2.2.10 Maintenance of Records

The Building Official shall maintain records of all applications and drawings received, permits and orders issued, inspections made and reports prepared and submitted by other recognized agencies. Copies of all relevant papers and documents for enforcement of the Code shall be preserved by the Building Official. All such records shall be kept open to public inspection at all suitable times.

2.2.11 Expert Opinion

The Building Official may engage, subject to the approval of the Authority, an expert or a panel of experts for opinion on unusual technical issues that may arise in administering the provisions of the Code.

2.3 BOARD OF APPEALS

There shall be a Board of Appeals to hear and decide appeals of orders, decisions or determinations made by the Building Official related to the application and interpretation of this Code. The Board of Appeals shall provide reasonable interpretation of the provisions of this Code and determine the suitability of alternative materials or methods of design or construction. Such Board shall consist of members appointed by the Authority who are noted for their education and experience in the relevant field of building construction and whose term of office shall be at the pleasure of the Authority. The Building Official shall be the ex-officio nonmember secretary of the Board without having any voting power before the Board.

The Board shall, with the approval of the Authority, adopt rules of procedure for conducting its business, and shall communicate all decisions and findings in writing to the appellant with a copy to the Building Official.

The Board of Appeals shall have no authority for interpretation of the administrative provisions contained in Part 2 of this Code nor shall the Board be empowered to waive any requirement of this Code.

2.4 REQUIREMENT OF CERTIFICATION OF WORK

Any planning, design, supervision of construction, repair, maintenance, modification and alteration of buildings, or any other work regulated by the Code shall be certified by an engineer, architect or planner for its compliance with the provisions of the Code.

2.5 LIMITS OF PROFESSIONAL CONDUCT

An engineer, architect or planner assisted if necessary by personnel working under his direct control, shall be allowed to plan, design and supervise construction, repair, maintenance, alteration and modification of buildings or structures regulated by this Code provided he certifies compliance of the work with the provisions of the Code. Such a person may provide any such certificate as long as his or her services are recognized by the Building Official as specified in Sec 2.2.3 and such recognition is not withdrawn under the provisions of Sec 2.6.3.

2.6 VIOLATION AND PENALTIES

2.6.1 General

Any person, firm, corporation or government department or agency who as owner of the property erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts, demolishes, equips, uses, occupies or maintains any building or structure or cause or permit the same to be done in violation of this Code shall be guilty of an offence and the Authority shall take legal action against such offenders. The term owner shall, for the purpose of these provisions include any developer who by appointment, contract or lease is or has been responsible for the actions listed above.

2.6.2 Height Control near Aerodromes

If any building or structure violates the height limitation imposed by the Civil Aviation Authority near aerodromes, it shall be demolished at the expense of the owner and reduced to bring it to a level within the permissible height.

2.6.3 Professional Violation

The engineer, architect or planner responsible for design, supervision or certification of any construction or other work of a building or structure shall ensure compliance of such work with the provisions of this Code, any violation of which or any other professional misconduct insofar as implementation of the provisions of this Code is concerned including making false statements or issuing false certificates or any incidence of proven professional incapability shall make him liable to penalties as prescribed by the Authority including withdrawal of recognition.

2.6.4 Obligation of Offender

A person shall not be relieved from the duty of carrying out the requirements or obligations imposed on him or her by virtue of the provisions of this Code even if such person is convicted for an offence under the provisions of this section.

2.6.5 Conviction No bar to Further Prosecution

If a person is convicted under the provisions of this Code for failing to comply with any of its requirements or obligations such conviction shall not act as a bar for further prosecution for any subsequent failure on the part of such person to comply.

2.7 POWER TO MAKE RULES

The Authority may make rules for carrying out the provisions and intentions of this Code. Such rules shall not contradict nor nullify any of the provisions of this Code. The Authority may fix and refix from time to time application fees for issuance of permits for all works under the provisions of this Code.

CHAPTER **3**

Permits and Inspections

3.1 PERMITS

3.1.1 Requirement of Permit

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

Exceptions:

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

- i) Opening or closing of a window or a door or a ventilator;
- ii) Providing internal doors;
- iii) Providing partitions;
- iv) Providing false ceiling;
- v) Gardening;
- vi) Painting;
- vii) Retiling and reroofing;
- viii) Plastering and patch work;
- ix) Reflooring;
- x) Construction of sunshades on one's own land;
- xi) Re-erection of portion of buildings damaged by earthquake or cyclone or other natural calamities, to the extent and specification as existed prior to such damage; and
- xii) Solid boundary walls less than 1.5 m and open boundary wall less than 2.75 m in height.

3.1.2 Permits Obtained Prior to Adoption of Code

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

3.2 APPLICATION FOR PERMIT

3.2.1 Application

Any person who intends to undertake any work on a building or structure or land regulated by this Code shall first file an application therefor in writing on a form furnished by the Building Official for that purpose (see Appendix A). Such applications shall be accompanied by plans and statements in seven copies as required by the provisions of this section.

3.2.2 Operation and Maintenance of Utility Services

The Government may undertake works for operation, maintenance, development or execution of any of the following utility services without requiring to obtain permit from the Building Official:

- i) Railways;
- ii) National highways;
- iii) National waterways;
- iv) National gas grid;
- v) National power grid;
- vi) Major ports;
- vii) Airways and aerodromes;
- viii) Posts and telegraphs;
- ix) Telecommunications;
- x) Radio, TV and other similar broadcasting services; and
- xi) Any other service which the Government may, by notification, declare to be a service for the purpose of this section if the Government is of the opinion that the operation, maintenance, development or execution of such service is essential to the community.

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

3.2.3 Information Accompanying the Application

3.2.3.1 General : Application for permit of any work under the provisions of this Code shall be accompanied by a key plan, a site plan, a building plan, services plans, specifications and certificate of supervision as specified in this section. The drawings shall have any of the sizes specified in Table 2.3.1. All plans and drawings shall be signed by an architect or planner or engineer which shall be considered as equivalent to certifying that the plan on which the signature appears conforms to all the requirements of this Code.

Table 2.3.1
Sizes of Drawing Sheet

Notation (ISO Standard)	Trimmed Size (mm)	Untrimmed Size (mm)
A0	841x1189	880x1230
A1	594x841	625x880
A2	420x594	450x625
A3	297x420	330x450
A4	210x297	240x330
A5	148x210	165x240

3.2.3.2 Key Plan : A key plan of the site shall be submitted along with the application which shall:

- i) have a scale of 1:10,000 or larger; and
- ii) show the boundaries of the site with respect to neighbouring landmarks.

3.2.3.3 Site Plan : The site plan to be submitted with the application shall have a scale of not less than 1:500 for a site of up to 1 ha and not less than 1:1000 for a site greater than 1 ha. The site plan shall contain the following information:

- i) A north arrow and a scale factor or scale bar;
- ii) The boundaries of the site and the neighbouring streets along with their dimensions and names;
- iii) All existing buildings, structures or service lines on, above, below or surrounding the site;
- iv) The position of the proposed building and of all other buildings on the site with respect to the boundaries of the site and of any subdivision thereof if applicable, and all adjacent buildings (with number of storeys and height) and premises within a distance of 12 m of the site;
- v) The means of access from the street to the building which the applicant intends to construct and to all other buildings upon the site;

- vi) Space to be left open around the building; and
- vii) Any physical features, such as wells, drains etc.

3.2.3.4 Application for Development Works : Applications for permit for a development work shall be accompanied by a subdivision or layout plan drawn on a scale of 1:500 or greater and containing the following information:

- i) A north arrow and a scale factor or scale bar;
- ii) The location of all proposed and existing roads and their dimensions;
- iii) Dimensions of the plots, the building lines and setbacks;
- iv) The location of utility services like drains, sewers, electric lines and gas lines;
- v) The identification number, size, dimensions and use of all the plots in a tabular form;
- vi) Information in a summary form indicating the total area of the site, area utilized under roads, open spaces for parks, playgrounds, recreation spaces, schools, shopping centres, community centres and other public places; and
- vii) The means of access to each subdivision of the site.

3.2.3.5 Building Plan : The building plans accompanying the application shall have a scale of not less than 1:100 and shall contain the following information:

- i) A north arrow and a scale factor or a scale bar;
- ii) Floor plans of all floors together with the covered area clearly indicating the size and spacing of all framing members and sizes of rooms and the position of staircases, ramps and lift wells;
- iii) Use or occupancy of all parts of the buildings;
- iv) Location of all utility services;
- v) Sections showing clearly the sizes of the footing, thickness of basement wall, wall construction, size and spacing of the framing members, floor slabs and roof slabs with their materials, height of the rooms and parapets, drainage and slope of the roof and terrace (if any), and details of the staircase.
- vi) Street dimensions and elevations; and
- vii) All projected portions of the building.

3.2.3.6 Building Plans for Multi-storeyed and Other Special Buildings : Applications for any work under the provisions of this Code involving buildings higher than 20 m and other buildings like educational, assembly, institutional, industrial or hazardous and mixed occupancies with any of the aforesaid occupancies having an area of more than 500 m² shall be accompanied with the following information as may be applicable in addition to those specified in Sec 3.2.3.5:

- i) Accessibility of fire appliances and vehicles with details of vehicular turning circle and clear motorable passage around the building;
- ii) Location and dimensions of alternate stairway along with any approach thereof;
- iii) Location and details of lift enclosures;
- iv) Location and dimensions of fire escape;
- v) Smoke stop lobby or door;
- vi) Refuse chutes, refuse chamber and service duct;
- vii) Vehicular parking spaces and vehicle movement and parking plan;
- viii) Refuse area;
- ix) Details of building services like air-conditioning, mechanical ventilation system, electrical services, boiler and gas pipes;
- x) Details of exits;

- xi) Location of generator, transformer and switch gear room;
- xii) Smoke exhaust system;
- xiii) Fire alarm system;
- xiv) Location of centralised control, connecting all fire alarm systems, built-in fire protection arrangement and public address system etc.;
- xv) Location and dimensions of static water storage tank and pump room along with fire service inlets for mobile pump and water storage tank;
- xvi) Location and details of fixed fire protection installations such as sprinklers, wet risers, hose reels, drenchers, CO₂ installations etc.; and
- xvii) Location of first aid arrangements.

3.2.3.7 Plans of Services : The plans showing utilities to the buildings such as gas, water, electricity, drainage and sewage disposal system shall include all details of such systems within the building and their interface with the street network of the concerned agency.

3.2.3.8 Specifications : Specification of the materials to be used in the building or structure shall be specified in sufficient detail to enable the Building Official to check conformity of such specifications with the provisions of this Code.

3.2.3.9 Supervision of Work : The application shall be accompanied by a certificate of supervision in the form as prescribed in Appendix B by an engineer, architect, planner or supervisor of relevant field.

3.2.3.10 Requirement of Additional Information : The applicant shall provide any other information required by the Building Official to determine conformity with the provisions of this Code.

3.2.4 Preparation and Signing of Plans

All plans shall be prepared under the guidance of an engineer, architect or planner as may be applicable who shall put his or her signature with date on the title block of the plans along with his name, address and degree. The plans shall also contain the signature, name and address of the owner.

3.2.5 Notice for Land Adjoining Government or Corporate Bodies Formed Under the Statute

Application and the accompanying plans for any work or development under the provision of this Code on any site adjoining any Government land or property shall be prepared and submitted in sufficient numbers to enable the Building Official to forward one set each to the appropriate Government agency or agencies for report before permission is granted. The concerned Government agency shall report to the Building Official whether or not they have any objection to the proposed work within two weeks from the date of receipt of the application and plans. If no such report is received within two weeks by the Building Official the concerned Government agency shall be deemed to have no objection to the execution of the proposed work. In case any government agency have any objection to a proposed work, such objection shall be stated with definite reasons.

3.2.6 Fees

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

3.2.7 Duration of Permit

Works for which permit has been obtained under the provisions of this Code shall be valid for a duration of 5 years. For projects of exceptionally large magnitude the Building Official may extend the duration of such permit. On expiry of a permit, the owner shall obtain a fresh permit which may be granted by the Building Official on satisfaction of the provisions of the version of the Code in force at that time.

3.2.8 Deviation from Approved Plan

Deviations from the approved plans may be permitted provided such deviation is notified to the Building Official before undertaking the related work and approval is obtained for the deviation. The revised plan showing the deviations shall be submitted and the procedure specified for the original plan heretofore shall apply to all such amended plans.

Exception :

The works specified in Sec 3.1.1 as exceptions shall be exempted from the requirements of obtaining permits from the Building Official unless they do not otherwise violate any provisions of this Code regarding general building requirements, structural stability and fire safety requirements of this Code.

3.2.9 Cancellation of Permit

The Building Official shall have the authority to cancel any permit issued previously under the provisions of this Code if there is any false statement or any misrepresentation of any material fact in the application on the

basis of which the permit was issued, or there is any deviation from the approved plans without any prior approval of the Building Official.

3.2.10 Granting or Refusal of Permit

3.2.10.1 General : The Building Official may either grant or refuse permit to an applicant for carrying out the intended work (see Appendix C).

3.2.10.2 Multi-storeyed and Other Special Buildings : In case of applications for works related to buildings as specified in Sec 3.2.3.6, all relevant drawings and other information shall be subject to scrutiny of the fire authority and their approval shall be necessary for approval of the plan by the Building Official.

3.2.10.3 Time Limit : The Building Official shall notify the applicant within 60 days from the date of receipt of an application and all other information required by him of either approval or refusal of the permit for any work. If the Building Official does not notify the applicant of such approval or refusal within this specified period, the plans shall be deemed to have been approved provided the fact is brought to the notice of the Building Official. Such approval shall not be interpreted to authorize any person to do anything in contravention of or against the terms of lease or titles of the land or against any other regulations, bylaws or ordinance operating on the site of the work or any of the provisions of this Code.

3.2.10.4 Reason for Refusal and Remedy Thereof : Refusal of permit shall be accompanied with reason and the Building Official shall quote the relevant sections of this Code which the plans contravene. The applicant may correct or remove such reasons and reapply for permit with any fee that may be required. The Building Official shall scrutinise the resubmitted plan and if there be no further objections the plan shall be approved and permit issued.

3.3 RESPONSIBILITIES AND DUTIES OF THE OWNER

3.3.1 General

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

3.3.2 Right of Entry

The owner shall allow the Building Official to enter the site for the purpose of enforcing the Code as required by the provision of Sec 2.2.6 and for the purpose of inspection as provided in Sec 3.4 below.

3.3.3 Permit from Other Agencies

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

3.3.4 Notice of Completion

The owner shall notify the Building Official in the form prescribed in Appendix D of the completion of the work for which permit was granted. The Building Official may or may not cause an inspection of the completed work for verification of its conformity with the approved plan and design and certify accordingly on the form. The work shall not be accepted as complete without such certification from the Building Official.

3.3.5 Documents at Site

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

3.4 INSPECTION

All works relating to a building or structure regulated by the provisions of this Code for which permits are required shall be subject to inspection by the Building Official. An engineer, architect, planner or a supervisor shall supervise the work and certify conformity of the work with the provisions of the Code. Such certificates shall be preserved at the site and produced before the Building Official during any inspection.

3.5 UNSAFE BUILDINGS

3.5.1 General

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

3.5.2 Examination

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

- 3.5.3 Notification**
If a building is found to be unsafe the Building Official shall notify the owner of the building and specify the defects thereof. The notice shall require the owner within a stated time either to complete the required repair or improvement or demolish and remove the building or portion thereof.
- 3.5.4 Disregard of Notice**
In case the owner fails, neglects or refuses to carry out the repair or improvement of the unsafe building or portion thereof as specified in the notice, the Building Official shall cause the danger to be removed either by demolition or repair of the building or portion thereof or otherwise, the cost of which shall be borne by the owner.
- 3.5.5 Cases of Emergency**
If the Building Official considers that an unsafe building or structure constitutes imminent danger to human life or health or public property, the Building Official shall at once or with a notice as may be possible promptly cause such building or structure or portion thereof to be rendered safe or removed. In such cases the decision of the Building Official shall be final and binding, and he or any of his assigned deputies may at once enter such structure or land on which it stands or the abutting land or structure, with such assistance from and at such cost to the owner as may be deemed necessary. The Building Official may also get the adjacent structures vacated and protect the public by an appropriate fence or such other means as may be necessary.
- 3.5.6 Cost Involvement**
The cost incurred in carrying out the activities of the Building Official under Sec 3.5.4 and 3.5.5 above shall be realized from the owner of the building or structure or the premises concerned.
- 3.6 DEMOLITION OF BUILDINGS**
If a building or structure is to be demolished, the owner shall notify all agencies providing utility services to the building. Such agencies shall remove all their appurtenances and equipment and dismantle all service connections to ensure a safe condition. The Building Official shall not grant any permit for demolition of a building until a release is obtained from the utility services stating that all service connections have been removed in the proper manner.
- 3.7 VALIDITY OF THE PROVISIONS OF THIS CODE**
- 3.7.1 Partial Invalidity**
In case any provision of this Code is held to be illegal or void, this shall have no effect on the validity of any other provision of the Code nor on the same provision in different cases nor on the Code as a whole, and they shall remain effective.
- 3.7.2 Invalidity on Existing Buildings**
If any provision of this Code is held to be illegal or void by the Authority as applied to an existing building or structure, validity of that provision or any other provision of the Code in its application to buildings hereafter erected shall not be affected.
- 3.8 ARCHITECTURAL AND ENVIRONMENTAL CONTROL**
- 3.8.1** Besides enforcing the provisions of this Code for normal buildings and structures, the Building Official shall, for special structures such as those listed in Sec 3.8.2 below, also examine the aesthetics and environmental issues vis-a-vis the existing structures and the characteristics of the area, and exercise architectural and environmental control in accordance with the provisions of this section.
- 3.8.2** Special structures for which architectural and environmental control shall be exercised by the Building Official shall include :
- a) major public building complexes,
 - b) buildings in the vicinity of monuments and major sculptures,
 - c) buildings and structures near existing structures identified to be architecturally valuable (see Sec 1.16 of Part 3),
 - d) buildings and structures near historic buildings or in an area of historical or archaeological significance,
 - e) buildings near any structure that represents the special characteristics of an area,
 - f) any proposed building or structure that represents the special characteristics or forms part of a larger master plan of an area, and
 - g) any development that may have an effect on or mar the environment or characteristics of an area.

- 3.8.3 The Authority shall, for the purpose of exercising the architectural and environmental control and for identifying existing structures having architectural value, appoint a standing committee comprising noted experts from the fields of Architecture, Planning, Engineering, History, Art, Literature or any other discipline which may be deemed relevant. The committee shall examine the aesthetic quality of the proposed building, structure or development and the effect it may have on the characteristics and environment of the area in order to ensure aesthetic continuance of the new structure with the existing ones and aesthetic blending of the new structure with the surroundings. The committee may require additional drawings and information to those specified in Sec 3.2.3 for a detailed study of the proposed work. The committee, for the purpose of arriving at their decision, may at their discretion depending on the magnitude of the project and the impact it may have on public life, hear the architect of the proposed work who may wish to explain the various features of the project, note comments of other experts in the relevant disciplines, or in exceptional circumstances, institute a public hearing to assess public reaction to the project.
- 3.8.4 The committee may approve the proposed work, recommend changes in the scheme, or disapprove the scheme, for reasons of aesthetics and environmental control.
- 3.8.5 The Building Official shall not issue permit for undertaking the proposed work until obtaining a report from the standing committee stating that the intended work is acceptable in respect of its effect on the environment, landscape, architectural characteristics, historical feature or any other aesthetic quality of the locality, area or landscape concerned.

See also Sec 1.5 of Part 1 and Sec 1.16 of Part 3.

Related Appendices

Appendix A	Form of First Application to Develop, Erect, Demolish or to Make Alteration in any Part of the Building
Appendix B	Form for Certificate of Supervision
Appendix C	Form for Sanction or Refusal of Development/Building Permit
Appendix D	Form for Completion Certificate

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Appendices

APPENDIX A	Form for First Application to Develop, Erect, Demolish or to Make Alteration in any Part of the Building
APPENDIX B	Form for Certificate of Supervision
APPENDIX C	Form for Sanction or Refusal of Development/Building Permit
APPENDIX D	Form for Completion Certificate

Appendix A
(Position and Address of the Building Official)
**Form for First Application to Develop, Erect, Demolish or to Make
Alteration in any Part of the Building**

Type of intended work: Develop Erect Demolish Alter
(Check one)

Name of the owner: _____
Contact address: _____
Post code: _____
Telephone no: _____

Name, address and qualification of the engineer, architect or planner involved in the proposed work:

For planning: _____
For architectural design: _____
For structural design: _____
For civil works design: _____
For other services design: _____

Address of the site

Plot number: _____ Holding number: _____
Dag/Khatian number: _____ Mouza/Block/Sector: _____
Street name: _____ Municipal ward number: _____

Documents enclosed along with this form:

Name of document	Number of sheets	Number of copies
1. Key plan	_____	_____
2. Site plan	_____	_____
3. Subdivision/layout plan	_____	_____
4. Building plan	_____	_____
5. Services plan	_____	_____
6. Specifications	_____	_____
7. Ownership title	_____	_____

Date

Signature of the owner

For use of the Building Official. Do not write anything below this line.

Reference number: _____
(To be referred to in all subsequent correspondences)

Date: _____

Received by: _____

**Appendix B
Form for Certificate of Supervision**

Reference number: _____

Address of the site: _____

Plot number: _____

Holding number: _____

Street name: _____

Municipal ward number: _____

Type of intended work (Check one) :

Develop

Erect

Demolish

Alter

Name of the owner: _____

Contact address: _____

Post code: _____

Telephone no: _____

I hereby certify that the building for which the location, the type of work, and the name and address of owner appear above will be supervised by me as per the provisions of the Bangladesh National Building Code.

Signature of the engineer, architect, planner or supervisor

Name of the engineer, architect, planner or supervisor

Address

Qualification

Date

Appendix C
(Position and Address of the Building Official)
Form for Sanction or Refusal of Development/Building Permit

Reference number: _____

In response to your application whose reference number appears above, I hereby inform that the documents submitted along with your application have been (check as appropriate)

- Approved for implementation by the Authority

- Refused by the Authority for violation of the following provisions of the Bangladesh National Building Code:

(List of the sections violated)

Signature of the Officer

Permit number

Name of the Officer

Official stamp

Designation

Date

**Appendix D
Form for Completion Certificate**

Reference number: _____

Permit number: _____

Address of the site :

Plot number: _____

Holding number: _____

Dag/Khatian number: _____

Mouza/Block/Sector: _____

Street name: _____

Municipal ward number: _____

Documents enclosed along with this form:

Type of work (Check one)

Develop

Erect

Demolish

Alter

Name of the owner: _____

Contact address: _____

Post code: _____

Telephone No: _____

I hereby certify that the work having the above mentioned detailed particulars has been supervised by me and completed in accordance with the plan and design approved by the permit number cited and the provisions of the Bangladesh National Building Code.

Signature of the engineer, architect, planner or supervisor

Name of the engineer, architect, planner or supervisor

Address

Qualification

Signature of the owner

Date

Date

This part to be completed by the Building Official.

The work identified by the reference number and permit number at the top of the form is hereby accepted as complete in accordance with the approved plan and design.

Signature of the Officer

Name of the Officer

Designation

Official stamp

Date

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