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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF DEFENCE

NOTIFICATION

Rawalpindi, the 13th August, 2015

S. R. O. 803 (I) /2015.—In exercise of the powers conferred by clause (18) of section 282 of the Cantonments Act, 1924 (II of 1924), the Cantonment Board, Clifton with previous sanction of Federal Government hereby publish following Bye-laws for regulation of erection , re-erection and sharing of temporary structures in Clifton Cantonment, Karachi, for general information, namely:—

1. **Short Title and Commencement.**—(1) These Bye-laws may be called the Temporary Structures' Bye-laws, 2015.

(2) These shall extend to the whole of Cantonment.

(3) These shall come into force with immediate effect.

[1290 (2015)/Ex. Gaz.] *Price : Rs. 10.50*

2. **Definitions.**—(1) In these Bye-laws unless there is anything repugnant in the subject or context,

(a) "Act" means the Cantonments Act, 1924 (II of 1924);

(b) "antenna tower" or "mast" means a structure used to support an antenna at some height above the ground;

(c) "BTS" means base transceiver station;

(d) "Director" means the Regional Director Karachi, Military Lands and Cantonments Department;

(e) "Director General" means the Director General, Military Lands and Cantonments Department;

(f) "licence" means permit for erection or re-erection of temporary structure under these Bye-laws against payment of licence fee;

(g) "licensee" means a person who has been granted licence for erection or re-erection of temporary structure under these Bye-laws;

(h) "licence fee" means a fee charged against grant of licence under these Bye-laws;

(i) "public right of way" shall have the same meaning as has been assigned to it in the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996);

(j) "schedule" means a schedule to these Bye-laws;

(k) "telegraph" shall have the same meaning as has been assigned to it in the telegraph Act, 1885 (XIII of 1885);

(l) "temporary structure" means an enclosure, cabin, fence, tent, awning, shed, hut, standard, stay, strut, pole, post, BTS tower, antenna tower and alike temporary structures, roofed or otherwise, whether of masonry brick, wood, mud, metal or any material, whether raised on ground or any floor or on top of a building or hanging; and

(m) "tower" means—(i) any BTS used as an earth-based transmitting or receiving station for cellular phones, paging services and other wireless

transmission equipment and systems and includes associated infrastructure *viz.* any mechanical and technical equipment, antenna and housing structures;

(ii) any telecommunication or antenna tower for broadcasting of audio or audiovisual signals, cable micro-cell network comprising of a series of multiple low power transmitters or receivers attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology, that may require co-location on existing poles;

(iii) carrier on wheels or cell on wheels (COW) which is a portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure; and

(iv) a co-located telecommunications facility which means the placement of a new telecommunication facility on an existing telecommunication tower, existing building or support structure owned by more than one provider.

(2) All other words, phrases and expressions used but not defined herein shall have the same meaning as assigned to them in the Cantonments Act, 1924 (II of 1924), Telegraph Act, 1885 (XIII of 1885) and Pakistan Telecommunication (Re- organization) Act, 1996 (XVII of 1996).

3. **Licence.**—No person shall erect or re-erect or share a temporary structure on any land, floor wall or on a rooftop of any building in the Clifton Cantonment, except after obtaining a licence from the Board against a fee set out in the Schedule, or otherwise under provisions of these Bye-laws and the rules and regulations made if any under the Act.

4. **Application.**—Whosoever intends to erect or re-erect or share any temporary structure in the Clifton cantonment shall make to the executive officer an application on the format as set out in **Appendix** for grant of Licence.

5. **Timeline.**—Upon receipt of application under Bye-law 4, the Board shall, within a period of thirty days from its receipt, decide the application. Where the application remains pending before the Board beyond thirty days, the concerned applicant shall, by a written communication, call attention of the Board to the pendency thereof; and if such pendency continues for a further period of fifteen days from the date of such communication, the Board shall be deemed to have given the required licence unconditionally.

6. **Purpose and period.**—A person making application under Bye-law 4 shall specify the purpose and period to erect, re-errect or , as the case may be, share the temporary structure for usage.

7. **Licence for less than thirty days.**—The Executive Officer may permit a temporary structure, subject to receipt of such fee as set out in the Schedule, if the temporary structure is a tent, or awning, or any such enclosure which is to be raised for a period of less than thirty days, provided no fee may be charged if the purpose of the temporary structure is religious or communal gathering except for wedding functions which may be charged by the Board at prescribed licence fee. An affidavit is to be provided in case of religious gatherings to the effect that the premises shall not be used for sectarian or hate speeches.

8. **Licence beyond thirty days.**—In cases not falling within the ambit of Bye-law 7, no application under Bye-law 4 shall be valid until the information required under Bye-law 9 has been furnished to the satisfaction of the Executive Officer.

9. **Submission of information.**—The Board may either grant or refuse to grant a licence for erection or re-erection or sharing of the temporary structure either absolutely or subject to any such direction and for any such period against any such fee as set out in the schedule, requiring the person making application under Bye-law 4 to furnish any suitable information considered relevant for the purpose. In case of application for erection or re-erection of tower, information on all or any of the following shall be required, namely:—

(a) a company desirous to erect or re-erect a tower in the Clifton cantonment, unless it itself owns the premises where the tower is to be installed, shall enter into a binding contract with the owner or lessee of the property thereof on such terms and conditions as mutually agreed between the parties; or

(b) in case the premises where the tower is to be erected or re erected is owned, maintained, controlled or acquired by a Board, then a contract thereof would be made with the Board on such terms and conditions as deemed fit;

(c) wherever applicable, an application under Bye-law 4 for erection or re-erection of tower shall be accompanied with following no objection certificates, namely (NOCs).

(i) from GHQ Signals' Directorate;

(ii) from Civil Aviation Authority; and

(iii) Environmental Protection Agency;

(d) the following documents shall be appended with the application seeking erection or re-erection of tower, namely:—

(i) a copy of the lease agreement between the company and the owner or lessee of the property where the tower is to be erected or re-erected alongwith a copy of the National Identity Card of the applicant where applicable;

(ii) an affidavit from the concerned owner or lessee of the property conferring the due permission;

(iii) a copy of the approved building plan of the premises where the tower is to be erected alongwith its structural stability certificate from a qualified engineer registered with the Pakistan Engineering Council. Licence shall not be granted for buildings and structures which are structurally unsafe;

(iv) a pre and post construction structural stability certificate of the tower from a qualified engineer registered with the Pakistan Engineering Council and countersigned by the application licensee, alongwith an undertaking that the licensee shall file a fresh structural stability certificate after every five year;.

(v) detailed design and drawings of the tower, including the structure, size, height and material of construction;

(vi) earthquake resistance certificate for a tower proposed to be erected on a floor or a roof top of a building; and

(vii) confirmation about precautions for fire safety and firefighting.

10. **Special conditions for tower.**—(1) The tower for licence under these Bye-laws shall be designed keeping in view building Bye-laws of the Board which shall be adhered to in all respects. Due consideration shall be given to essential aspects such as safeguard against health hazards of radiations and emissions, noise and air pollution, natural disasters and aesthetic layout of the Clifton cantonment, specially and other areas in general.

(2) In case of operation of tower sites on power generators, noise level of the generators shall be kept below 65-75 DB and vibration level not to exceed 1.1 metre at one meter distance from the generators. All generators shall be housed in sound proof canopies to ensure that the said two parameters do not exceed the prescribed limit.

(3) A tower shall not be erected—

(a) within three meters radius of a nearby building;

(b) within, nearby or at the premises of schools and hospitals; and

(c) in narrow lanes and congested localities.

(4) in a licence for any subsequent changes in specifications and purpose like structure, size, height, building material, etc, the licensee shall require fresh licence from the Board.

(5) If a tower licensed by the Board is not erected by the licensee within a period of one year from the date on which the licence is granted, it shall not thereafter be erected unless the Board on application made therefor, has allowed an extension in period.

11. **Maintenance, repair and safety of the towers.**—(1) The area approved for installation of a tower shall be maintained and beautified by the licensee to create environment friendly atmosphere.

(2) Maintenance and repair of premises where tower is erected shall be responsibility of the licensee, which, *inter alia,* includes the following; namely:—

(a) tower shall be got inspected by the licensee from the Board's enlisted structural engineer for wear and tear at least once a year. However, in case of natural calamity such as cyclone, earthquake, flood, etc. inspection shall be carried out immediately after such incident;

(b) towers located in highly corrosive environment shall be painted every year. Other towers shall be painted at least once in three years to give 'day warning' under civil aviation specifications.

(c) earthquake resistance of a tower shall be maintained with in prescribed range and shall be checked periodically at least every year;

(d) lightening arrester provided at top of the tower shall be of adequate height so that all protruding antennas hoisted on the tower are protected within its conical safety zone;

(e) if any of the structure is composed of or fabricated from steel, aluminum, or any other metal or alloy, the same shall be electrically earthed and equipped with an earth conductor;

(f) safety and security of tower in all respect shall be absolute responsibility of the licensee;

(g) for information and safety there shall be installed at tower sites clearly visible and identifiable signboards and warning signs *e.g.* "Danger RF: Radiation", "Restricted Area", "Do not enter";

(h) aviation warning lights shall be installed at top of the tower as well as at specified corners of the tower as per international civil aviation guidelines and shall be checked regularly for good operating conditions;

(i) manufacturers' identity, year of manufacture and maximum load capacity of tower shall be displayed at prominent place at bottom of the tower; and

(j) access to tower site shall be prohibited for general public by appropriate means such as wire fencing, guarding or locking of the door etc. The access to tower site for maintenance personnel shall also be for best possible minimum time.

12. **Licence fee.**—Grant of licence for erection or re-erection or sharing of a tower shall be subject to payment of onetime fee as specified in Schedule-I.

13. **Right to use or share the public right of way.**—After obtaining a licence under these Bye-laws, the licensee shall enter into a contract with the Board for using or sharing of the municipally owned, maintained or controlled public right of way. In consideration of the grant of this right to use or share the public right of way, the Board shall charge and the licensee shall pay an annual fee as set out in the Schedule for municipal considerations.

14. **Sharing of the BTS site.**—(1) There shall be an endeavour to promote sharing of infrastructure of a tower already installed at a site for its optimal utility, including the space, power source, housing etc., where ever possible, keeping in view all technical, structural and design aspects. Every such respective sharing shall require a licence from the Board in the same form and manner as required under Bye-law 4 and shall be subject to payment of one time licence fee as set out in schedule.

(2) For sharing of a tower under sub-bye-law (1), the sharing company shall first enter into a written agreement with the licensee in order to share the tower site on such terms and conditions as they mutually agree and shall submit a certified copy thereof to the Board.

(3) As a result of sharing of existinp, tower infrastructure under sub-bye law (2), the licensee shall pay to the Board an annual fee for using or sharing of

municipally owned, maintained or controlled public right of way of the Board at fifty percent of the fee prescribed under Bye-law 13 for municipal considerations.

15. **Default in payment of prescribed fee.**—(1) In case of non-payment of any fee under these Bye-laws, the Executive Officer shall issue a notice to the defaulting licensee to pay the outstanding dues, or to furnish sufficient reasons for the default thereof, within a period of fifteen days.

(2) In case of failure of the defaulter under sub-bye-law (1) to pay such an amount or to furnish plausible reason for the default thereof within the prescribed period, the defaulter shall be given an opportunity to be heard by the Executive Officer and to justify the reasons for the default.

(3) If the Executive Officer is not satisfied with the reasons for the default under sub-bye-law (2), he will refer the case to the Board which may, if it deems appropriate, discontinue the right of the licensee to use or share the 'public right of way', alongwith employing the prescribed methods for the recovery of the outstanding fee with cost, including sealing of the premises of the tower.

16. **Unauthorized towers and composition fee.**—(1) If anyone initiates, continues or completes the erection or re-erection or sharing of tower without having obtained the required licence or before fulfilling any conditions of the licence; or when the licence has been refused, has ceased to be available or has been suspended, the Board may, by a notice in writing, either direct to stop the work on the tower, or require the alteration or demolition of the same, or any part thereof, as it deems fit. However, the Board may, instead of requiring alteration or demolition of the tower or any part thereof, issue a notice to the defaulting person to seek grant of licence within a period of one month *ex-post facto* licence.

(2) If *ex-post facto* licence under sub-bye-law (1) is so granted, the licensee shall be liable to pay fee as set out in the schedule, besides the other fees and charges as applicable and prescribed therein.

(3) Where a licence is not obtained under sub-bye-law (1) the Board may, by a notice in writing, require, at the risk and cost of the violator, demolition of the tower so erected, re-erected or shared.

(4) In any case, where anyone is directed to stop the erection or re-erection or sharing of, or alteration or demolition of a tower, and the concerned person refuses to oblige within a period of fourteen days, the Board may, by giving another notice of seven days, proceed to take such action or such steps as may be necessary to get the directions implemented, without owing any liability to any private or public entity, and all the costs and expenses incurred on such account shall be recoverable by the Board alongwith due penalties.

17. **Penalty in case of breach of Bye-laws.**—In case of any breach of these Bye-laws, the Board shall issue a show-cause notice to the defaulting licensee for explanation of the reason thereof within a period of fourteen days, where after, the Board may, after providing an opportunity to the licensee to be heard, impose such fine as may be imposed under the Act.

18. **Tax assessment.**—The Board shall assess the property afresh for the purposes of taxation upon which the temporary structure is licensed.

19. **Cancellation of licence.**—A licence granted under these Bye-laws may be suspended or cancelled by the Board in case of any breach of the terms and conditions of the grant of the licence or concealment of facts or upon default in payment of applicable fees on the part of the licensee thereof. However before suspensor or cancellation of licence a proper opportunity of defence shall be given to the licensee in respect thereof.

Appendix

[*See* bye-law 4]

To,

The Executive Officer,
Clifton Cantonment.

Subject: **REQUEST FOR GRANT OF LICENSE FOR ERECTION/RE-ERECTION/SHARING OF A TEMPORARY STRUCTURE**

The following information is submitted for issuance of licence regarding erection / re-erection / sharing of temporary structure within the municipal limits of Clifton Cantonment Karachi:—

1. Name of applicant and CNIC No. (copy attached) _____

_____

2. Name and CNIC of owner/lessee/sub-lessee/attorney/occupancy right holder of land/building on which structure is to be fixed/attached. (In case of joint title, names of all the title holders with copies of CNICs)

_____

_____

3. Type of structure _____

4. Purpose of structure _____

5. Period for which license is required_____

6. Detailed drawings & plans_____

7. Structural Stability Certificate_____

8. Earthquake Resistance Certificate_____

9. Indemnity Bond (Bye-law No. 14)_____

10. Requisite NOCs by all relevant authorities_____

(SIGNATURE OF APPLICANT)

CERTIFICATE TO BE SIGNED BY THE OWNER/LESSEE/SUB-LESSEE/ ATTORNEY/ OCCUPANCY RIGHT HOLDER OF LAND / BUILDING

1/ we owner/lessee/sub-lessee/occupancy rights holder / holders of Plot No._____survey/ khasra No._____, measuring_____sq. yds located at_____Road, Street_____has/have given written permission to for applying for grant of licence for temporary structure, as specified above and for the period indicated above.

I/we undertake to abide by the terms and conditions of the license if granted and shall allow the staff of the Clifton Cantonment Board, as authorized by the Executive Officer, to have access to and inspect the structure. However, in this regard an advance notice of 24 hours in writing to this effect shall be served by the Executive Officer or the authorized official. I/ we enclose the following documents:—

(a) copy of Fard/GLR extract mentioning the location of temporary structure on a master/zonal plan of the cantonment;

(b) copy of approved building plan;

(c) attested copy of agreement / permission given to the applicant, if other than the owner/lessee/sub-lessee/occupant;

(d) attested copies of CNIC's of persons having ownership/lease/sub-lease /attorney/ occupancy title; and

(e) structural stability certificate of the building upon which the temporary structure is proposed.

(Signatures of (Owner/Lessee/Sub-lessee/Attorney/Occupancy right holder)

FOR OFFICE USE

The documents enclosed with the application have been checked and found in order and complete / deficient to the following extent.

(OFFICIAL IN-CHARGE)

ORDER OF THE EXECUTIVE OFFICER

1. Allowed if requested period is less than 30 days OR
2. To be put up to the Board OR
3. Returned to the applicant for necessary action

(EXECUTIVE OFFICER)

Annexure

[*see* Bye-law No. 9]

SELF CERTIFICATION

(Earthquake and cyclone resistant buildings and towers for communication network)

Subject: **Self Certification of ground based tower / composite structure (roof top tower + building) for communication network**

It is certified that the Ground Based Tower / Composite Structure (Rooftop tower+Building) located at.....
.....(complete address) conforms to.....the relevant Earthquake Resistant Design approved by

---

(name and address of the Institute e.g. UET, NED etc.). The subject tower / composite structure (rooftop tower + building) falling under seismic zone..... conforms to the latest UBC Code, PBC code SEISMIC PROVISION 2007 S.R.O.970/ (I)/2008 and other provisions envisaged in the instructions issued by Pakistan Engineering Council from time to time.

The relevant particulars are as per data sheet enclosed.

Signature

(Authorized signatory)

See Bye-law No.3

To,

_____

_____

Subject: **LICENSE FOR TEMPORARY STRUCTURE**

Please refer to your notice, dated_____on the subject.

2. Your notice under reference has been considered and approved by the Board *vide* CBR No._____dated_____, on payment of immediate advance licence fee of Rupees_____and annual fees for sharing of public right of way for the period_____to_____, subject to the following conditions, namely:—

(a) All rules, regulations and Bye-laws of the Board on the subject shall be adhered to in all respect;

(b) Applicable annual fee for sharing of public right of way shall be paid to the Board in every calendar year before the 15th of January;

(c) The use of the structure and the machinery which is part of the structure shall not produce any acoustic effect and nuisance to the residents of the vicinity;

(d) The structure shall be equipped with round the clock functional warning lights, except height of the structure itself plus height from ground is less than 100 ft;

(e) The structure shall be electrically earthed and equipped with an earth conductor if the structure is composed of or fabricated from steel, aluminum or any other metal or alloy; and

(f) .....(add other conditions as deemed necessary by the Board on case-to-case basis).

Copy to: (EXECUTIVE OFFICER)

Master File.

Schedule

[*see* Bye-laws 3, 7, 9, 13 and 14]

APPLICABLE FEES

S.No.	Description of fee	Per Annum
(1)	(2)	(3)
1.	One time licence fee for tower	Rs. 250,000
2.	Annual fee for sharing of public right of way	Rs. 50,000
3.	Annual temporary structures licence fee other than tower	Rs. 10,000

[No. 38/4/P&MAML&C/2015/4/5/D-6(A-VI)/2015]

AZEEM SARWAR,
Section Officer.

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