

Government of Rajasthan

Department of Urban Development, Housing & Local Self Government

F.17(5)UDH/RULES/2020

Jaipur, Date: 19 JAN 2020

Notification

Subject:- Byelaws for obtaining NOC for Rooftop restaurants

Rajasthan is one of the most popular tourist destinations in India, for both domestic and international tourists. Rajasthan attracts tourists for its historical forts, palaces, art and culture. Every third foreign tourist visiting India travels to Rajasthan as it is part of the Golden Triangle for tourists visiting India. In the major cities of Rajasthan, Roof top restaurants have been opened/ functional in Commercial & Residential buildings. Most of these Roof top restaurants are not duly approved by the concerned authorities and thus functioning illegally compromising the security of the tourists. These Roof top restaurants/ Bars also enhances the night life of the city and also promotes tourism & are part and parcel of the urban lifestyle.

Taking into account, the safety of the citizens as well as tourists and enhance the financial strength of the local bodies, in exercise of the powers conferred under Section 338 of the Rajasthan Municipal Act, 2009, the State Government hereby notifies Byelaws for obtaining NOC for Rooftop Restaurant as follows: -

1.0 APPLICABILITY OF THE BYELAWS

- 1.1 These byelaws may be called as "Rajasthan Byelaws for obtaining NOC for Rooftop Restaurant- 2019".
- 1.2 These Byelaws, extend to Urban areas of all the Municipalities of Rajasthan.
- 1.3 These byelaws shall come into force from the date of their notification in the Official Gazette.

2.0 DEFINITIONS

- 2.1 In these byelaws, unless the context otherwise requires, -
 - a) "Rooftop Restaurant" means the restaurant which may be operated on the uppermost floor of building either on the same level or at split levels.
- 2.2 Words and expressions used but not defined in these byelaws shall have the same meaning respectively assigned to them in the Unified Building Bye Laws -2017.

3.0 TECHNICAL PARAMETERS

S.No.	Particulars	Parameters
1.	Land Use	Rooftop restaurants are permissible in buildings which are situated in predominantly commercial streets, commercial building/institutional building/Hotel/Mall/Office complex/ Buildings having commercial land use as per Land Use Plan.
2.	Covered area of roof top restaurant	Max. 25% of roof area (shall be covered by removable temporary structure materials with steel/aluminum framing, no wooden framing material or combustive material is to be used), the remaining area to be kept open for sitting space, circulation, etc.
3.	Maximum permissible height of temporary structure of roof top restaurant	Single/ split floor of maximum 4.0 mt. height shall be permissible and wherever applicable, NOC from Airport Authority of India shall have to be obtained in case if applicable.
4.	Parking	1 ECU/4 seats of usable area of roof area to be earmarked in the same premise or valet parking has to be provided by parking in nearby areas.
5.	Parapet Wall/Railing	Min. 1.50 mt. high (if situated in Heritage area/building then design of parapet to be constructed as per facade control guidelines).
6.	Fire Safety	Compliance of fire safety norms and NOC from COA registered Architect and Fire Department is mandatory.

4.0 GENERAL PARAMETERS

4.1 Parameters for Fire Safety	
4.1.1	A specific Fire NOC has to be taken from fire department for such roof top restaurants. Innovative techniques practicing worldwide should be adopted in concern with fire department for escaping/ firefighting in case of emergency.
4.1.2	Sufficient escape routes have to be provided for emergency exit as per norms and such routes should not be hindered/ blocked by any means and are in operative mode.

4.1.3	The owner of the rooftop restaurant shall have to display the following information at the Ground Floor level as well as at the restaurant level: i) Maximum capacity of the restaurant in terms of maximum number of people that can be seated at a time. ii) Entry & Exit routes (having minimum 2 exits) iii) Contact no. s of emergency services iv) Certified copy of NOC's obtained from the concerned Local Authority/Authorities. v) Escape route in case of emergency.
4.1.4	Fire and life safety audit shall be carried out for all such buildings and audit shall be done by third party having requisite experience in fire and life safety inspection. Frequency of such audit shall be at least once in 3 months.
4.1.5.	A fire expert should be appointed in such establishments to provide regular trainings sessions (at least once in 3 month) to staff members and mock drills to be conducted (once in six months) for any emergency and record has to be maintained for conducting such trainings and mock drills. Also, it is mandatory to maintain a daily register regarding the inspection of all the firefighting equipment.
4.1.6.	An overhead water tank exclusively for firefighting of suitable capacity should be installed.
4.1.7.	No cooking will be allowed using an LPG stove, Coal, etc. or an open flame. Storage and use of any kind of inflammable products is also not allowed except liquor (with permission from excise department). Hookah's, fire shows etc. are not permitted in such establishments. Cooking using LPG stove, Coal, etc. or an open flame may be carried out on the lower floor .
4.1.8.	Structural safety certificate has to be taken from certified engineers regarding the usage of noncombustible materials for the temporary structure constructed and additional load bearing capacity of existing building. This certificate should be renewed yearly after due checking.
4.1.9.	Only temporary construction is allowed on roof top and material to be used for structural part and interior should be fire proof in nature.
4.2 Other Parameters	
4.2.1	NBC provisions should be followed for construction of such establishments.
4.2.2	Energy efficiency guidelines (ECBC) should be followed strictly.
4.2.3	Roof-top restaurant can be allowed in restricted areas such as near to Military areas/ Airport/ Historical monuments, etc. only after taking NOC's from the concerned department.

4.2.4	All the required licenses such as Bar, Food and Safety, etc. should be taken from concern department as per norms.
4.2.5	Proper sound insulation should be done and loud music on terraces shall not be allowed, so as to avoid disturbance on the lower floors and nearby buildings.
4.2.6	Separate dustbins for dry, wet to be kept and proper disposal of solid waste has to be taken care by owner/ management
4.2.7	Such establishments should be monitored at least once a year by the committee formed at the level of Local body, ensuring the compliance of all above mentioned guidelines.
4.2.8	In case of non-compliance of the above guidelines by any such establishments, Local body can take action as per the relevant Act & Rules.

5.0 FEES AND OTHER CHARGES PAYABLE

- 5.1 Application Fees: Rs. 300/- per application
- 5.2 Inspection Fees (to be payed along with the application) based on rooftop area: Rs. 30/- per square meter (Minimum Rs. 3000/- and Maximum Rs. 3,00,000/-)
- 5.3 Approval Fees: Rs. 100/- per square feet of the rooftop area.
- 5.4 Approval fees by the owner of the building: Rs. 25/- per square feet of the roof top area.
- 5.5 Annual Renewal Fees: 5% of the approval fees paid along with application fees of Rs. 300/- per renewal application

6.0 APPLICATION FORM AND AFFIDAVIT

- 6.1 Application form for obtaining NOC attached as Annexure-A
- 6.2 Standard affidavit attached as Annexure –B to be submitted on non-judicial stamp of Rs.500/-


(Ujjawal Rathore)
 Director and Joint Secretary
 Local Self Government


(Maneesh Goyal)
 Joint Secretary-I
 Urban Development & Housing

ANNEXURE – A

APPLICATION FORM

SUBJECT:- OBTAINING NOC FOR ROOFTOP RESTURANTS IN URBAN AREAS

Applicant(s) Detail:-

is Applicant an Individual or Firm/Company : Individual Firm/Company
Name/ Firm Name : _____
Father's/Husband's /Authorized person Name : _____
Address : _____
Phone Numbers : _____
Email ID : _____

Rooftop Detail:-

Location of Building : _____
Type of Building : Commercial Institutional
Hotel/ Mall Office Complex
Located on Predominatly Commercial Streets
Rooftop Applied Area (in Sqmt.) : _____
Location of the building on Master Plan : _____

Fee Details:

Application Fee : Rs. 300
Examination Fee : Rs. 30 per Sqmt. (Minimum Rs.3000 &Maximum Rs. 300000)
Total fee Deposited : Rs. _____

Documents Enclosed

Proposed Rooftop restaurant drawing (Plan, section, elevation)
Lease Deed/ Allotment Letter/ Reconstitution Subdivision Letter/ Name Transfer/Agreement
Site Plan issued with Lease Deed
Combined Affidavit of Owner/Architect/Structural Egieneer (As per Precribed format)
Existing site survey showing existing construction with it's use within site
Any other document

Date:-

Authorized Signature

ANNEXURE –B

CERTIFICATE OF UNDERTAKING

**FOR COMPLIANCE OF THE BYELAWS AND NORMS OF
ROOFTOP RESTAURANT**

(To be submitted at the time of Obtaining NOC for Rooftop Restaurant)

Area of the Rooftop/terrace (in sq.mt.): -.....

Address of the premise(s): -

1. It is certified that the plans submitted for obtaining NOC the proposed Rooftop Restaurant for approval, satisfy the safety requirement as stipulated under byelaws for obtaining NOC for rooftop restaurant and the information given therein is factually correct to the best of our knowledge and understanding.
2. It is also Certified that the structural design including safety from fire shall be duly incorporated in the design of the rooftop restaurant as per byelaws for obtaining NOC for rooftop restaurant and these provisions shall be adhered to during the construction.
3. It is certified that the parking shall be provided as prescribed in the byelaws for obtaining NOC for roof top restaurant.

Signature of Owner.....

Name & address.....

Signature of Structural Engineer.....

Name & address.....

Registration No.....

Signature of Architect.....

Name & address.....

Council of Architecture (CoA) Registration No.....