

Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012

47 of 2012

[16 November 2012]

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An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-third Year of the Republic of India as follows:-

1. Short title and commencement :-

(1) This Act may be called the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Insertion of new Section 255-AA :-

After section 255-A of the Chennai City Municipal Corporation Act, 1919(Tamil Nadu Act IV of 1919), the following section shall be inserted, namely:-

"255-AA. Permission to construct swimming pool.--

- (1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the commissioner.
- (2) Every application for permission to construct a swimming pool shall be made to the commissioner and shall be accompanied by such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed.
- (3) On receipt of an application under sub-section (2), the commissioner may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed.
- (4) Where the commissioner refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.
- (5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day.
- (6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed.
- (7) The commissioner or any person authorised by him in this behalf may, subject to the provisions of section 378, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool:
Provided that the commissioner shall authorise, for the purpose of this subsection, any officer,-

(i) not below the rank of Joint Director in the office of the Director of School Education in respect of swimming pools located in the premises of schools;

(ii) not below the rank of Joint Director in the office of the Director of Collegiate Education, in respect of swimming pools located in the premises of colleges and Universities.

(8) For the purpose of sub-section (7), the commissioner may authorise different persons for different classes of buildings or land in which swimming pools are located.

Explanation.--For the purpose of this section, "appointed day" means such date as the Government may, by notification, appoint under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012."

3. insertion of new Section 215-AA :-

After section 215-A of the Tamil Nadu District Municipalities Act, 1920(Tamil Nadu Act V of 1920), the following section shall be inserted, namely:-

"215-AA, Permission to construct swimming pool.--

(1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the executive authority.

(2) Every application for permission to construct a swimming pool shall be made to the executive authority and shall be accompanied by such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (2), the executive authority may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed.

(4) Where the executive authority refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.

(5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day.

(6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed.

(7) Any person authorised by the State Government in this behalf may, subject to the provisions of section 335, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool:

Provided that the State Government shall authorise, for the purpose of this sub-section, any officer,-

(i) not below the rank of Joint Director in the office of the Director of School Education, in respect of swimming pools located in the premises of schools;

(ii) not below the rank of Joint Director in the office of the Director of Collegiate Education, in respect of swimming pools located in the premises of colleges and Universities.

(8) For the purpose of sub-section (7), the Government may authorise different persons for different classes of buildings or land in which swimming pools are located.

Explanation.--For the purpose of this section, "appointed day" means such date as the Government may, by notification, appoint under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012."

4. Insertion of new Section 295-AA :-

After section 295-A of the Madurai City Municipal Corporation Act, 1971(Tamil Nadu Act 15 of 1971), the following section shall be inserted, namely:-

"295-AA. Permission to construct swimming pool.--

(1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the commissioner.

(2) Every application for permission to construct a swimming pool shall be made to the commissioner and shall be accompanied by such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (2), the commissioner may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed.

(4) Where the commissioner refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.

(5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day.

(6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed.

(7) The commissioner or any person authorised by him in this behalf may, subject to the provisions of section 468, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool:

Provided that the commissioner shall authorise, for the purpose of this sub-section, any officer,-

(i) not below the rank of Joint Director in the office of the Director of School Education, in respect of swimming pools located in the premises of schools;

(ii) not below the rank of Joint Director in the office of the Director of Collegiate Education, in respect of swimming pools located in the premises of colleges and Universities.

(8) For the purpose of sub-section (7), the commissioner may authorise different persons for different classes of buildings or land in which swimming pools are located.

Explanation.--For the purpose of this section, "appointed day" means such date as the Government may, by notification, appoint under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012."

5. Insertion of new Section 295-AA :-

After section 295-A of the Coimbatore City Municipal Corporation Act, 1981(Tamil Nadu Act 25 of 1981), the following section shall be inserted, namely:-

"295-AA. Permission to construct swimming pool.--

(1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the commissioner.

(2) Every application for permission to construct a swimming pool shall be made to the commissioner and shall be accompanied by

such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (2), the commissioner may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed.

(4) Where the commissioner refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.

(5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day.

(6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed.

(7) The commissioner or any person authorised by him in this behalf may, subject to the provisions of section 467, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool:

Provided that the commissioner shall authorise, for the purpose of this sub-section, any officer,-

(i) not below the rank of Joint Director in the office of the Director of School Education, in respect of swimming pools located in the premises of schools;

(ii) not below the rank of Joint Director in the office of the Director of Collegiate Education, in respect of swimming pools located in the premises of colleges and Universities.

(8) For the purpose of sub-section (7), the commissioner may authorise different persons for different classes of buildings or land in which swimming pools are located.

Explanation.--For the purpose of this section, "appointed day" means such date as the Government may, by notification, appoint under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012."