

A Law to Establish the Katsina State Urban and Regional Planning Board and for connected matters



Katsina State of Nigeria
Law No. 2... of 2011

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Date of Commencement
Enactment

BE IT ENACTED by the House of Assembly of Katsina State of Nigeria as follows:

PART I-PRELIMINARY

1. This Law may be cited as the Katsina State Urban and Regional Planning Board Law and shall come into operation on the 27 day of January 2011.

Short title and commencement

2. In this Law:

Interpretation

"Authority" means the Local Planning Authority established by Section 22 of this Law;

"Board" means the Urban and Regional Planning Board established by Section 5 of this Law;

"Building" means any structure (whether of a temporary nature or not) erected or made in, over or under any land;

"Commercial development" means any development or use of land or any building on the land for any of the following purposes:

- (a) a shop;
- (b) an office;
- (c) a hotel, guest house, restaurant and way side stall;
- (d) a warehouse and other similar storage facilities;
- (e) a cinema theater, sports stadium and a building indoor for recreational and leisure facilities;
- (f) a market; and

(g) any development or use of land or building on the land for any purpose incidental to any of the purposes specified under paragraphs (a)-(f);

"Commissioner" means a commissioner charged with the responsibility for matters relating to urban and regional planning in the State;

"control department" means any Agency performing the duties of Urban and Regional Planning and development control of the State or Local Government areas;

"development" means the carrying out of any building engineering, mining or other operation in, on over or under any land, or making of any environmentally significant change in the use of any land for demolition of building including the felling of trees and placing of free-standing erections used for the display of advertisements on the land and the expression "develop" with its grammatical variations shall be construed accordingly;

"development permit" means a permission to develop any land or building granted by the authority empowered to give such permission under this Law;

"development plan" means a plan specifying the manner in which an area of land should be developed;

"dwelling house" means a building erected or converted for use primarily to provide living accommodation for one or more persons;

"enforcement notice" includes stop notice, contravention notice and a demolition notice;

"industrial development" means any development or use of land or any building on land for the purposes of:

- (a) processing any mineral;
- (b) extracting or producing by what ever means other than mining, one product from another product or substance;
- (c) carrying on works and repairs on or involving any mechanised equipment;

"Institutional and recreational development" means any development or use of land or any building on land for any of the following purposes:

- (a) social welfare and community development i.e. education, health care, religion, charity etc.
- (b) offices for party political organizations trade unions, employees association and any other organization whose principal purpose is participating in public affairs;
- (c) sports and social clubs but excluding clubs offering overnight accommodations for a fee for more than twenty persons;
- (d) museums and art galleries;
- (e) swimming pools available for use by members of the public without payment; and
- (f) any development or use of land for any purposes incidental to any of the above purposes;

"land" includes any building and any other thing attached to the land or permanently fastened to anything so attached but does not include minerals;

"Legislative body" means the State House of Assembly or the Local Government Legislative Councils as the case may be;

"local plan" includes plan formulation in detail within the context of the structure plan, the ways in which the policy and general proposals are to be implemented and includes any or a combination of the following:

- (a) district plans designed for areas where factors in local planning need to be set out comprehensively; and
- (b) action area plans which are plans for areas indicated or identified for action by structure plans i. e. where changes by development, re-development, or improvement need to be effected;

"member" means a member of the Board and shall include the Chairman;

"metropolitant plan" means general policy and proposal for the physical and environmental development of a very large town or metropolitant areas which may or may not extend to more than one planning authority's jurisdiction;

"physical development" means any of the plans set out in Section 4 of this Law and includes schemes, plans or master plans approved under the authority of any legislation repealed by this Law or made under any authority approved under this Law;

"plan" means land use proposal expressed in words and graphics;

"plan area" means the area of land designated by the planning authority with power to designate the area for which a physical development plan is to be or has been made;

"region" means an area of land less than a State but more than a town area having distinctive characteristics that distinguish it from other areas;

"regional plan" means a statement of general policy and proposals for the development plan designed to channel the growth of such a region in desirable directions;

"rural area" means any part of a State which is not declared an urban area;

"structure" means any permanent or semi permanent construction in which persons may reside, work or carry out other activities;

"State " means Katsina State of Nigeria;

"Tribunal" means the Urban and Regional Planning Tribunal established under Section 94 of this Law.

PART II -RESPONSIBILITIES OF STATE GOVERNMENT

3. (1) The State Government shall exercise its physical planning responsibilities to ensure consistency in physical development at all levels of the State.

State Government to be responsible for physical development plan

(2) The Government shall exercise the following functions:

- (a) the fomulation of State policy for Urban and Regional planning;
- (b) the preparation and implementation of regional, sub-regional, urban and subject plans within the State;
- (c) the promotion and conduct of research in urban and regional planning;
- (d) the dissemination of research results for adoption by organizations; and
- (e) the provision for technical assistance to Local Governments in the preparation and implementation of local, rural and subject plans.

4. There shall be for the State the following plans:

State plans

- (a) a Regional plan;
- (b) a Sub-reginal plan;
- (c) an Urban plan;
- (d) a Local plan; and
- (e) a Subject plan.

PART III-ESTABLISHMENT AND COMPOSITION OF THE BOARD

5. (1) There is hereby established for the State a Board to be known as the Katsina State Urban and Regional Planning Board.

Establishment of the Board

(2) Subject to the provisions of this Law, the Board shall be responsible for the initiation, preparation and implementation of the State Physical development plan.

6. (1) The Board shall consist of:
- (a) a Chairman;
 - (b) representative each of the following who shall be a registered member of the relevant profession:
 - (i) town planning;
 - (ii) architecture;
 - (iii) civil engineering;
 - (iv) land surveying;
 - (v) law; and
 - (vi) estate surveying;
 - (c) the General Manager;
 - (d) one representative each from the following:
 - (i) State Environmental Protection Agency;
 - (ii) such other body responsible for power supply in Nigeria;
 - (e) a representative each of the following:
 - (i) Ministry of Works, Housing and Transport;
 - (ii) Ministry of Justice;
 - (iii) Ministry of Agriculture and Natural Resources;
 - (iv) Ministry of Finance, Budget and Economic Planning;
 - (v) Ministry for Commerce, Industries and Tourism; and
 - (vi) Ministry for Lands, Survey and Environment; and
 - (f) a representative from each of the three Senatorial Zones of the State.
- (2) There shall be a Secretary to the Board to be appointed by the Governor.
- (3) A person shall be qualified to be appointed as Secretary if:
- (a) he is a qualified legal practitioner; or
 - (b) he holds a Bachelors Degree in any of the Social Sciences.

(4) There shall be a General Manager of the Board who shall be the Chief Executive responsible for day to day affairs of the Board.

(5) The General Manager shall be a person registered with Town Planning Council and has been in professional practice for a period of not less than ten years.

7. (1) The Chairman shall be a person of proven integrity.

Chairman and
Members of the
Board

(2) The Chairman and members other than ex-officio shall be paid such remuneration, fees and allowances as the Board may subject to the approval of the Governor determine.

(3) The Chairman and members shall be appointed by the Governor.

(4) Members of a professional body shall be appointed by the Governor on the recommendation of a professional body to which such a member belongs.

8. (1) A member other than ex-officio may at any time resign his membership.

Resignation and
removal of a
Member

(2) A member other than ex-officio may be removed from Office by the Governor on a recommendation of the Chairman that he should be so removed for inability to discharge the functions of his Office.

9. A member other than ex-officio shall hold office for a period of four years and may be eligible for re-appointment for another period of four years only.

Tenure of office
of a Member

10. The functions of the Board shall be:

Functions of the
Board

- (a) formulation of the State policies for urban and regional planning;
- (b) initiation and preparation of regional and sub-regional urban master plans;
- (c) development control of State land;
- (d) conducting research in urban and regional planning;
- (e) provision of technical assistance to the Local Governments of the State;
- (f) consultation and co-ordination with the Federal and Local Governments in the preparation of physical development plans;

- (g) preparation of State Physical plan; and
- (h) reviewing of the annual report submitted to it by the authority.

11. (1) There may be set up Departments or units as may be necessary for the discharge of the functions of the Board.

Departments or
units of the
Board

(2) The Board shall have such Staff as may be posted or seconded to it from the Civil service of the State.

(3) The Board may appoint such other staff as may be necessary on the advise of the Civil Service Commission subject to the approval of the Governor.

(4) All existing staff of the Katsina State Urban Planning and Development Authority shall at the commencement of this Law be deemed to be staff of the Board established under this Law.

PART IV-PROCEEDINGS OF THE BOARD

12. (1) The Board shall hold not less than three meetings in a year for the discharge of its functions.

Meetings of the
Board and
cooption of
members

(2) At the meetings of the Board:

(a) the Chairman shall, if present, be Chairman of the meeting;

(b) when the Chairman is not present or if the Office of the Chairman is vacant, the members present shall choose one of their members to be Chairman of the meeting.

(3) Every question at a meeting of the Board shall be determined by a majority of the vote and in case of equality of votes, the Chairman of the meeting shall have a casting vote.

(4) The Board may hold its meeting notwithstanding one or more vacancies among its members exists.

(5) Any three members of the Board may by notice in writing signed by them request the Chairman to summon a special meeting of the Board for the purpose set out in the notice and the Chairman shall summon such meeting.

(6) Where the Board desires to obtain the advice of any person upon any particular matter, the Board may co-opt such person to be a member for such meeting or meetings as

may be required and the person so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question or count towards a quorum.

13. At any meeting of the Board, the Chairman and four other members shall form a quorum. Quorum

14. (1) The Board shall as soon as practicable after its establishment provide itself with a common seal. Seal

(2) The common seal of the Board shall be authenticated by the signature of the Chairman or some other member authorised by the Board to act in that behalf and the signature of the Secretary.

(3) Judicial notice shall be taken of the common seal of the Board and every document purporting to be an instrument made by the Board shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

15. Subject to the provisions of this Law, the Board or Authority may make standing orders for the purpose of regulating its internal proceedings and its committees. Power to regulate proceedings

16. An act or other proceedings of the Board shall not be invalid by reason only: Validity of proceedings

- (a) that there is some defect in the appointment of a person purporting to be a member of the Board; or
- (b) there is any vacancy among its members.

17. Notwithstanding anything in other enactments, no suit against the Board or any member or staff of the Board for any act done in pursuance to the execution or intended regulations made pursuant to this Law or in respect of any alleged neglect or default in execution of the provisions, shall lie or be instituted in any Court unless it is commenced within three months after the act, neglect or default complained of or in the case of a continuance of damage or injury within three months thereof. Time limit to commence a suit

18. No suit shall be commenced against the Board until one month have expired after written notice of intention to commence same shall have been served upon the Board by the intending plaintiff or his agent and such notice shall clearly and explicitly state the cause of action, the particulars of the claims, the name and place of abode of the intending plaintiff and the relief which he claims. Procedure of filing a suit against the Board

19. The notice referred to in Section 18 and any summons; notice or other documents required or authorised to be served upon the Board under the provisions of this Law or any other Law, may, unless there is express provision to the contrary, be served by delivering same to the Chairman or Secretary of the Board, or sending it by registered post addressed to the Secretary of the Board at the headquarters of the Board.

Service of summons

20. In any suit against the Board, no execution or attachment or process in nature thereof shall be issued against the Board, however where notice of appeal has been given by the Board the judgement thereof shall be subject to such direction as the Court may deem fit to make.

Protection of property of the Board

PART V-RESPONSIBILITIES OF THE LOCAL GOVERNMENTS

21. A Local Government shall have the responsibilities for preparation and implementation of:

Local Government to prepare and implement plan

- (a) a town plan;
- (b) a rural plan;
- (c) a local plan;
- (d) a subject plan; and
- (e) the control and development within its area of jurisdiction other than over Federal or State lands.

22. (1) For the purposes of initiation, preparation and implementation of State Physical Development plan, there is hereby established in each of the Local Government areas in the State a Local Planning Authority.

Establishment of a Local Planning Authority

(2) The Authority shall comprise of the following:

- (a) a Chairman;
- (b) not more than five representatives of the wards in the Local Government Area;
- (c) a representative each of the following relevant professions:
 - (i) architecture;
 - (ii) civil engineering;
 - (iii) land surveying;
 - (iv) law; and
 - (v) town planning;

- (d) works supervisor of the Local Government;
- (e) education supervisor of the Local Government Area; and
- (f) a representative of the traditional institution.

(3) There shall be a Secretary who shall be appointed by the Governor.

(4) The Chairman referred to in Sub-Section (2) of this Section shall be a member of one of the relevant professions listed in paragraph "c".

(5) The Chairman and members of the Authority shall be paid such remuneration, fee and allowances as the Authority may, from time to time approve.

(6) The post of the Secretary shall be a pensionable one.

23. (1) The Authority shall be charged with the responsibilities for preparing town, rural, local and subject plans. Responsibilities of the Authority

(2) The Authority shall prepare and submit to the Board an annual report on the implementation of Physical Development Plan and State Regional Plan.

(3) The Authority shall undertake development control within its area of jurisdiction.

24. (1) The Board or the Authority may delegate any of its functions provided under this Law to any person registered under the relevant profession as the Board or the Authority may deem fit in each circumstance. Delegation of power

(2) Notwithstanding the provision of Sub-Section (1) of this Section, the Board or the Authority may perform any such duty delegated under Sub-Section (1) of this Section.

25. (1) For the purpose of securing integration, consistency and coherence within and between all levels of the plans in the State, the Board shall during the preparation of regional plan, call for submissions from organizations and interested members of the public whose contribution shall serve as part of the input towards the preparation of the draft regional plan. Board to appoint a technical committee

(2) The Commissioner may make rules as to the manner and method of notice and submissions of inputs referred to in this Section.

(3) The Secretary shall collate all the submissions made in compliance with the provisions of this Section.

26. (1) The Board shall have power to appoint a technical committee for the purposes of analyzing collated submissions received under this Law.

Power of Board to appoint technical committee

(2) Notwithstanding the provision of Sub-Section (1) of this Section, the technical committee shall have responsibility for evaluating the proposals submitted, prepared and exhibited in the draft regional plan for the purposes of this Law.

27. (1) Any member of the public, State, Local Government, and non-Governmental organizations and professional bodies during the period of the exhibition of the draft regional plan may submit to the Board written statements of their objections to anything appearing in the said plan and shall:

Board to receive written statements of objections

(a) define the nature and reasons for the objections; and

(b) suggest alterations and amendments to be made to remove the objections.

(2) The Board shall acknowledge receipt of all such statements of objection.

(3) The Board shall prepare schedules of summaries of the objections and comments submitted to it.

(4) The Secretary to the Board shall submit such Schedules within a period of two months after final day of exhibiting the draft regional plan to the technical committee which shall review the objections and comments and may prepare a revised draft plan which takes account of the objections and comments.

28. (1) Copies of the operative regional plan certified by the appropriate officer of the legislative body shall be deposited with the State and Local Government for safe keeping.

Copies of plan to be deposited for safe keeping

(2) The provisions of the operative State physical development plan shall be adhered to by the Board, public, private organizations and individuals.

29. (1) The Board shall within a period of two months, meet to consider the revised draft of regional plan

Board to consider revised plan

together with the accompanying Schedule of objections and comments.

(2) After consideration of all objections and comments on the revised plan, the Board shall prepare and submit a final draft plan with or without amendments to the appropriate legislative body for approval.

30. (1) Upon receipt of the final draft plan, the legislative body may:

Legislative body to consider final draft plan

- (a) approve it wholly;
- (b) approve part of it; or
- (c) refer it to the Board for further consideration and amendment of the whole or part thereof.

(2) A plan approved under this Section shall be referred to as an "operative regional plan" and a notice to this effect shall be published in the *Gazette* and in two widely read national dailies.

31. (1) Copies of the operative regional plan certified by the appropriate officer of the legislative body shall be deposited with the Board, the State and Local Government for safe keeping.

Copies of certified plan to be deposited with the Board etc

(2) Copies of the plan referred to in Sub-Section (1) of this Section shall be made available for sale to members of the public at a price to be determined by the Board.

32. (1) The operative regional plan shall be reviewed every five years to reflect the socio-economic changes in Nigeria.

Operative regional plan subject to review

(2) The Procedure for the review of the regional plan shall be as specified under this Law.

33. The provision of the regional plan shall be adhered to by the Board or Authority as well as other public, private organizations and individuals.

Regional plan to be adhered to

34. The Board and the Authority shall submit annual report to the Executive Council of the State who shall have the duty to review same.

Submission of annual report

35. The Board and the Authority shall make standing orders regulating its proceedings or any committee thereof.

Board to make standing orders

36. (1) The procedure for making regional, sub-regional, urban, town, rural, local and subject plan shall be in line with the State physical plan.

Plan to be in line with State physical plan and state plan

(2) Subject plan shall be approved by the Board and the Authority.

37. (1) The Board shall have the following departments:

Establishment of development and regional planning departments in the State

- (a) a development department to be charged with the responsibilities for matters relating to land development control in the State;
- (b) regional planning department which shall be responsible for the implementation of regional planning in the State.

(2) Subject to Sub-Section (1) of this Section, the control department and the regional planning department shall be responsible for development control and implementation of regional planning respectively.

(3) The control Department shall have power over the development control on the State land.

PART VI-ESTABLISHMENT OF CONTROL DEPARTMENTS IN LOCAL GOVERNMENT AREAS

38. (1) There is hereby established for each Local Government a department to be known as the Development Control Department (referred to in this Law as the "Control Department").

Establishment of Control Department

(2) The Control Department shall be a department charged with the responsibilities for matters relating to development control.

(3) The Control Department shall have power over the development on all lands within the jurisdiction of the Local Government.

(4) There is hereby established a Regional Planning Department which shall be responsible for the implementation of rural plan.

39. (1) Approval of the relevant Development Control Department shall be required for any land development.

Development control department to approve land development

(2) A developer shall submit a development plan for the approval of the Control Department.

(3) Notwithstanding anything contained in this or other Law of the State, the Government or its Agency shall obtain approval of the relevant control department before carrying out any development on land.

40. (1) A developer (whether private or Government) shall apply for development permit in such a manner using such forms and providing such information including plans, designs, drawings and any other information as may be prescribed by regulation made pursuant to this Section.

Developer t
apply for pe

(2) A plan required to be made under this Law shall be prepared by a registered architect, town planner or engineer and shall be in accordance with the provisions of this Law.

(3) An application for a development permit may be rejected if:

- (a) the format is not in accordance with the approved plan; or
- (b) the plan is in course of preparation; or
- (c) in the opinion of the Control Department, the development is likely to have a major impact upon the environment, facilities or inhabitants of the community or contains such additional facilities which are not within the estimation of the physical development plan for that community; or
- (d) in the opinion of the control Department, the development is likely to cause a nuisance to the inhabitants of the community or contains such additional facilities that are not within the estimation of the physical Development plan for that community; or
- (e) the development is not in accordance with any other condition as may be specified under any regulation made pursuant to this Law.

41. The Control Department may consider representation made to it by a person, body or organization to be affected by an intended development.

Control
Department to
consider
representation

42. (1) A developer shall at the time of submitting his application for the development, submit to the appropriate control Department a detailed environmental impact statement for an application for:

A developer to
State
environmental
impact
statement

- (a) resident land in excess of 23 hectares; or
- (b) permission to build or expand a factory or for construction of an office building in excess of four storeys or 5,000 square metres of lettable space; or
- (c) permission for a major recreational development; or
- (d) a petrol Station.

(2) The control Department may approve or reject an application for development permission.

43. (1) The Control Department may delay the approval of an application for development permit if circumstances require that:

Control
Department to
delay approval
for development

- (a) the developer at his own expense shall:
 - (i) provide public infrastructure and facility; or
 - (ii) provide necessary commercial facility; or
 - (iii) provide necessary social recreational communal facility; or
 - (iv) pay a sum of money in lieu to the control Department for providing issue under subparagraph (i) and (ii) of this paragraph;
- (b) the developer is to enter into an agreement with an individual, corporate or unincorporate body in respect of any matter the control Department deems necessary for the development;

- (c) the developer is to pay such fee or other charges imposed by the control Department;
- (d) the developer is to comply with any other condition stipulated by regulation made under this Law.

(2) In reaching its decision under this Section, the Control Department shall comply with:

- (a) the policy and proposal of an approved plan applicable to a locality within its area of jurisdiction;
- (b) a proposed plan or an approved plan under review; and
- (c) any other consideration made particular and applicable to a locality by a regulation made pursuant to the provisions of this Law.

(3) Subject to such directives as may be given by the Government, the control Department may delay the approval of an application for development permit for a period not exceeding three (3) months.

(4) The decision of the control Department on an application for development permit shall be communicated to the Applicant.

(5) Where an application is not approved, the department shall give reasons for its decision and such decision shall be conclusive evidence of the information contained therein.

44. The refusal or rejection of an application for development shall not confer on a developer any legal or other rights until it has been communicated to the applicant in writing.

Legal rights to the applicant accrue after communication

45. The Control Department shall enforce all the rights and duties attached to a development permit against a developer and where the developer transfers or assigns his interest, the Control Department shall enforce all the rights and duties attached to a development permit against a holder or occupier for the time being.

Control Department to enforce rights and duties

46. A development permit granted to a developer shall:

- (a) remain valid for a period of two years from the date of communication of the approval of a development permit to a developer; and
- (b) where a developer fails to commence development within two years, the development permit shall be subject to revalidation by the Control Department which issued the original permit.

Validity of a development permit

47. The Control Department shall not impose conditions to a grant of development permit which may be in conflict with the conditions contained in a grant of Certificate of Occupancy or Customary right of occupancy.

Conditions of permit not to conflict with the certificate of occupancy

48. (1) Conditions attached to the grant of a development permit may be altered, amended, varied or revoked by the Control Department which shall serve a notice of its intention on the holder for the time being of a development permit.

Condition of permit may be altered or revoked

(2) The notice required to be served under Sub-Section (1) of this Section shall state reasons for the proposed action of the control Department and the Control Department shall consider any representation made to it by the developer or holder for the time being of a development permit.

(3) Any decision made pursuant to sub-Section (1) of this Section shall be communicated in writing to a developer or a holder for the time being of a development permit.

49. (1) A development permit already granted and communicated to a holder for the time being may be revoked by the Control Department which shall serve a notice of its intention to revoke the development permit.

Notice of intention to revoke permit

(2) The notice under Sub-Section (1) of this Section shall state reasons for the revocation of the development permit.

(3) The Control Department shall consider any representation made to it by a developer.

50. A Developer or holder for the time being of a development permit if dissatisfied with the decision of the Control Department may appeal against the decision of the Control Department in the first instance to the Commissioner charged with the responsibilities for matters relating to planning.

A developer may appeal to the Commissioner

51. A developer or a holder for the time being of a development permit if dissatisfied with the decision of the Commissioner may appeal to a Tribunal set up to hear appeals within 28 days of service of a notice.

A developer may appeal to tribunal

52. In exercise of its functions under this Law, the Control Department shall:

Control Department to have regard on provisions to the Land Use Act

- (a) have regard to all matters and conditions specified by the provisions of this Law prior to granting a development permit; and
- (b) take into account matters of overriding public interest as provided for in Section 28 (2) and (3) of the Land Use Act.

53. Compensation shall be payable for the revocation of a development permit to a developer or a holder for the time being of development permit if:

Compensation to be paid on revocation of a permit

- (a) development has commenced; or
- (b) the developer or holder is liable under existing contract to third party to damages for a breach of contract; or
- (c) the developer has incurred any expense or has suffered a loss during the process of obtaining the development permit.

54. (1) The amount of compensation payable under Section 53 of this Law shall be such as to reimburse the developer or holder for the time being of a development permit, of the losses incurred as a result of the revocation and shall not be in the form of payment of damages or in excess of the sum incurred by the developer.

Consideration of amount of compensation

(2) No compensation shall be paid under this Section if:

- (a) a development is not in accordance with the terms and conditions under which a development permit was granted; or

- (b) the right of occupancy of the land on which a development was to take place has been cancelled or revoked on the ground that the application did not comply with the requirements of the Land Use Act; or
- (c) a claim for compensation is made 28 days after a notice of revocation is served on the developer or the holder for the time being of a development permit.

55. Compensation payable under this Law shall be paid not later than 90 days after a claim for compensation had been made.

Duration of payment of compensation

56. In the event of a dispute arising as to the amount of compensation payable to a developer, the dispute may be referred to a planning Tribunal.

Dispute on compensation to be referred to tribunal

57. An appeal against the decision of a planning Tribunal in respect of an amount payable to a developer shall lie as of right to the State High Court.

An appeal from Tribunal lie to the State High Court

58. (1) The Control Department may serve an enforcement notice on the owner of a private, residential, commercial, industrial or any other land whenever development is commenced without approval.

Control Department to serve enforcement notice

(2) An enforcement notice may be issued pursuant to Sub-Section (1) of this Section notwithstanding that the unauthorised development took place before the commencement of this Law.

59. (1) An enforcement notice served by the control Department pursuant to Sub-Section (1) of Section 58 of this Law may direct a developer to alter, vary, remove or discontinue a development and may enforce additional conditions as it may deem necessary in each circumstance.

Effects of enforcement notice to a developer

(2) Before issuing or serving an enforcement notice in accordance with the provisions of Sub-Section (1) of this Section the Control Department shall:

- (a) have regard to the existing conditions for granting development permit;
- (b) have regard to the likely environmental degradation or impact of development carried out or being carried out;

shall issue a stop-work order pending the service of the enforcement notice on the owner, occupier or holder as specified in Section 58 of this Law:

Provided that where the development or use is not up to 50%, the Control Department shall have power to order the developer to alter, remove or discontinue the development or use without referring the matter to a Court of Law.

65. A stop-work order shall take immediate effect upon service on a developer or the occupier of the development for the time being.

Effect of a stop-work order etc. developer being, work the occupier

66. A stop work order shall comply with the provisions of Section 64 of this Law and shall in addition inform the developer or occupier of:

- (a) the development which is required to be stopped; and
- (b) the work to be done on the site to conform with the development permit issued thereto.

67. The control Department shall give a reasonable time not exceeding 21 days within which the developer shall be required to comply with the provisions of Section 64 of this Law.

Time limit for complying with provisions of Section 64 with the

68. A stop work order shall cease to have effect if within 21 days of its issue, the enforcement notice is not served on a developer.

Life span of a stop work order. served on a developer.

69. Where an enforcement notice is served in respect of the development to which stop-work order is served, a planning Tribunal may on the application of the Control Department extend the period of time during which a stop-work order shall remain in force.

Extension of time for stop-work order. Control Department extend the stop work order shall remain

70. A person who fails, to comply with the terms of an enforcement notice or disregards a stop-work order issued and served pursuant to this Law, is guilty of an offence and liable on conviction to a fine not exceeding N50,000 in the case of an individual and in the case of a corporate body to a fine not exceeding N100,000.

Penalty for non-compliance with enforcement notice etc. fine on conviction. case of an individual. corporate body to a fine not exo

71. Where a developer contravenes the provisions of a planning Law or any regulation made pursuant to a Law, the Control Department shall have power to require the developer to:

Contravention of
planning Law or
regulation

- (a) prepare and submit his building plan for approval; or
- (b) carry out such alterations to a building as may be necessary to ensure compliance; or
- (c) pull down the building; or
- (d) re-instate a piece of land to the State in which it was prior to the commencement of building.

72. (1) The Control Department shall have power to serve on a developer a demolition notice if a structure erected by the developer is found to be a nuisance or defective as to pose danger or constitute a nuisance to the occupier and the public.

Control
Department to
serve demolition
notice on a
developer

(2) Notice served pursuant to Sub-Section (1) of this Section shall contain a date not later than 21 days on which the Control Department shall take steps to commence demolition action on the defective structure.

73. After the expiration of the time specified in the notice served under Sub-Section (1) of Section 72 of this Law, the Control Department shall take such necessary action to effect the demolition of such structure.

Control
Department to
effect demolition

74. A developer shall reimburse the Control Department for all expenses reasonably incurred in the exercise of its power under Section 73 of this Law.

Developer to
reimburse the
control
department

75. In the performance of its functions under this Law in relation to the control of advertisements, wasteland, trees and buildings of special architectural or historical significance, the control Department shall compile a list of such buildings of special architectural or historical significance and may also obtain such list from individuals and corporate bodies for compilation.

Control
Department to
compile list of
buildings etc

76. A building may be included in the Control Department list if:

- (a) the building is of historical or special architectural interest;

- (b) its exterior contributes to the architectural or historical interest of a building or group of buildings of which it form a part;
- (c) a desirable man-made object or structure is fixed to the building or a part of the land comprised with the curtilage of the building.

77. The Control Department may, before compiling a list, consult such persons as may appear to have special knowledge or interest in a building of architectural or historical significance and shall collect the Gazetted list of all such buildings within its jurisdiction and deposit same with the State or Local Government as the case may be.

Control Department to make consultation.

78. For the purposes of carrying out the responsibilities under this Law, the Control Department may subject to the approval of the Board make rules or regulations pursuant to the provisions of this Law.

Power to make regulations

79. (1) A listed building may be demolished, altered or extended if the Control Department gives a written consent for the execution of works on the listed building.

Demolishing of a listed building

Provided that: For Museums and Monuments, consent shall be obtained from the relevant body before demolition, alteration or extension.

(2) For the purposes of this Section, the Control Department referred to means the State Development Control Department.

80. A person shall be guilty of an offence if he:
- (a) executes or causes to be executed any work aimed at the demolition, alteration or extension in any manner which changes the character of a listed building; or
 - (b) fails to comply with any condition attached to a written consent of the Control Department.

Offences

81. A person guilty of an offence under Section 80 of this Law shall:

Penalty

- (a) on summary conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding N10,000 or to both imprisonment and fine;

Penalty

- (b) on conviction on indictment be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding N20,000 or to both such imprisonment and fine;
- (c) in the case of a body corporate, to a fine of N50,000;
- (d) be liable to a fine not exceeding N5,000 for every day the offence continues or to imprisonment for a term not exceeding one month.

82. (1) The control Department shall:

Control Department to grant development permit etc

- (a) where appropriate, grant a development permit subject to a provision on the preservation of existing trees and or planting of new trees by the imposition of necessary conditions; and
- (b) without prejudice to the provisions of existing Laws under this subject, the Control Department shall make "tree preservation orders" for securing such amenity within its area of jurisdiction.

83. (1) The Control Department shall regulate the dimensions, appearance, display, sighting and manner in which an advertisement bill board shall be affixed to land.

Control Department to regulate advertisement etc

(2) No person shall display an advertisement without the written consent of the Control Department.

84. If it appears to the Control Department that the amenity of a part of an area or an adjoining area is seriously injured by the condition of a garden, vacant site or an open land, the Control Department shall serve on the occupier or owner of such land a notice requiring such step for abating an injury as may be specified in the notice to be taken within such period of time as may be specified.

Control Department to serve notice to abiate an injury

85. (1) Where it appears to the Board or Authority that it is necessary to obtain any land in connection with planned urban or rural development in accordance with the

Right of occupancy may be revoked etc

policies and proposals of any approved plan, any right of occupancy subsisting on that land shall be revoked on the recommendation of the appropriate authority.

(2) Any right of occupancy held in pursuance of Sub-Section (1) of this Section shall be revoked in accordance with the relevant provisions of the Land Use Act.

86. (1) All matters connected with payment of compensation for the revocation of a right of occupancy under this Law shall be governed in accordance with the relevant provisions of the Land Use Act.

Payment of compensation on revocation of right of occupancy

(2) Any compensation payable as a result of the revocation of a right of occupancy under this Law shall be paid within a reasonable period.

87. Notwithstanding any provision of this Law, the Control Department may, where it thinks necessary:

Control Department to facilitate execution of plan etc

- (a) facilitate the execution of the approved plan;
- (b) make payment of reasonable compensation to any person who sustains a damage or suffers any loss by reason of his land being affected by:
 - (i) injurious infection;
 - (ii) disturbance;
 - (iii) severance; and
 - (iv) displacement;

as a result of the land being fully developed or which after full activity is being carried forth in order to give effect to any of the provisions of this Law.

88. Where a local plan prepared by the appropriate authority for reasons set out in Section 21 of this Law has been approved under Section 30 of this Law, the authority may exercise the power set out in this Law for the purposes of assisting in the implementation of that local plan.

Local planning authority to assist in implementing local plan

89. (1) A local plan on which Section 21 of this Law applies may designate and the appropriate authority may, after the plan has been approved, by order published in the Gazette, declare any part of the area for which such plan has been made to be an improvement area for the purpose of rehabilitating, renovating and upgrading the physical environment, social facilities and infrastructure of the area.

Appropriate authority to declare an improvement

(2) The rehabilitation, renovation and upgrading may be brought about through the combined efforts of the residents of the area concerned, the Control Department and any other statutory bodies as may be relevant and complimentary to the rehabilitation, renovation or upgrading of the area.

(3) The appropriate authority shall, before declaring an area to be improvement area, satisfy itself that the purpose set out in Sub-Section (2) of this Section is likely to be achieved.

90. (1) Before declaring any part of an area to be an improvement area, the appropriate authority shall:

Declaration of an improvement area etc

- (a) use its endeavour to inform the residents of the proposed improvement area by such means as it deem necessary:
 - (i) the purposes and content of the proposed improvement;
 - (ii) the powers vested in the authority; and
 - (iii) the facilities which would be made available and the benefits to be derived in the area.
- (b) hold meetings with the Local Government of the area or any association in the area to:
 - (i) ascertain the views of the residents on the proposed improvement area and the exercise of power relating thereto;

- (ii) set up liaison or consultative committees between the authority and representatives of the residents to monitor the progress of the rehabilitation or upgrading in the area;
 - (c) inform other relevant statutory authorities of the proposed improvement area and invite their views and comments; and
 - (d) take into account the views and comments made under paragraphs (b) and (c) of this Section and from other interested parties on the proposed improvement in the area.
- (2) The appropriate authority shall after declaring an area to be an improvement area:
- (a) hold regular meetings with the committees established under Sub-Section(1) (b) (ii) of this Section;
 - (b) assist or join other persons and authorities in assisting a resident or group of residents within the area to draw up and implement plans for the improvement of the neighbourhood;
 - (c) generally advise and assist the residents of the area to take full advantage of the improvement concerned.

91. The appropriate authority shall in an improvement area have power to:

- (a) prepare an improvement area plan showing what ways and over what period of time the area is to be improved;
- (b) grant, guarantee or facilitate the granting of a loan to a person or group of persons to:
 - (i) assist in the improvement, repair or renovation of houses within the areas as may be directed by the appropriate authority; or

Power of the authority in an improvement area

- (ii) to provide, improve, repair or renovate social and community facilities within the area; or
- (c) subject to Section 72 of this Law, demolish or order the demolition of a building or part thereof and where appropriate, recover the cost of the demolition from the owner of the building or part thereof; or
- (d) improve, repair or renovate or order the improvement, repair or renovation of a building or part thereof and where appropriate, recover the cost of the improvement or repair from the owner of the building or part thereof; or
- (e) pay compensation promptly, on such terms and conditions as may be prescribed, to a person who suffers a loss or damage through the exercise by the authority of its power in the area.

92. The power of an authority to demolish or order the demolition of a building or part thereof under this Law shall not be exercised unless:

Limitations of the authority on demolition

- (a) the building falls below the standard of other buildings used for habitation in the area that it is or is likely to become a danger to the health of its occupiers or occupiers of adjacent buildings;
- (b) the building is in such a State of disrepair that it is or is likely to become a danger to public safety and cannot at a reasonable cost be repaired;
- (c) two or more contagious buildings are badly laid out and so congested that without the demolition of one or more of them that part of the improvement area cannot be improved;

- (d) it is in connection with the provision of infrastructural facilities of the area; or
- (e) for any other reason as the authority may deem necessary.

93. (1) The appropriate authority shall before ordering the repair, demolition or renovation of a building or part thereof:

Authority to inspect a building before ordering its repair, demolition renovation etc

- (a) inspect the building or part thereof to ascertain its condition and situation;
- (b) where the proposed order is one of repair of a building or part thereof, prepare a Schedule of necessary regulations which shall inform the owner or occupier of the building of:
 - (i) the proposed order and the reason thereof;
 - (ii) the date, time and place where the authority shall consider any representations or objections to the proposed order; and
 - (v) such other matters as may be prescribed by the regulations;
- (c) affix a notice of the proposed order to which the order relates;
- (d) appoint a committee of members of the authority to hear, consider and report on any representation or objection which may be made orally and in writing by the owner, occupier or his duly authorized representative;
- (e) where the proposed order is for demolition of a building or part thereof prepare an estimate of the compensation payable to the owner or occupier of the building.

(2) where the authority after consideration of the report of the committee appointed under paragraph (d) of Sub-Section (1) of this Section confirms the proposed order with or without modifications or alterations, it shall serve a notice of the order and the reasons thereof in such forms as may be prescribed by regulations on:

- (a) the owner or occupier of the building; and
- (b) the person who made representations or objections to the proposed order.

(3) An aggrieved owner, occupier or interested party in a building which is the subject of a demolition order may appeal against:

- (a) the order to the planning Tribunal established under Section 94 of this Law; and
- (b) the planning Tribunal's decision, may be appealed against to the High Court of the State.

(4) The authority shall not enter to repair, renovate or demolish a building or part thereof which is the subject of an order until:

- (a) after the period stated in the notice of the proposed order has expired; and
- (b) where there is an appeal against the repair, renovation or demolition, until the appeal has been finally determined.

PART VII MISCELLANEOUS PROVISIONS

94. (1) There is hereby established, in the State a Tribunal to be known as the Urban and Regional Planning Tribunal.

Establishment of a Tribunal

(2) The Tribunal shall have the jurisdiction, power and authority conferred on it by this Law and by any regulation made hereunder.

95. (1) The Tribunal shall consist of :

Composition of the Tribunal

- (a) a Chairman who shall be a registered town planner with 15 years post qualification experience;
- (b) an architect;
- (c) a legal practitioner;
- (d) an engineer;
- (e) a land surveyor; and
- (f) a representative of traditional Institution.

(2) The Chairman and other members of the Tribunal shall be appointed by the Governor on the recommendation of the professional body concerned.

(3) The Secretary of the Tribunal who shall be a town planner with at least 5 years post qualification experience shall be appointed by the Governor.

96. The Chairman and members of the Tribunal shall hold office for a period of four years and may be eligible for re-appointment for another term of four years only.

Tenure of office
and remuneration
of members of the
Tribunal

(2) The office of a Chairman or member of the Tribunal shall become vacant if:

- (a) he has completed his tenure of office; or
- (b) he resigns his appointment in writing under his hand to the Governor; or
- (c) without good cause declines to hear a case during a session of the Tribunal on three consecutive occasions; or
- (d) he is adjudged Bankrupt; or
- (e) he is found to be insane; or
- (f) his appointment is revoked by the Governor; or
- (g) for any other reason he is incapable of carrying out the functions of his office; or
- (h) he dies.

(3) For the purposes of Sub-Section (2) (c) of this Section "good cause" means:

- (a) illness certified as such by a qualified medical practitioner;
- (b) a professional involvement in a case before the Tribunal at an earlier or prior stage;
- (c) having an interest of a proprietary or pecuniary nature in a case either directly or indirectly.

(4) The Chairman and member of the Tribunal shall be paid such remunerations, fees and allowances as the Governor shall from time to time approve.

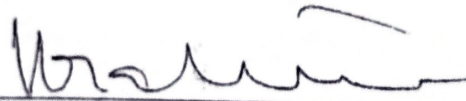
97. The Attorney General of the State shall have power to make rules of procedure for the Tribunal.

Attorney
General to make
rules

98. The Building Lines (Regulation) Law, CAP. 17, the
Town and Country Planning Law, CAP. 135 and the Katsina
State Urban planning and Development Authority Law, CAP.
139 Laws of Katsina State of Nigeria, 1991 are repealed.

Repeal of CAP.
17, 135 and 139
Laws of Katsina
State, 1991

MADE at Katsina this 27th day of January 2011.



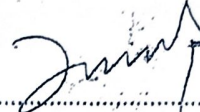
ALHAJI IBRAHIM SHEHU SHEMA *frlm*
Governor;
Katsina State of Nigeria.

SCHEDULE

FORM A

(Section 5)

This printed impression has been carefully compared by me with the Bill which has passed the Katsina State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

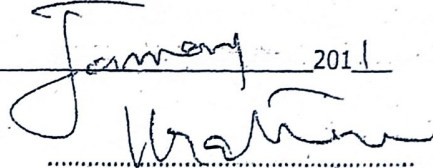


.....
Clerk to the Legislature

FORM B

(Section 7 (1))

Assented to by me this 27th day of January 2011



.....
Governor

FORM C

Section 7 (2))

Assent withheld by me this _____ day of _____ 201_____

.....
Governor

FORM D

(Section 7 (3))

Passed again by the Katsina State House of Assembly by two-thirds majority.

this _____ day of _____ 201_____

.....
Speaker