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No. 8991 dated 23. 01. 2003

**CONCERNING SOME ADDITIONS AND CHANGES TO THE LAW No. 8405,
DATED 17. 09. 1998 "ON URBAN PLANNING", CHANGED WITH DECISION
No. 2 DATED 25. 01. 1999 OF THE CONSTITUTIONAL COURT AND WITH
LAWS No. 8453 DATED 4. 02. 1999, No. 8501 DATED 16. 06. 1999 AND
No. 8682 DATED 7. 11. 2000**

Based on articles 78, 81 point 1 and 83 point 1 of the Constitution, upon proposal from the
Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

HAS DECIDED AS FOLLOWS:

To make the following additions and changes to Law No. 8405 dated 17.09.1988 "On urban planning", changed with Decision No. 2, dated 25.1.1999 of the Constitutional Court and with laws No. 8453, dated 4. 02. 1999, No. 8501, dated 16.06.1999 and No. 8682 dated 7.11.2000.

Article 1

The following additions are made to Article 1:

- One paragraph is added after paragraph 3:
"Strategic plan" is a progressing participatory process that, through a mid term plan, ensures the interplay of all factors towards the attainment of strategic goals set by the ultimate decision-makers at the local government level. The strategic plan combines physical, financial and institutional aspects. The thrust of strategic plans is the management of the dwelling center as one whole, or at least of its main components: housing, land, infrastructure, generation of financial resources and general administration of these components towards their integration".
- After paragraph five the following paragraph is added:
"Action plan" is a continuous participatory process that produces a relatively short-term plan to ensure the necessary cohesion for the effective utilization of valuable material and financial resources to attain specific goals in specific areas."
- Paragraph eight is changed as follows:
"Suburban zone" is the zone stretching outside the boundary line of the towns. Boundaries of such zones should be set to preserve and prepare the ground for the long term development of the town."

Article 2

Article 14 is changed as follows:

The specializing urban planning units at local government level are:

- The Council of Territorial Regulation, at the region, municipality and commune Councils (CTR).
- The urban planning unit (director, section or bureau) at the region, municipality or commune."
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Article 3

At article 15, after the word “Lushnja” the words “Kukës, Peshkopi, Laç” are added.

Article 4

In article 17, after paragraph one, the following paragraph is added:

“Membership of the CTR at the municipality and commune level is made up as follows:

- Mayor of the municipality/commune;
- Chief of party of the urban planning unit at the municipality/commune;
- Chief of party of the legal bureau at the municipality/commune;
- Chief of party of the public infrastructure affairs at the municipality/commune;
- Two representatives from the municipality/commune council;
- Two specialists (urban planners/architects/construction engineers) nominated by the Mayor of the municipality/commune;
- Two specialists (urban planners/architects/construction engineers) nominated by the municipality/commune council.

Communes that cannot set a CTR according to the membership criteria described above may delegate such competences to the Region’s CTR.

Article 5

Article 18 is changed as follows:

Membership of the Region’s CTR is made up as follows:

- Chairman of the region’s council;
- Director of the urban planning directorate at the Region (secretary to the CTR);
- Director of the cadastre at the region;
- Mayor of the central municipality of the region and one specialist (urban planner/architect/construction engineer) proposed by the central municipality of the region:
- Chief of party of public services at the Region;
- Chief of party of the atelier of the culture monuments in the Region’s jurisdiction;
- The representative of the regional environmental agency;
- The representative of the road section;
- One specialist nominated by the Ministry of Tourism and Territorial Regulation;
- Three representatives from the Region’s Council;
- The representative of the municipality/commune, which has jurisdiction over, the construction permit to be reviewed;
- One specialist (urban planner/architect/construction engineer) nominated by chairperson of the Region;
- Two specialists (urban planner/architect/construction engineer) nominated by the Region’s Council;
- One specialist (urban planner/architect/construction engineer) nominated by the prefecture.”
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Article 6

Article 20 is changed as follows:

1. The Region’s CTR has the power to review and endorse:

- a) Urban planning studies concerning the territory of more than one municipality/commune within the territories over which it has jurisdiction, the endorsement of which is the competence of the CTR of the Region.
 - b) The platforms for holding contests for urban planning studies concerning territories under its jurisdiction;
 - c) The strategic plan, the regional plan, master plans drafted in accordance with development programs;
 - d) The boundary lines of construction and the suburban areas of the cities;
 - e) The boundary line of constructions in the villages;
 - f) Urban planning studies, construction grounds and permits outside the boundary lines of the villages, pursuant to guidelines of the master plans.
2. CTR at the municipality or commune level has the competence to review and endorse:
- a) Design tasks relating to territories under the municipality's/commune's jurisdiction;
 - b) The platform for holding contests on urban planning studies falling under its jurisdiction;
 - c) The general regulating plan of the city or village, action plans and urban planning regulations in accordance with regional development programs;
 - d) The boundary line for constructions and the borderline of the city's suburban area;
 - e) Regulating plans for the villages and partial urban-planning studies of villages;
 - f) Partial urban planning studies pursuant to the approved master plans;
 - g) Construction grounds, construction permits and the blue print of construction works, in accordance with the approved urban planning studies.

Article 70 of Law no. 8405 dated 17. 09. 1998 "On urban planning" amended, applies in the case of tourism zones. The materials to be reviewed by the Region's CTR, the CTR of the municipality/commune in connection with the urban planning studies and the relevant evaluations are prepared by the technical secretarial office, the functions of which are carried out by the urban planning unit of the Region, municipality/commune respectively.

Materials to be taken through the Council of Territorial Regulation of the Republic of Albania must be submitted to its technical secretarial office not later than 60 days following its endorsement by the CTR of the Region/municipality/commune."

Article 7

The following additions are made to article 21:

- At the fourth sentence, after the words: "of the concerned local government" the words "and representatives of the designing units" are added.
- The following paragraph is added:
"In cases when the representative of the prefecture challenges the CTR decision on legal grounds, the prefect is empowered to demand the re-consideration of the construction permit by the local CTR."

Article 8

Article 22 is changed as followed:

The urban planning unit at the Region has these competences:

1. In conjunction with the respective municipalities and communes, prepares the reference materials for urban planning and territorial development studies to be submitted to the CTR meeting.
2. In cooperation with the local governments under the Region's jurisdiction, coordinates the actions towards the production of the regional plan, the general regulating plan, the master plans for territorial development, partial urban planning studies and submits these to the CTR meeting.
3. In conjunction with the local governments in the Region's jurisdiction, designs, in accordance with the design tasks, as provided by point 2 of this Article, the developmental master plans, the general regulating plans, the partial urban planning studies. In accordance with the law, following the CTR endorsement, it may also contract these tasks out to designing institutions, governmental or private, duly licensed in the field of urban planning studies, pursuant to regional strategic plans and approved regional policies.
4. Appraises and submits to the CTR the urban planning studies, the grounds and construction permits outside the boundary-line of the villages as envisaged by the respective master plans;
5. In accordance with the law, proposes urban planning regulations for territories under the Region's jurisdiction, and submit these to the CTR;
6. In cases of newly created circumstances, prepares the proposal on the relevant changes in the approved studies, which it then submit to the CTR for review;
7. Liaises regularly with the technical secretariat of the CTR of the Republic of Albania and the urban planning units at the municipalities and communes under its jurisdiction;
8. Assists and coordinates the urban planning units at the municipalities and the communes on technical issues relating to the implementation of this law;
9. Drafts the CTR decisions, the technical documentation together with the urban planning conditions approved by the CTR in accordance with Article 6 of this Law. Following approval, 2 original exemplaries of the documentation are handed to the requesting side or the concerned municipality/commune not later than 30 days following the taking of the decision by the CTR;
10. Checks whether the permits granted by the municipalities and the communes are in line with the studies endorsed by the respective CTR and notifies the respective elected council in case of infringements on these studies;
11. Prepares reports on permits granted by the Region's CTR for the following stages of implementation of works: picketing of the building; building the foundations and finishing the carcass of the building; It also files the technical documentation of the building and other relevant documentation as it may be necessary.
12. Following the collation act, if no infringes to the decision are found, drafts the permit for utilization of the building.
13. Keeps the urban cadastre and statistics and in conjunction with the respective bureau of registration of immovable property, updates plans of the cities, villages and communes at the end of every year.
14. Updates the Ministry of Territorial Regulation and Tourism every six months with the latest statistical data in the field of territorial planning;
15. Notifies within 5 days the Construction Police on measures taken to redress violations of technical conditions of design and/or technical conditions of implementation or failure to ensure safety precautions in construction works.

Article 9

After article 22, article 22/1, is added reading as follows:

The urban planning unit at the Municipality of Tirana, in first category municipalities, in the rest of the municipalities and the communes has the following competences:

1. Prepares the reference materials for urban planning and territorial development studies in the area of its jurisdiction that it submits to the CTR for review and deliberation.
2. Leads action towards the production of the general regulating plan, the master plans for territorial development, action plans and partial urban planning studies; Prepares the technical documentation and presents it to the Council of the municipality or the commune and to the CTR.
3. In accordance with the law, designs on its own or contracts out (subject to prior approval by the CTR) to design institutions, governmental or private, licensed in the field of urban planning studies, the tasks of preparing the general regulating plan, action plans, urban planning regulations for cities/communes, master plans, partial studies, which it then submits to the CTR for deliberation.
4. Liaises regularly with the technical secretariat of the CTR of the Republic of Albania.
5. Acts in tandem with the urban planning unit of the Region.
6. Upon proposal from the council of the municipality/commune and subject to endorsement by the chair of the CTR, prepares urban planning studies on construction grounds and territories owned by the government.
7. Reviews requests, and accompanying documentation, for construction grounds and construction permits pursuant to the general regulating plan and the endorsed partial urban-planning study and submits these to the technical committee and the CTR.
8. Reviews requests for demolitions felling of trees and submits these to the CTR for deliberation.
9. Drafts CTR decisions, technical documentation together with urban planning conditions in accordance with approved studies. Following approval by the chair of the CTR, the documentation is returned to the requesting side not later than 30 days following the taking of decision, provided that the applicant has cleared his payment obligations according to legal provisions.
10. Prepares review reports for permits granted by the Region's CTR for the following stages in the implementation of works: picketing of the building, building the foundations, and finishing the carcass of the building; Also, files the technical documentation of the building and other relevant documentation as it may be necessary. Following the collation act, if no infringements are found, drafts utilization permit and submits the relevant documentation to the CTR for review and deliberation.
11. Keeps the urban cadastre and statistics and in conjunction with the respective bureau of registration of immovable property, updates the planimetry of the city/commune, which is archived every end of year.
12. Updates the Ministry of Territorial Regulation and Tourism every six months with the latest statistical data in the field of territorial planning;
13. Notifies within 5 days the Construction Police on measures taken to redress violations of technical conditions of design and/or technical conditions of implementation or infringements on the safety precautions in construction works. If during inspection visits, infringements to the conditions of the construction permit

- are found, notifies the CTR at the next meeting, which is obligated to review and address these infringements.
14. Upon proposal from the CTR, in case of newly created circumstances, prepares the material on the respective changes.

Article 10

Article 24 is changed as follows:

The urban planning unit (directorate, section or bureau), at the Region, the Municipality of Tirana and at first category municipalities should comply with the typical structure comprised as follows:

- The technical secretariat of the CTR;
- The study and research urban planning staff;
- The urban cadastre;
- The legal urban planning staff;
- The engineering and environmental impact evaluation staff and resources;
- Technical inspection of projects.

The Region's Council and the Municipality Council designate the number of urban planning staff respectively. The staff must be comprised of urban planners, architects, infrastructure engineers, topographic engineers, lawyers and environmentalists.

The urban planning unit (directorate, section, bureau) at the municipalities and communes must comply with the typical structure as follows:

- Technical secretariat;
- Urban cadastre;
- Study urban planning;
- Engineering and environmental impact evaluation staff and resources;
- Legal urban planning and project inspection staff."

Article 11

Article 25 is changed as follows:

- After the first sentence the following sentence is added:
"The technical committee reviews and comments on the technical and legal aspects of the documentation to be submitted to the CTR."
- After the first paragraph, the following paragraph is added:
"Members of the technical committee are remunerated for the contribution they make. The amount of remuneration is set by the competent councils of the local government."

Article 12

The first paragraph of article 39 is changed as follows:

- The words "at the urban planning unit at the Region's Council" are withdrawn.
- The second sentence is changed as follows:
"The urban planning offices, in accordance with their pertinence, after having reviewed the technical and legal documentation if it complies with the legal requirements and criteria, take it through the procedures of submission and review at the respective CTR."

Article 13

With the exception of articles changed above, in the rest of the articles of this law the following names are changed respectively:

“Organs of the local power” is replaced by “organs of local governance”

“District Council” is replaced by “Region’s council”

“Chair of the District Council” is replaced by “Chair of the Region’s Council”

“CTR at the district” is replaced by “CTR at the Region”

Article 14

Articles 23, 26 and 27 are withdrawn.

Article 15

This law enters into force 15 days after its publication in the Official Journal.

CHAIRMAN
Servet Pëllumbi