

REPUBLIC OF ALBANIA

PEOPLE'S ASSEMBLY
LAW - No.7693
"ON CITY PLANNING"

On the basis of the article 16 of law no.7491, date 20.04.1993
On the main constitutional provisions, upon the proposal of the Council of

Ministers,

PEOPLES ASSEMBLY
OF
ALBANIA
D E C I D E D:
CHAPTER I
GENERAL PROVISIONS

Article 1

City planning, for the purpose of this law, expresses and defines the general rules of the establishment and architecture of the buildings in the whole territory of the Republic of Albania, except the agricultural land. For defining these rules it has been taken into consideration the actual and perspective, economic and social development of the country, in national and local level, defence of the country, protection of the environment and nature, preservation and making evident of the city planning architectonic, monumental and archeological values.

Article 2

The local power authorities are responsible for the administration of the territory under their jurisdiction in conformity with the competencies defined by law. With the purpose of improving the vital scheme, of economically managing the land, of ensuring the environment protection and keeping the balance between the urban and rural population, the local power authorities, harmonize their decisions on the land exploitation by reciprocally their autonomy.

Article 3

All the buildings are made based on the master plans, general regulatory plans, partial city planning studies, planimetry of the construction sites together with the city planning conditions and the construction license. The design of all kinds of ground and, underground constructions, and the engineering, urban and rural infrastructure is made on basis of the valid technical norms and conditions.

Article 4

The master plan, general regulatory plan, partial city planning study, the yellow line of construction and the suburban line are technical documents conditioning all the juridical relations in the city planning domain.

The content and way of their compiling tare defined in the City Planning Regulation, which is approved by the Council of Ministers.

Article 5

In case there is no regulatory plan or a city planning document equivalent with it, beyond the urban zones are permitted:

1. Adaption, repair and partial extension of the existing buildings.
2. Construction and necessary installations for the development of the agriculture and livestock activity.
3. Temporary, constructions built for agriculture seasonal purposes, upon whose destruction the land will be again utilized for agriculture purposes.

CHAPTER II

COMPETENCIES OF THE STATE ORGANS IN THE CITY PLANNING AREA.

Article 6

The highest state organ for the approval of the city planning study is the Council of Ministers.

- The Council of Ministers approves these studies and their changes,
- master plans of the city planning studies extended in the whole territory of the Republic, interregional studies,
- general regulatory plans of the cities with over 10000 inhabitants, yellow line of the constructions and their suburban design.

There should be in the territory Adjustment Council, the chairmen of the municipalities, specialists of environment protection as well as of land registry office.

The members, how they are appointed and paid is determined by the district council.

Article 7

The Council of Ministers forms upon a special decision the Council of Territory Adjustment, which approves and changes:

- regional city planning studies,
- important city planning studies for the development of tourism, national parks, airports areas, infrastructure of national level, etc.
- Construction sites with surfaces over 0.5 ha, for sites in agriculture land Ministry of Agriculture and Food should give the approval.
- Project executions of the objects in sites with surface over 0.5 ha.

Article 8

Ministry of Construction, Housing and Territory Adjustment controls and monitors the activity of territory adjustment through the respective department, which coordinates the work between the state central organs, city planning organs in the local government and the institute of city planning study and projecting.

The state organ specialized in the area of city planning study and projecting is the Institute of City Planning Studies and Projecting, whose tasks are defined in the Regulation of city planning Office.

Article 9

The organs specialized in city planning in the local government are:

- District Council of territory adjustment.
- District office of city planning.
- Municipality city planning section.
- Commune city planning office.

Article 10

The district Council of Territory Adjustment operates as a decision taking organ, headed by the chairman of the district council. The district council consists of 11-21 members depending on the size of the district. Over 50 of the members should be city planning engineers, architects and construction engineers. The other members belong to the fields related with city planning.

Article 11

The district council of territory adjustment approves and changes:

- The general regulatory plan and the partial city planning studies within the district,
- general and partial city planning studies in the communes,
- construction sites and their urban destination,
- project executions of the objects in sites up to 0.5 ha,
- construction licenses,
- permissions for objects destruction,

- license for wood cutting

The Council of Territory Adjustment approves the platform for the bidding in organisation for urban studies and examines the bids for the urban studies preparation, when deemed reasonable.

Article 12

The council of territory adjustment is gathered once a month and on request of the council chairman even more than one time.

The meeting can be organized when 2/3 of the members are present. The council decision is taken with majority of votes, signed by the chairman and is irrevocable.

There participated in the meeting without vote right even the representatives of the local government interested and the authors of the studies under discussion.

Article 13

District city planning section has these competences:

- prepares the materials on the directions of the city planning adjustment and development and submits these to the territory adjustment council, which after examination presents these for approval to the city council;
- prepares city planning studies or orders them in the state or private projecting organisms, after previously having received the approval of the district territory adjustment council, on the basis of the general and partial city planning studies.
- presents to the district territory adjustment council the request for construction sites, for construction licenses, licenses for objects destructions for wood cutting which are competences of this council.
- prepares city planning studies for the communes,
- controls whether the destination defined in the license, is obeyed
- when violations of this law are observed the sanctions here stipulated are applied;
- keeps the urban land registry and statistics, adjusts the city planimetry and archives it every end of the year;
- make the assessment of the land given for construction conform the valid provision's, after finishing the framework,
- keeps the control documents for the stages of workings execution and archives the technic documentation of the objects;
- proposes special norms and conditions of the city planning for the respective city, which are approved by the organs stipulated in this law;
- when new conditions occur for the studies approved by the high state authorities upon the approval of the district territory adjustment council the material with the respective changes is prepared;
- have systematic contacts with the city planning offices in the municipality and commune;
- gives its written opinion on any material submitted to the district territory adjustment council.
- The chief of the city planning section in the district is appointed with the approval of the Minister of Construction, Housing and Territory Adjustment, upon the proposal of the District Council.

Article 14

The organs operation in city planning in Tirana Municipality have the same competencies and responsibilities precised for the city planning organs in district and municipality.

Article 15

City planning office in the municipality has these competencies and responsibilities:

- prepares the materials for the program of city planning the development of the town and the documentation of the regulatory plan for the territory under its jurisdiction;
- orders the formulation of the regulatory plan of the town;
- prepares or orders partial city planning studies in the state-or private, specialized design organs stipulated by law;
- when, violations of the law are observed, the sanctions of this law are applied;
- examines the requests for construction sites for houses and trade or service

private shops and the respective documentation only when there exist general regulatory plan or approved partial city planning study and after giving its opinion submits it for approval to the municipality council;

- presents for approval in the district territory adjustment council the requests for construction sites which are not municipality council' competence, request for construction license, permission for object destruction, wood cutting. The number of staff working in the city planning office is determined by the municipality council, they should always be city planning engineer, architect, construction engineer and topography engineer.

Article 16

Commune city planning office has these competencies and responsibilities:

- follows the city planning development programs approved by the commune council within its territory;
- when violations of this law are observed, sanctions stipulated in the law are applied;
- provides with the license for the constructions mentioned in Article 5 of this law; trade or service shops and the respective documentation, only when there exist the general regulatory plan and an approved partial city planning-study, and after giving its opinion presents it for approval to the commune council;
- submits for approval to the town territory adjustment council the requests for construction sites which are not competence of the commune council, requests for construction license, permission for object destruction and wood cutting.

Number of the personnel of the city planning office is determined by the commune council always being city planning engineer architects, construction engineers and topography engineers. In case of their lacking construction or topography technics are appointed.

CHAPTER III ADMINISTRATION OF GROUND FOR CONSTRUCTION

Article 17

- The native physical and juridical persons, for the urbanization, of the spaces in the territories within the jurisdiction of the districts, municipalities and communes are given construction ground in ownership through sale, according to the respective provisions. The construction ground for the foreign physical of juridical persons is leased or sold according to the respective provisions.

Article 18

The collection sites of wastes and technological remains are approved together with the construction license after taking the approval of the organs of Environment Preservation and Protection. For violations of this law provisions the sanctions stipulated in this law are applied.

Article 19

The administration of ground for construction is performed through the master plans, general regulatory plans and partial city planning studies. Their content is defined in the City planning Regulation.

Article 20

The general regulatory plans and the partial city planning studies prepared by the organs set forth in this law are deposited within 15 days from their finishing date in the secretary office of the respective district council and for 30 days are made available to the interested persons. The announcement is realized by mass media.

The interested on these materials presents their remarks and the city planning section with the representatives of the design organization motivates the acceptance or refusal of the presented remarks. Within 30 days, the remarks. are reflected in the material and again by the city planning section and design organization

representatives, the general regulatory plan and the partial city planning studies are submitted for approval to the district territory adjustment council.

Article 21

The general regulatory plans and the partial city planning studies are prepared in certain time periods. They can be changed upon the proposal of the local government, only by the organs having as competence their approval. During the preparation of the changes the initial general regulatory plan and partial city planning studies remain valid, till the complete preparation of the changes; and their approval.

Article 22

The presentation of the written request for taking; the construction site from the state is obligatory for every physical or juridical, native or foreign person, who wishes to build a certain object.

The request for construction site is made conform the form No.1 attached to this material.

Article 23

The request for construction site is presented in the city planning office in the municipality or commune, depending on the location of the site. The city planning offices of the municipality or commune, after giving their opinion, pass the requests for approval to the municipality or commune council for the construction of the houses and trade and service shops when there exist a regulatory plan or a partial city planning study, whereas in other cases the requests are transferred to the district territory adjustment council.

When the request needs a city planning study the request maker orders such a study to the state or private design organs, with which a contract is concluded for the study.

Article 24

The destination of the main construction sites is defined in the approved general regulatory plans or in the partial city planning studies.

There may be presented several requests for a construction site. The district territory adjustment council, council of municipality or commune, according to the competencies stipulated in this law, examines the requests as competitive offers and selects the one which better meet the financial, city planning, architectonic, functional, ecological conditions, etc.

Article 25

The local government organs when are interested in construction works in a certain area, for objects of public and social importance, as houses, hotels, large shops, commercial centers, etc., can organize a tender. The examination and selection of the bidding offers is made according to article 24.

Article 26

The district Territory Adjustment Council put at the disposal of the National Agency of Housing the construction site for houses building according to his request for a time period of 4 years.

Article 27

From the date the request for the construction site is presented till the decision is approved this duration cannot be longer than 45 days. The district territory adjustment council after examining the requests, decides with majority of votes on the approval or refusal of the request.

The council decision is irrevocable and is signed by the chairman of the district council. For the construction sites, in its competence the municipality or commune council after examining the requests, documentation and; opinion of the city planning office decides with majority of votes on the approval or refusal of the request. The decision of this council is announced by the municipality or commune chairman, who if does not agree has the right to ask for the request to be examined again. The decision for the construction site is made according to Form 2 part of this law, where are defined precisely the city planning conditions, on whose basis the design of the project will be prepared. The response for the construction site is taken at the office it was presented.

Article 28

Any physical and juridical, native and foreign person who will carry construction work should be provided with the license, which is the legal document permitting the picketing of the object. Picketing is performed by the city planning office in the municipality and commune or persons authorized by them.

Article 29

From the date the construction site is taken till the presentation, of the request for the license with surface to 0,1 ha should not surpass 3 months and for surfaces over 0,1 ha not more than 6 months. These time terms may be postponed only upon the decision of the district territory adjustment council. If these terms are respected the decision becomes invalid.

Article 30

Construction license is requested when such workings are carried:

- a. new constructions of every kind;
- b. constructions on the existing foundations;
- c. changes of the objects affecting its outer side in architectonic elements;
- d. opening or blocking of windows, enlargements of the existing volume of the object as sideways or floor additions;
- e. provisional or temporary constructions;
- f. temporary enclosure, enclosures affecting the road view which hinders or endangers the traffic;
- g. construction of barracks, kiosks, tribunes, construction sites, establishment of commercial advertisements, etc.

Article 31

The request for construction license is prepared according to Form 3 attached to this law, and is presented for approval with:

- decision for the construction site approved by the territory adjustment council, municipality or commune council,
- documentation on the adjournment of the underground engineering network, water supply, sewerage, electrical net and telephone lines, as well as the approval by the respective authorities for their connection with the new object;
- the technical design of the object prepared by a design organization whose right it is, or from private designers who are provided with design license by the organ decided by the Council of Ministers.

All these materials are prepared by the interested person and with the construction license are presented to the city planning office of the local government, where the requested site is located, who after examining the request and the necessary documentation, gives its opinion and passes it to the district territory adjustment council.

Article 32

The territory adjustment council with majority of votes approves the giving or not of the license. The decision for giving the construction license is issued with the signature of the chairman of district council and is irrevocable. The duration from the presentation of the request for license at the city planning office till the taking of the decision should not be longer than 30 days.

Article 33

The construction license is valid for 6 months. If the object for which the license is issued needs more than 6 months then the license is renovated for as much time as are needed for the construction completion. If violations of this law are observed then sanctions here stipulated are applied.

Article 34

The construction license compiled according to Form 4 attached to this law, is issued to the physical or juridical person provided with license for execution of construction workings, after the contract between him and the physical or juridical person interested (investor) is concluded.

Article 35

Depending on the kind of the object there are defined in the construction license even the stages of the control of the construction implementation.

1. Object picketing.
2. Completion of the foundations.
3. Completion of the shell of the building.

Passing from one stage to the other is made only after the preparation of the control act by the authorities determined in this law.

Article 36

The building inspection at the completion of the shell gives the right to the physical or juridical person carrying construction to make all the financial operations for purchasing the ground through the finance section in the district.

The physical or juridical person who is provided with the license should deliver at the city planning section the technical documentation of the object under construction.

Article 37

Upon the building of the construction site the physical or juridical person carrying the workings is obliged to expose in a obvious place a table containing data on

the kind of the object, name of the execution firm, chief of the workings, name of the design organization and the completion time of the object.

Article 38

The construction license given for the temporary closures should also define the limit of the enclosure, height and kind of enclosure not hindering the view for the road traffic and not affecting the aesthetic values.

The construction organization has to keep clean the roads and territory around the object under construction and upon the completion of the workings should leave the sidewalks and the roads in their previous conditions without any damage.

If violations of this law are observed the sanctions here stipulated are applied.

Article 39

The license for the construction of the temporary objects is given for 1 year, according to Form No.5, here attached. Upon completion of this time term the license can be repeated or cancelled by the issuing organ, when a new city planning situation is created.

The technical definition of the temporary constructions is given in the city planning Regulation.

Article 40

Objects presenting demolition risk with consequences for the inhabitants or the others, which are not repaired by the owners within the maximal time term of their physical resistance, based on the technical reports of the experts, with the decision of the territory adjustment council they are pulled down at the time defined with precision by the owner itself. With the passing of time term they are pulled down by the organ decided by the district territory adjustment council. The expenses are born by the owner. The order signed by the chairman of the district territory adjustment council for the expenses is an executive title.

Article 41

City planning office in the municipality and commune controls the destination of the construction utilization, so that it be in accordance with their city planning

normative and destination. In case of changing the destination of buildings in general, or in cases the private buildings change ownership with a change in destination also, license should be taken at the city planning office in the municipality or commune.

In case of violations of this law, the sections here stipulated are applied.

Article 42

The general regulatory plans and the partial city planning in collaboration with the Committee of Environment Preservation and Protection and the General Department of Forestry have the classification of the forestry zone, forests, parks, green zones and green territories that should be protected, and created. This classification forbids any kind of change, damage, occupation of the site and change of , which compromise the protection, preservation or the creation of these zones.

In case of violations of this law the sanctions here stipulated are applied.

Article 43

The request for cutting or pulling out of woods in urban zones not protected in the approved studies are made by their owner or the physical and juridical person interested.

The request is prepared according to the Form No. 6 attached to this law.

Article 44

The request for cutting of pulling out of woods is presented to the city planning offices in the municipality and commons and is approved by the territory adjustment council.

After the request approval the license is issued which is valid for 1 year from the issuance date. The license is given according to Form No. 7 attached to this law.

Article 45

The physical or juridical person provided with license for cutting or pulling out of woods is obliged that on the completion of the construction work to systemize

the territory around according to a greenery design, which should be realized within 1 year.

Article 46

The request for the destruction of the existing buildings is made by the owner, according to Form No. 8 attached to this law.

Article 47

In case with the destruction of the building or buildings housing problems are created for the existing inhabitants, the request should be accompanied with the guarantee for their _____ housing, with the addresses, surface of the flat, conditions etc.

Article 48

The request for the building destruction and the respective file represented in the city planning office in the municipality _____. The approval procedure is the same with that of the destruction license.

From the presentation of the request till the decision making should pass not more than 30 days. The permission for building destruction is given according to Form No. 9 attached to this law.

In case violations of this law are observed the sanctions here stipulated are applied.

Article 49

With the purpose of executing the master plans, general regulatory plans and partial city planning studies for the construction of the economic, social cultural objects with state and social importance, the real estate, property of the physical and juridical persons, may be expropriated according to the rules defined upon a special law.

CHAPTER IV BUILDINGS IN THE TOURISTIC AND HOLIDAY ZONES

Article 50

The housing zones considered as such by a special law and under the state protection. The criteria of their utilization are defined by law in the master plans of their city planning development, general regulatory plans and partial study planning studies.

Article 51

With the purpose of protecting the touristic zones:

a. taking of the land materials is forbidden such as sand, gravel, stones, etc., except the territories of these zones which are defined as taking of materials, from national water zones is forbidden, only with the respective authorization from the district territory adjustment council where would be taken in consideration their impact on the environment; is forbidden the carrying of workings on the drying, reclamation, dams creation, etc., without the authorization of the owner approving the city planning study.

This rule is valid even for the workings of coastal protection carried by the Ministry of Defence.

Article 52

The cities, countrysides and other inhabited centers located in these touristic zones are developed according to their regulatory plans. Their co existence and of the natural ecological systems is solved through the studies of master plans.

Article 53

The creation and enlargement of the coastal, touristic and fishing ports as well as the industrial and commercial regions in the respective touristic zones, are realized by the master plans of the development of the touristic zones.

Article 54

The construction sites for touristic objects in zones of priority for tourism development and the urban zones defined as such by the city planning studies are approved by the Committee of Tourism Development.

CHAPTER V

ADMINISTRATION OF THE ZONES AND TERRITORIES WITH SPECIAL

VALUES

Article 55

Intervention with master plans, general regulatory plans and partial city planning studies in military and strategic zones can be postponed only upon the Ministry of Defence.

Article 56

In the preparation of the plans for territorial development should be defined territories with environmental values, national parks, reservatus of flora and fauna, according to the classification and criteria on their protection and stipulated in special provisions.

Article 57

_____ archeological and museum construction complexes and _____ should be respected in the studies of city planning _____ by ensuring

their protection, according to _____ of the specialized institutions.

Any construction to the distance 200 km from the frontier of the archaeological zones put under protection is forbidden. Construction in museum cities, museum

zones, special monuments and zones round them are carried upon the permission of the respective institution.

Article 58

Protection of the city planning architectonic structure and objects with special values, is realized by the Council Territory Adjustment of Albania.

CHAPTER VI S A N C T I O N S

Article 59

Violation of the provisions of this law stipulated in article 18 is punished with a fine up to 10000 lek and suspending of the object construction. In case of repetition the construction license is cancelled by the organ having issued it

Article 60

Violation of the provisions of this law stipulated in article 33 is punished with a fine up to 10000 lek and suspending of the license. In case of repetition, it is cancelled decision for giving the construction site from the organ issuing it.

Article 61

Violation of the provisions of this law stipulated in article 38 and 41 is punished with a fine up to 500 lek.

Article 62

Violation of the provisions stipulated in article 42, as well as the cutting or pulling out of woods without permission when not constituting penal act and when the damage value does not surpass 5000 lek, depending on the damage is fined with up to 1000 lek. The violator is obliged to pay the value of the damages incurred.

When the value of the damage caused by each person is higher than 5000 lek, the responsible person bears responsibility according to provisions of the Penal Code.

Article 63

The construction built, or that will be built without the respective license in the approved site, are out law constructions. The district city planning section, or city planning offices in the municipality or communes will suspend immediately the constructions without license. These organs with those of the Interior Ministry keep the minutes of observation and suspension of the outlaw construction and charge with a fine of 5000 lek.

City planning section, city planning office in the municipality and commune present the material to the district territory adjustment council which decides on the pulling down of the building and leaving the territory in its previous condition. The pulling down is performed by the violator, on the opposite case the territory adjustment council appoints an organism that will pull down the building at the violator expenses.

Article 64

Arbitrary occupation of the construction site, when not constituting penal act, is fined with up to 100000 lek, upon the destruction of the object and returning of the ground at its previous condition at the violator expenses.

Article 65

When for the implementation of the articles 63 and 64 of this law there are contradictions, upon the order of the district chairman the public order forces may intervene for the order's execution. The order for the expenses signed by the chairman is an executive title.

Article 66

Destruction of the existing buildings without permission is fined with 1000 lek.

Article 67

The fines are defined by the officers of the city planning office in the municipality or commune and those of the city planning office in the district.

There can be lodged a complaint against the fine decision, within 5 days from the date of the charge notice, respectively to the commune or municipality chairman or to the chairman of the district council, whose decision is irrevocable.