

I ASSENT THIS 26th DAY OF JANUARY 2001

(L. S.)

ALHADI MALA KACHALLAH
GOVERNOR
BORNO STATE OF NIGERIA

LAW No.



BORNO STATE OF NIGERIA

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF AN URBAN
REGIONAL PLANNING AND DEVELOPMENT BOARD IN THE STATE.

BORNO STATE URBAN PLANNING AND DEVELOPMENT BOARD

LAW 2000

- Date of Commencement

BE IT ENACTED BY THE BORNO STATE HOUSE OF ASSEMBLY AS
FOLLOWS

PART I- PRELIMINARY

This Law may be cited as the Borno State Urban Planning and
Development Board Law 2000 and shall come into operation on the
1st day of January 2001

Citation and
Commencement

In this Law unless the context otherwise requires:-

"Board" means the Borno State Urban Planning and Development
Board established under Section 3 of this Law.

"Chairman" means the Chairman of the Board appointed under the
provision of Section 3 of this Law.

"Governor" means the Governor of Borno State.

"Member" means Member of the Board and includes the Chairman.

"Staff" means the Staff employed by the Board on permanent basis.

"State" means the Borno State of Nigeria.

"Urban Area" means an area described and designated in the Law as
Urban Area

"Region" means an area of land less than the country but more than a
town area, having distinctive characteristics that distinguish it from
other areas

Interpretation

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

"Redevelopment" means the planning process whereby an urban area is cleared and prepared for a new development, and it involves renewal of existing urban development.

"Rehabilitation" means the planning process whereby individual structures are improved to meet established building standards and criteria and can also be called Renovation Scheme.

"Repair" means any act of renovation and or including improvement to sanitary, electrical, mechanical, landscaping or structural improvement to a building.

"Renovation" means any act done to cause an improvement to a building's beauty and shall include painting, changing of windows and doors, redecoration, re-roofing etc.

"Residential unit" means a building or part of a building consisting of a room (rooming houses, a flat forming a habitable unit for one family with independent utilities).

PART II ESTABLISHMENT COMPOSITION APPOINTMENT AND STRUCTURE OF THE BOARD.

- (1) There is hereby established for the State a Board (to be known as the Borno State Urban Planning and Development Board, hereinafter referred to as "The Board"). (Establishment of the Board)
- (2) The Board shall be a body corporate with perpetual succession and common seal and may sue and be sued in its corporate name.
- (3) The Board shall have power to hold moveable and immovable property.
- (4) As provided for in Section 8(1) of the Urban and Regional Planning Law No. 88 of 1992, the Board shall comprise the following members:
 - (a) A Chairman who shall be a town planner and registered with the Town Planning Registration Council (TOPREC) and in professional practice for a minimum of five years who shall be appointed by the Governor.
 - (b) One representative each from the following profession who shall be a registered member of the relevant profession:-
 - Town Planning
 - Architecture
 - Civil Engineering
 - Land Surveying
 - Law
 - Estate Surveying

- (c) One representative each of the following:-
Water Corporation.
Borno State Environmental Protection Agency
National Electric Power Plc.
- (d) One representative each of the following Ministries and who shall be a professional and not below Salary Grade Level 14:-
Ministry of Commerce and Industry
Ministry of Works and Transport
Ministry of Housing and Environment
Ministry of Justice
Ministry of Agricultural and Rural Development
Ministry of Finance
Ministry of Land and Survey
Ministry of Culture and Tourism and
Ministry of Animal and Forest Resources.
- (e) One representative each from the six Joint Planning Authorities (JPAs) in the State
- (f) A Managing Director
- (g) Four other persons to be appointed on merit by the Governor
- (h) Four other persons to be appointed by the Governor subject to confirmation by the House.

Subject to the provision of this Law a member other than an ex-officio member shall hold office for a period of three years and shall be eligible for re-appointment for another term and thereafter shall cease to hold such office.

Term of Office of Members.

- 6.(1) A member at any time may resign his membership by sending a notice of resignation in writing under his hand to the Governor.
- 6.(2) If the Governor is satisfied that a member:-
 - (a) has been absent from three consecutive meetings of the Board without permission of the Chairman;
 - (b) Has become bankrupt or made arrangements with his creditors.
 - (c) Is incapacitated by physical or mental illness, or
 - (d) Is otherwise unable or unfit to discharge his functions as a member, the Governor may declare the office of the member vacant and after receiving a written notification of this fact the member shall cease to hold such office.

Vacation of Office of members.

Where the Board desires to obtain the advice of any person upon any matter, the Board may co-opt the person to be a member for such meetings as may be required, and the person whilst so co-opted shall

Power to Co-opt.

save 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.

Where any member is temporarily incapacitated from performing the function of his office or is temporarily absent, the Governor may appoint any person to hold temporarily the office held by the member during the period of the incapacity or absence, and all functions of that member shall devolve upon the person so temporarily appointed. Temporary Membership.

No act or proceedings of the Board shall be invalidated on account of any vacancy among its members. Validity of Proceedings.

A member shall not be personally liable to be sued for any act or for any default of the Board as long as such act, omission or default is in the course of his duty done in good faith. Protection of Member.

There shall be paid to every member not being a public officer such remuneration and allowances as the Governor may determine subject to confirmation by the Hon. House. Remuneration of Members.

- (i) There shall be a General Manager who shall be the Chief Executive of the Board and who shall be appointed by the Governor. Appointment of General Manager.
- (ii) The General Manager or/ Chief Executive Officer referred to above shall be a Town Planner registered with the Town Planners Registration Council (TOPREC) and shall have been in professional practices for a minimum of five (5) years and shall have been a serving officer with the State Government.

The General Manager to the Board shall be responsible to the Chairman of the Board and shall be under the direct control of the Chairman and shall carry out the day to day administration of the affairs of the Board and in addition shall be responsible for the following:- Duties of the General Manager.

- (a) Making arrangements for the meetings of the Board;
- (b) Preparing the agenda and minutes of such meetings;
- (c) Conveying the decision of the Board to its members;
- (d) Execution of the decisions of the Board;
- (e) Keeping proper records of proceedings of the Board;
- (f) Obtaining legal and professional advice on all matters with the Board;
- (g) Arranging for payment of fees and allowances for attendance of meetings and all other duties of the Board affecting members;
- (ii) Coordinating the plans, programmes and projects of the component departments, and
- (i) Performing such other functions as the Board may from time to time direct

14. There shall be a Secretary/Legal Adviser for the Board who shall be appointed by the Board. Secretary to the Board
15. Subject to the provisions of this Law the Board shall have the following directorates:-
 - (a) Director of Personnel Management, which shall be responsible for all personnel matters of the staff of the Board;
 - (b) Directorate of Finance and Supply, which shall be headed by a qualified Accountant who shall be appointed by the Board. The Directorate shall be responsible for the maintenance of proper accounting records and processing estimates in each financial year;
 - (c) Directorate of Physical Planning Research and Statistics, which shall be headed by a Director and the Directorate shall be responsible for statistical data of areas to be earmarked for Urban/Regional Planning and Development;
 - (d) Directorate of Works, which shall be responsible for the physical construction and development of urban areas and Regions as may be designated from time to time by the Governor;
 - (e) The Directorate of Town Planning, which shall be headed by a person registered with the Town Planners Registration Council (TOPREC) or at least registrable with Nigerian Institute of Town Planners (NITP) and (TOPREC). The Directorate shall be responsible for the management of physical planning of areas designated or to be designated from time to time by the Governor; and
 - (f) Development Control Directorate, which shall be headed by a Town Planner registered with (TOPREC) or at least registrable with (NITP) and (TOPREC).
16. (1) For the purpose of this Law the scope of all designated urban areas, with the exception of Maiduguri, and all other towns sharing boundary with another Country and or State, shall be all areas covering 10km radius from the centre of the town, detailed description of which is shown on the survey plan of the area deposited in the office of the Surveyor - General of the State. Designated Urban Areas
 - (2) In the case of Maiduguri Metropolitan it shall be all areas covering:-
 - (a) Maiduguri Metropolitan and parts of Jere Local Government Councils.

- (b) Parts of Konduga, Magumeri and Mafa Local Government Councils
- (c) Not exceeding 25 km radius from the Shehu's Palace, the detailed description of which is shown on a Survey Plan of the area deposited in the office of the Surveyor - General of the State.

In the case of towns sharing boundaries with other Countries and or State(s) it shall be all areas covering 10km radius from the centre of the towns, but not exceeding its boundaries with such Country and or State(s) the description of which is shown on a Survey Plan of the area deposited in the office of the Surveyor - General of the State.

- (i) There shall be established by the Board a number of Joint Planning Authorities (JPAs) to cover the designated Regions/Urban Areas of the State as set out in schedules 1 and 2 to this Law; and Establishment of Joint Planning Authorities
- (ii) There shall be appointed by the Board for each of the Joint Planning Authorities a Manager.
- 18. The Manager shall be a registered or registrable Town Planner with a minimum of two (2) to three (3) years post qualification professional practice. Manager
- 19. There shall be appointed by the Board a Joint Planning Authority Committee, which shall consist of the following: Establishment of Joint Planning Authority Committee and Composition
 - (a) The Manager who shall be the Chairman of the Committee;
 - (b) A Representative each of the Chairmen of Local Government Councils within the Planning Zone;
 - (c) The Area Engineer within the Planning Zone; and
 - (d) The Town Planning Officer of the Joint Planning Authority Headquarters.

PART III: POWERS AND FUNCTIONS OF THE BOARD

- 20. (1) The Board shall administer, execute and enforce the provisions of the Urban and Regional Planning Law (Decree) No. 88 of 1992 within the areas for which the Board has been established as the Sole Planning Authority, and
- (2) Generally, to foster the development of the State through the exercise of its powers and functions.
- 21. The Powers of the Board shall include power to:- Power of the Board
 - (a) Formulate and implement planning schemes;
 - (b) Construct and maintain infrastructure in relation to (a) above.

- (c) Acquire, purchase, lease, mortgage, hold, construct or maintain any property moveable or immovable required for or in connection with its function, and sell, dispose of or otherwise deal with any property;
- (d) Enter into such contracts as may be necessary or expedient for the purpose of carrying out its functions;
- (e) Promote the establishment and expansion of companies or other bodies providing public services that may be consonant to its functions;
- (f) Invest, acquire an interest in, provide or by underwriting or otherwise, assist in the subscription of capital for any company or body engaged in or proposing to establish industrial, commercial or agricultural undertakings;
- (g) Carry on in association with other persons or bodies including Governments and Local Governments any activities which are necessary or desirable in the discharge of its functions;
- (h) Accept or acquire and hold securities in any form whatsoever;
- (i) Surrender, retransfer or re-assign any security held by the Board;
- (j) Make, draw, accept or endorse negotiable instruments;
- (k) Operate Bank Accounts;
- (l) Collect fees for services rendered;
- (m) Impose and collect reasonable land development charges;
- (n) Subject to the approval of the Governor, borrow money for the purpose of the Board;
- (o) With the approval of the Governor write off bad debts;
- (p) Insure its properties against all forms of risk;
- (q) Delegate its functions or exercise of its powers except the powers of appointment under (s) below and borrowing of money to the joint planning authority;
- (r) With the approval of the Governor, make regulations for carrying into effect the provision of this Law;
- (s) Appoint and exercise disciplinary control over the staff of the Board provided that the board shall not delegate the power to appoint and discipline staff on salary grade levels 01 to 06 to the Joint Planning Authority Committee;
- (t) To make rule in respect of staff and members; and
- (u) To invest its funds not immediately required for its purposes in such securities as may be approved by the Governor and to dispose of such securities.

As contained in Sec. 9 Of the Urban and Regional Planning Law No. 88 of 1992, the Board shall perform the following functions:-

Function of the Board.

- (a) Formulation of state policies for Urban and Regional Planning;
- (b) The initiation and preparation of Urban Master Plans;
- (c) The development control on State lands;
- (d) The conduct of research in Urban and Regional Planning;
- (e) The provision of technical assistance to Joint Planning Offices;
- (f) The consultation and coordination with Federal Government and Joint Planning Offices in the preparation of physical plans;
- (g) The preparation and submission of annual progress report on the operation of the National Physical Plans as it affects the State and;
- (h) The review of the annual report submitted by the Joint Planning Offices;
- (i) Prepare, publish and implement planning scheme for each designated urban area;
- (j) Subject to the provision of any law, control the use and development of land within urban areas and regions;
- (k) Provide, manage and maintain public amenities within urban areas and regions;
- (l) Act as State agent in activities related to physical and environmental planning within its areas of jurisdiction;
- (m) Prepare and provide local plans for commercial, industrial, recreational and institutional use;
- (n) Provide the required infrastructure such as roads, drainage, water and electricity in all approved local plans within its area of jurisdiction;
- (o) Provide and maintain roads and related structures in the designated urban areas;
- (p) Provide street lighting in urban areas;
- (q) Plan and carry out urban renewal programme to upgrade the environmental quality of blighted parts of urban areas;
- (r) Give effect to planning by laws; and
- (s) Engage in activities essential in its functions.

19. The functions of the Joint Planning Authority Committee shall be to:-

- (a) Advise the Board in all matters relating to the functions of the Board within their respective area of jurisdiction; and
- (b) Carry out any functions as may be delegated to them by the Board.

24. Each Manager shall report and submit to the General Manager at the end of each month, progress reports, statistical summaries and financial statements.

Monthly
Report by
Managers.

PART IV: PROCEDURE FOR THE PREPARATION OF URBAN AND REGIONAL DEVELOPMENT PLANS

- (1) For the purpose of securing cooperation and coordination the Board shall during the preparation of plans call for submission from all relevant private interested person whose contribution shall serve as part of the input towards the preparation of the draft physical development plans.
- (2) The Governor or Commissioner of Land and Survey under Executive power may make rules as to the manner and method of notice and method of submission of the input towards the preparation of the plan.
- (3) The General Manager to the Board shall collate all the submission made in compliance with the provision of this section.

- 25(1) The Board shall have powers to appoint a Technical Committee for the purpose of analysing and collating submission received under section 22 of this Law.

Appointment and
Functions of
Technical
Committee
Schedule I.

- (2) The Technical Committee shall comprise the Heads of the professional Directorate of the Board as listed out in Schedule I, and the Chief Executive Officers of Joint Planning Offices.
- (3) Notwithstanding the provisions of sub-section (1) of this section, the Technical Committee shall have responsibility for evaluating the proposals submitted preparing and exhibiting the draft Urban Regional Development Plans for the purposes of this Law.

- 26(1) Any member of the Government and non - Governmental organisations and professional bodies during the period of exhibition of the draft Urban/Regional Development Plan may submit to the Board written statement of their objections to anything appearing in the said plan and these shall:-

Submission
of Objections
to Draft Plans.

- (a) Define the nature and reason for the objective
- (b) Suggest alterations and amendments to be made to remove the objections.

- (2) The Board shall acknowledge receipt of all such written statement of objections

- 27(1) The shall prepare schedule of summaries of objections, which have been submitted.

Board to
prepare
Summary.

- (2) Any written objections shall be considered at a meeting of the Board of which the objectors or other objectors or their authorised representatives may attend if he or they so desire and shall be heard.
- (3) The General Manager to the Board shall submit such schedules within a period of 2 months after the final day of exhibiting the draft of the Urban/Regional Development Plan to the Technical Committee and shall ensure as listed in Schedule I.
- (4) The Technical Committee shall evaluate and review the objections and comments and prepare a revised draft plan which takes account of all objections and comments.
28. The Board shall within a period of 2 months meet to consider the revised draft Urban/Regional Development Plan together with the accompanying schedule of objections and comments. Scrutiny of Comments
Objections to Draft Urban/Regional Development Plan.
29. (1) After the 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. Submission of Final Draft Plan for Approval.
- (2) The plan approved by the legislative body in this section shall be referred to as the Operative State Urban/Regional Development Plan and a notice of this effect shall be published in the State official gazette.
30. (1) Copies of the Operative State Urban/Regional Development Plan certified by the appropriate officer of the legislative body shall be deposited in the office of the Board for safe keeping and in all State Government Agencies responsible for Urban and Regional Planning Land Matters and the Joint Planning Authorities for records and official use. Deposit of the Operative Urban/Regional
- (2) The Operative State Urban/Regional Development Plans shall be available for inspection during normal working hours and the places of exhibition shall be notified in the State official gazette.
- (3) The Operative State Urban/Regional Development Plans shall be made available to the public at a place to be determined by the Board.
31. (1) The Board, the Joint Planning Authorities and all other public and private organisations and individuals shall adhere to the provisions and requirements of the Operative State Urban and/or Regional Development Plans. Adherence to provisions of Operative Urban/Regional Development Plan.

- 12.(1) The Operative State Urban/Regional Development Plan shall be reviewed every 5 years to reflect physical and socio-economic changes in the urban areas and or regions.

Repeals:
Operative
Urban & Regional
Development Plan

- (2) The Board with the approval of the Governor of the State shall:-

- (a) Adopt programmes for the preparation and review of Urban/Regional Development Plans on a comprehensive basis. The review of such operative plans shall be undertaken every 5 years provided that any portion of the said plan may be reviewed or amended from time to time.
- (b) Agree where it considers appropriate that certain Physical Planning Development Plans be drafted and processed for approval in defined parts.
- (c) Decide that some sections of the Operative State Urban/Regional Development Plan be replaced, revised, drafted and processed for approval as replacement sections.

The Board shall have powers to consider applications for planning permission to deviate from the provisions of the Operative Master Plan which are recommended by the referred to it by implementing Agencies established under this Law.

Powers of the
Board to consider
applications for
Planning permission
to deviate from the
provisions of Master
Plan

- (3) The Governor may:-

Proceedings

- (a) Revoke in whole or in part any Operative State Urban/Regional Plan on the advice of the Planning Board or
- (b) Refer any Operative State Urban/Regional Development Plan or part thereof to the Planning Board for:-
 - (1) Replacement by a new Physical Plan;
 - (2) Notification of any revocation referred to under sub-section (1)(a) of this section shall be published in the gazette and noted by the Board on all the copies of the plan deposited for inspection as required by section (30)(2) of this Law.
 - (3) Any reference under paragraph (b) of sub-section (1) of this section to a new replacement of the operative state physical plan or part thereof referred to under sub-section (1) or any amendment thereto as the case shall be prepared, exhibited, considered, submitted, approved and deposited in accordance with the foregoing provisions of this Law in like manner as the

Operative State Urban/Regional Plan it replaces or amends.

35. Subject to the provision of this Law and to the relevant provisions of the interpretation Law No. 88 of 1992 (Urban and Regional Planning Law of Nigeria), the Board may make Standing Orders regarding its proceedings or of any Committee thereof.
36. The quorum of the Board at any of its meeting shall be by simple majority including the Chairman and the quorum of any Committee shall be determined by the planning Board. Quorum
37. At any meeting of the Board the Chairman shall preside or in his absence, the members present at the meeting shall appoint one of their members to preside at the meeting. Chairman presides at Meeting
38. (1) Subject to the provision of any Standing Orders the Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than twelve other members he shall summon a meeting of the Board to be held within 14 days from the date of which the notice is given. Meetings of the Board.
(2) Where the Board desires to obtain the opinion of any person on a particular matter, the Board may co-opt him as a member for such periods as it thinks fit, but such a person shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.
39. The validity of any proceedings of the Board shall not be affected by any vacancy in membership, or defect in the appointment of a member or by reasons that a person not entitled to do so has taken part in such proceedings. Validity of Proceedings.
40. (1) There shall be established in the Board a Development Control Directorate (hereafter in this Law referred to as the Control Directorate). Establishment and Powers of Development Control Directorate.
(2) The Control Directorate shall be a multi-disciplinary Department charged with the responsibility for matters relating to control of Physical Development and implementation of all Physical Development Plans.
(3) The Control Directorate of the Board shall have powers over the control of all Physical Developments in the State.
(4) The Control Directorate shall have powers to give development permit to any applicant who complies with the provisions of this Law and its Regulations.

- (5) Where permit has been given under this Law by the Control Directorate in respect of any development plan submitted for approval (the plan shall hereinafter be referred to as "Approved Development Plan" (i.e. Approved Building Plan).
 - (6) The approved Development shall include a site layout plan prepared signed and sealed by a Registered Town Planner.
- 41.(1) Subject to the provision of this Law and to the Regulation made pursuant to it, the Joint Planning Authority shall have power to:-
- Limitation of Powers of the Joint Planning Authority.*
- (a) Grant development permit to residential development application on a parcel of land not more than 2000 square metres and or
 - (b) Grant development permit for residential development application which is not more than six family units or flats and or
 - (c) Grant development permit to residential structures of not more than three floors including the ground floor.
 - (d) The Authority shall refer all physical development plan applications for commercial, industrial, recreational, institutional, agricultural and civic public uses to the Board for the purpose of granting development permit thereto.
 - (e) All physical development plan applications made by any Government, Federal or State or Local Government institutions made to the Authority shall be referred to the Board for the purpose of granting development permit.
42. Notwithstanding any provision in any Law or Law to the contrary Government or its agency involved in development of land shall seek and obtain approval of the Control Directorate.
- Government Agencies for urban approval for development.*
- 43.(1) A developer shall apply for a development permit in such forms and providing such information including plans, designs, drawing and any other information as may be prescribed by regulations made pursuant to this Law.
- Application for a development permit.*
- (2) Any Government or its agencies shall commence no development without obtaining an approval from the Control Directorate.
 - (3) No outdoor advertisement billboards or signposts may be erected by any person, group of persons, organization, Government or its agencies without prior approval of the

Control Directorate, except as specified in the Building Regulations made pursuant to this Law.

44.(1) The Control Directorate shall have powers to grant Development Permit to any applicant if:-

Development Plan to be prepared by registered Professional

(a) The land on which any building shall be erected shall have as development plan prepared by a relevant professional registered to practice in Nigeria and as prescribed in the Building Plan Regulations made pursuant to this Law.

(b) Any application which involves Civil or Structural engineering works, shall be accompanied on submission to the Control Directorate by structural details and calculations prepared and signed by qualified Civil Structural Engineer registered to practice in Nigeria and as specified in the Building Regulations made pursuant to this Law.

(c) Detailed information relating to construction works, provision of services, clearance from the State Fire Service, Government Health Office, Ministry of Works and Transport, Housing and Environment, report on environmental impact assessment or any other relevant information in respect of the application must be supplied as specified in the Building Plan Regulations made pursuant to this Law.

45 (1) An application for a development permit may be rejected if:-

Ground for rejection of application for Development Permit

(a) Development for which the permit is being sought is not in accordance with an approved physical development plan; or

(b) The physical development plan for the area is in the course of preparation; or

(c) In the opinion of the Control Directorate, the development is likely to have a major impact on the environment, facilities, or inhabitants of the community or demands such additional facilities which are not within the estimation of the Physical Development Plan for that community; or

(d) The proposed development falls within setback of road, National Electric Power Plc high tension power line, drainage channel/canal or water body;

(e) The proposed development falls within Public Recreation Open space or other serviced plot within a layout, Government acquisition or revocation areas; and

- (1) The development is not in accordance with any other conditions as may be specified under any Regulation made pursuant to this Law.
 - (2) The Control Directorate may consider representation made to it by person, body or organisation to be affected by an intended development.
- 46 (1) A developer shall at the time of submitting his application for development submit a detailed Environmental Impact Assessment Report in respect of application for -
- Submission for Environmental Impact
- (a) A residential land in excess of ½ hectare and of development in excess of 4 floors or 3 family units;
 - (b) Factory building or expansion of factory building;
 - (c) Office or other commercial buildings;
 - (d) Major recreation development covering more than 2000 square meter;
 - (e) Institutional building;
 - (f) Petrol filling/service stations; and
 - (g) Any other building(s) as specified in the Building Regulations made pursuant to this Law.
- 47 (1) The Control Directorate may approve or reject an application for development permission.
- Approval or rejection of Development Permit application.
- (2) The Control Directorate may delay the approval of an application for development permit if circumstances so require (that).
- (a) The developer at his own expenses shall:-
 - (i) Provide public infrastructure and facility; or
 - (ii) Pay a sum of money to the Control Directorate in lieu of providing (i) and (ii) of sub section (1)(a).
 - (b) The developer enters into an agreement with an individual applicant, corporate or unincorporated body in respect of any matter the Control Directorate deems to be necessary for the development.
 - (c) The developer pays such fee or other charges imposed by the Control Directorate; and
 - (d) The developer shall comply with any other conditions stipulated by Regulations made under this Law.
- (3) In reaching its decision under sub-sections (1) and (2) of this section the Control Directorate shall comply with -
- (a) The policy and proposal of an operative state urban/regional development plan applicable to a locality within its area of jurisdiction;
 - (b) A proposed urban/regional development plan or an approved urban/regional development plan under review; and

- (c) Any other consideration made and/or applicable to a locality by a regulation made pursuant to this Law.
- (4) The Control Directorate may delay the approval of an application for development permit for a period of time not exceeding 3 months.
- (5) The decision of the Control Directorate on an application for development permit shall be communicated to the applicant in writing.
- (6) Where the Control Directorate decides not to approve an application it shall give reasons for its decisions.
- (7) The decision of the Control Directorate shall be conclusive evidence of information stated therein.
- (8) The refusal or rejection of an application shall not confer on a developer any legal rights or other rights until it has been communicated in writing to the developer or applicant.
- 43.(1) The Control Department shall enforce all the rights and duties attached to a development permit against the holder for the time being of a development permit or his agents. Enforcement of rights duties attached to a Development permit.
- (2) Where a holder of a development permit transfer or assigns his interest, the Control Directorate shall enforce all the rights and duties attached to a development permit against the assignee.
- 49.(1) A development permit granted in respect of any development on any land shall be deemed valid for two years from the date of communication of the approval of a development permit to a developer. Validity of a Development permit.
- (2) Where the holder for the time being of a development permit fails to commence development within 2 years of such permit, the development permit shall be subject to revalidation by the Control Directorate which issued original permit.
50. The conditions attached to the grant of a development permit by the Control Directorate shall not conflict with the conditions attached to a grant of a Certificate of Occupancy or a Customary Right of Occupancy provided that the Certificate of Occupancy is not in conflict with the approved use zoning for the land. Conformity of a Development Permit and Certificate of Occupancy.
- 51.(1) Any development permit granted by the Control Directorate under section 40 of this Law may be revoked on any of the following grounds:- Revocation of Development Permit by the Tribunal.

- (a) That the proposed development and uses for which the development permit was given are no longer appropriate;
 - (b) That the site to which the development permit applies is required for overriding public interest;
 - (c) The Control Directorate may from time to time stipulate that the development for which the permit was granted contravenes any other condition.
- (2) The developer or holder for the time being of a development permit shall be served a notice of the intention to revoke the permit.
- (3) The conditions attached to the grant of a development permit may be altered, amended varied or revoked by the Control Directorate, which shall serve a notice of its intention to the holder for the time being of a development permit.
- (4) The notice shall state the reasons for the proposed action of the Control Directorate.
- (5) The Control Directorate shall consider any representation made to it by the holder for the time being of a development permit or his agents.
32. A dissatisfied holder of a development permit or his agents may appeal against the decision of the Control Directorate in the first instance to the Commissioner charged with responsibilities for matters relating to Urban and Regional Planning.
- Appeals against
Revocation of
Development
Permit.
- (1) Any appeal against the decision of the Commissioner shall be referred to the Planning Tribunal set up under this Law to hear appeals within 28 days of the decision of the Commissioner, which shall be communicated to the applicant or developer in writing.
 - (2) An appeal against the decision of the Planning Tribunal shall be, as of right to the High Court of the State.
33. (i) On such revocation mentioned in sub-section (1)(a)(b)(d) of section 51 the Board shall be liable to pay compensation if:-
- Compensation
payable.
- (a) Development has commenced, or
 - (b) The holder for the time being of development permit or his agents is liable under an existing contract to a third party to damages for a breach of contract or

- (c) The holder for the time being of a development permit or his agents has incurred any expense or has suffered a loss during the process of obtaining the development permit.
- (1) No compensation shall be payable if-
- Compensation not payable.
- (a) A development is not in accordance with the terms and conditions under which development permit was granted.
- (b) The right of occupancy of the land on which development was to take place has been revoked on the ground that the holder for the time being of development permit or his agents did not comply with the requirements of the Land Use Act.
- (c) A claim for compensation is made 28 days after a notice of revocation of development permit is served on the developer or the holder for the time being of a development permit.
- (1) Compensation payable under section 46 shall be paid not later than 90 days after a claim for compensation has been made.
- Time limit for payment of compensation.
- (2) Any dispute arising from the amount of compensation payable to a developer may be referred to a Planning Tribunal in the first instance and an appeal against the decision of a Planning Tribunal shall lie as of right to the High Court of the State.
- (1) The Control Directorate shall serve an enforcement notice which shall include-
- Section enforcement notice.
- (a) Notice of Obstruction.
- (b) Notice of Stop (stop work order).
- (c) Notice of Limit.
- (d) Notice to Seal Up.
- (e) Notice of Demolition.
- On the developer or owner of any structure on any land, whenever development commenced without obtaining its development permit.
- (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.
- 37(1) Any enforcement notice served pursuant to sub-section (1) of section 56 of this Law may direct the developer or owner to alter, vary, remove or discontinue the development in question.
- Alteration, variation or discontinuation of development.
- (2) The Control Directorate may impose additional conditions as it may deem fit in each circumstance.

(3) Before issuing and/or serving an enforcement notice the Control Directorate shall:-

- (a) Have regard to the existing conditions for granting a development permit;
- (b) Have regard to the likely environmental degradation or impact of a development under consideration to its surrounding development;
- (c) Consider the overriding public interest without prejudice to paragraph (b) of this sub-section.

58.(1) An enforcement notice served under section 56 of this Law by the Control Directorate shall:-

Form of enforcement notice

- (a) Be in writing and served on the developer or owner of the building;
- (b) Be served by pasting such enforcement notice on the development in lieu of sub-section (1)(a) of this section; and
- (c) State the reasons for the proposed action of the Control Directorate.

(2) The Control Directorate shall consider any representation made by the developer or owner or his agent and inform him of its final decision on the development.

59. The Control Directorate or its authorised agent shall enforce an order of the Planning Tribunal or High Court against a developer or holder for the time being of a development permit who fails to comply with such an order.

Enforcement of order

60. A developer or holder for the time being of a development permit shall be liable for all expenses reasonably incurred by the Control Directorate or any of its officers or agents as the case may be, in enforcing the provisions of section 59 of this Law.

Developer or holder liable for expenses incurred by Control Directorate

61. Where it appears to the Control Directorate that:-

- (a) An unauthorised development is being carried out or
- (b) Where a development does not comply with a development permit issued by the Control Directorate, the Control Directorate shall issue Stop-Work-Order pending the service of an enforcement notice on the owner, developer, occupier or holder of development permit as specified in section 56 of this Law.

Issuance of Stop-Work Order

(2) Provided that where the development or use is a minor development or use the Control Directorate shall have the power to order the developer to alter, remove, or discontinue the development or use without reference of the matter to the Board or Tribunal.

- 62.(1) A stop-work order shall take immediate effect upon service on a developer, owner or occupier or agent of the owner of the development for the time being. Stop-Work Order to take effect on service
- (2) (2) A stop-work order shall comply with the provisions of section 61 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 thereon.
63. The Control Directorate shall give a reasonable time not exceeding 21 days within which the developer shall be required to comply with the provisions of section 62 of this Law. Reasonable time to be given to a developer to comply with Stop-Work Order.
64. 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. Duration of Stop-Work Order.
65. Where a developer or owner contravenes the provisions of the Physical Planning Law or any Regulation made pursuant to it, the Control Directorate shall have the power to require the developer to:- Power of the Control Directorate to contravene of a Planning 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 or building to its original state prior to the commencement of development.
66. Any person who fails to comply with the terms of an enforcement notice or disregard a stop work order issued and served under this Law shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦10,000 in case of an individual and in case of a corporate body a fine not exceeding ₦50,000/00. Offence and Penalty.
- 67.(1) The Control Directorate shall have the power to serve on a developer or owner Demolition Notices if a structure erected by the developer or owner is found to be structurally defective poses danger or constitutes a nuisance to the occupier or the public. Demolition
- (2) Notice served pursuant to sub-section (1) of this section shall contain a date not later than 7 days on which the Control Directorate shall take steps to commence demolition action on the structure.
- (3) After the expiration of the time specified in the notice served under sub-section of this section the Control Directorate shall

- takes necessary action to effect demolition of the defective structure.
- (6) A developer or owner shall reimburse the Control Directorate for all expenses incurred in the exercise of its powers under section 67 of this Law. Reimburse cost of Demolition.
- (7) In performance of its function under this Law in relation to control of advertisement, wasteland, trees and buildings of special architectural or historical interest, the Control Directorate shall compile a list of such buildings of specific architectural or historic interest. Listing of buildings of special architectural or historical interest.
- (8) The Development Control Directorate shall:-
- (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 the necessary conditions, and Development permit to include appropriate provisions for preservation and planting of trees
- (b) Without prejudice to the provisions of existing Laws under this subject the Control Directorate shall make tree preservation orders for securing such amenity within its area of jurisdiction.
- 71 (1) The Control Directorate shall regulate the dimensions, appearance, display and manner in which an advertisement billboard shall be affixed in land. Control of outdoor advertisement
- (2) No person shall display an advertisement without the written consent of the Control Directorate.
72. If it appears to the Development Control Directorate 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 Development Control Directorate shall serve on the developer or owner of such land a notice requiring such steps to be taken for abating the injury as may be specified in the notice to be served on such owner, developer or occupant within such period of time as may be specified. Maintenance of waste land etc.
- 73 (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 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. Power to revoke a right of occupancy.
- (2) Any right of occupancy held in pursuant of sub-section (1) of this section shall be revoked in accordance with the relevant provisions of the Land Use Act.

74.11) All matters connected with the 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. Compensation.

(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.

(3) Where in the opinion of the Control Directorate any person has committed a gross contravention of an existing scheme the land together with any building and any goods or furniture therein may be requisitioned or forfeited for the breach of the scheme under this Law without the payment of any compensation.

75. Notwithstanding any provisions of this Law the Control Directorate may when it deems fit and necessary:- Facilitation and execution of approved plan.

(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 affection;

(ii) Disturbance;

(iii) Severance; and

(iv) Displacement.

As a result of the land being lawfully developed or when after lawful activity is being carried forth in order to give effect to any provisions of this Law.

76.11) Whereby the coming into operation of any provisions contained in a Urban/Regional Development Plan or by the execution of or by the execution of any work under an operative State Urban/Regional Development Plan, any land or property within the area to which the Urban/Regional Development Plan or work relates is increased in value, the Control Directorate may recover within three years after the date on which the provision came into operation, or within three years after the completion of the development or act as the case may be, from any person whose property is thereby increased in value for an amount not exceeding seventy five per cent of the increase thereon; Recovery of increment from owners of land or property increased in value.

(2) For the purpose of this provision, the Control Directorate may make rules or regulations;

(3) A claim in respect of an increase in the value of any land or property shall be made to the Control Directorate by serving upon the person from whom the amount is recoverable a notice in writing stating the basis of the claim and the amount;

- (4) Any sum recoverable under this section may be set off against any claim for compensation payable under this Law.
- (5) Where any provision of an existing scheme is revoked or modified by a subsequent scheme, no claim for betterment shall accrue to the Control Directorate in respect of any land or any property whose value is being increased. Provided that any outstanding claim due to the Control Directorate from any person whose land or property is affected by previous scheme before the revocation or modification order shall not thereby be discharged but the sum or amount recoverable shall remain enforceable as if it were payable to the Control Directorate under the

PART V: FINANCIAL PROVISIONS: REVENUE ACCOUNTS AND AUDIT

- 77.(1) The Board shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Board. Establishment of the fund.
- (2) There shall be paid and credited to the fund of the Board:
 - (a) Such sums as may be appropriate to the Board by the Appropriation Law of the State;
 - (b) All such moneys paid to the Board by way of grants, donations, gifts, subsidies, charges, fees, subscriptions, interests and royalty;
 - (c) Moneys raised by way of loans under the power to borrow vested in the Board under the provision of this Law;
 - (d) All moneys which may vest in the Board under any enactment; and
 - (e) All other sums which may in any manner become payable to the Board in respect of any matter incidental to its powers and functions under this Law.
78. The Board shall, after considering the budgetary proposals of each Joint Planning Authority Committee, prepare and submit to the Governor not later than 31st day of December of the year, an estimate of income and expenditure of the Board for the next succeeding financial year. Estimate.
- 79.(1) The Board shall cause to be kept proper accounts and other records in respect of its functions. Accounts.
- (2) The Board shall prepare in respect of each financial year statement of accounts in such form as the Governor may approve.

- (3) The said annual statement of accounts shall be a true and accurate statement of the financial position and of the Board for the financial year, which it relates.
- 80 (1) The Board may, from time to time apply the Fund for:- Expenditure
- (a) The pursuance of all or any of its functions under the provisions of this Law;
 - (b) The remuneration, honoraria, gratuities and pensions of the members of the Board and its employees under the provisions of the Law;
 - (c) The interests payable in respect of any money borrowed under the provisions of this Law; and
 - (d) The payment of taxes, State development levies, duties, rates or other charges payable by it under any enactment or Law.
- (2) (a) The Board may with the approval of the Governor make grants from time to time from the funds at its disposal to any institution, society body or bodies for the preparation of any development plan which in the opinion of the Board is likely to be of benefit to the people of Borno State.
- (b) Commissioning Studies of Urban and Regional Plans for the purpose of collecting base-line data
 - (c) Financing various studies, workshops and seminars or matters relating to its functions under this Law.
81. The Board may with the approval of the State Executive Council from time to time borrow whether by way of mortgage or otherwise, such sum of money for and in connection with the exercise of its functions under this Law as the Board may deem necessary. Power to borrow money
- 82 (1) The Board shall cause the annual statement of accounts required by section 79 of this Law to be audited not later than six months after the end of each financial year, by the Auditor-General of the State, or any other person authorised by him.
- (2) As soon as annual statement of account has been audited the Board shall forward to the Governor, a copy of the statement of account together with a copy of the report made by Auditors.
83. The Board shall grant pensions and gratuities to the staff of the board in accordance with any pensions law. Pensions and gratuities

PART VI. MISCELLANEOUS PROVISIONS.

Transfer of staff to the Board

84. As provided for in Urban and Regional Planning Law No. 38 as amended 1999:-
- (1) Some of the members of staff of the Directorate of Town Planning of the Ministry of Land and Survey, shall subject to the term of their appointments, be deemed to have been transferred to the service of the Board as from the date of the commencement of this Law.
 - (2) Some of the members of staff of the Ministry of Works and Transport shall subject to the terms of their appointment be deemed to have been transferred to the service of the Board as from the date of the commencement of this Law.
 - (3) Some of the members of staff of the Ministry of Housing and Environment shall subject to the terms of their appointment be deemed to have been transferred to the service of the Board as from the date of commencement of this Law.
 - (4) Some of the members of staff of the State Civil Service shall subject to the terms of their appointment be deemed to have been transferred to the service of the Board as from the date of commencement of this Law.
85. The Board may with the approval of the Governor, and subject to the provisions of this Law make regulation with respect to:-
- (a) Appointments, promotion, transfer, dismissal and disciplinary measure of its staff.
 - (b) The qualification required for appointment.
 - (c) Method of appointment.
 - (d) The form of any agreement to be entered into between the Board and its staff, and
 - (e) The term and condition of service (including salaries and allowances, the grant of advance, the provisions of quarters, leave and medical treatment).
- 86.(1) The Governor may give the Board directions of general nature in relation to matters appealing to the Governor to affect public interest and the Board shall give effect to such directions.
- (2) The Governor may after consultations with the Board give the Board specific directions for the purpose of remedying any defect, which may be disclosed in the general operations of the Board, and the Board shall give effect to such directions.

Power to make regulation.

Power of the Governor to give directives.

Common Seal.

- 87.(1) The Board shall as soon as it is established provide itself with a common seal;
- (2) The Common Seal of the Board shall be authenticated by the signature of the General Manager authorised by the Board to act in that behalf; and
- (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.
88. Subject to the provisions of this Law the Board may make standing orders for the purpose of regulating the proceedings at its meetings. Standing
Order
89. The Town and Country Planning Law Cap. 136 of Borno State 1994 already repealed by the Urban/Regional Law of Nigeria No. 88 of 1992 and other related edicts are hereby repealed.

SCHEDULES

SCHEDULE 1

Composition of the Technical Committee:

- (a) Heads of Departments of:-
 - (i) Town Planning Directorate
 - (ii) Physical Planning Research and Statistics Directorate
 - (iii) Development Control Directorate
 - (iv) Works Directorate
- (b) Representatives of the following Ministries:-
 - (i) Land and Survey
 - (ii) Works and Transport
 - (iii) Housing and Environment
 - (iv) Chief Executive Officers of all Joint Planning Authorities in the State.
- (c) National Electric Power Plc.
- (d) Borno State Water Corporation
- (e) Borno State Environmental Protection Agency
- (f) Any other Agency or Institution or Professional body or bodies as may be assigned such responsibilities.

SCHEDULE II

Town Planning Directorate:

- (1) Preparation and review of comprehensive regional, sub-regional and district plans.
- (2) Preparation and review of Master Plans for Maiduguri Metropolitan and other Urban Centres.
- (3) Development Plans for major towns in Borno State.
- (4) Preparation and review of Urban/Regional Development Plans of any portion of the State.
- (5) Liaison with other relevant institutions or agencies in the State, formulation of policies for Urban and Regional Planning and the initiation and preparation of physical development plans.
- (6) Liaison with the National Urban and Regional Planning Commission and the Joint Planning Authorities in the preparation of Urban/Regional Development Plans.
- (7) Provision of technical assistance to Joint Planning Authorities.

PHYSICAL PLANNING RESEARCH AND STATISTICS DIRECTORATE

- (1) Collation, organisation and storage of data and records and approved development plans.
- (2) Publicity and Enlightenment activities.
- (3) Data base operations in Urban and Regional Planning, including housing, traffic, transport, urbanisation, waste-management, all technical and social infrastructures.
- (4) Preparation and submission of annual progress report on the operation of the Urban/Regional Development Plans.
- (5) The review of the annual report of the Joint Planning Authorities and
- (6) Preparation of annual report on the operations of the Board.

DEVELOPMENT CONTROL DIRECTORATE:

- (1) Issuance of approved building plans, fencing, reservation or development permits on all Lands in the State;
- (2) Monitoring of physical development on all lands with a view to initiating necessary action to contain such patterns;
- (3) Identification, prevention and removal of unapproved development on all lands;
- (4) Investigation of all petitions and complaints on physical development in the State;
- (5) Collaboration with Borno State Environmental Protection Agency (BSEPA) on assessment of Environmental Impact Assessment and Report before granting planning approval and;
- (6) Control of outdoor advertisement on all Lands and Roads.

WORKS DIRECTORATE

- (1) Physical construction and development of urban areas and regions as may be designated from time to time; and
- (2) All other engineering design, estimates, and construction to be carried out by the Board

EXPLANATORY NOTE

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

BABA GEIDAM MAI
*Clerk of the Borno State
House of Assembly*



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The following is Published in the Supplement to cover this Gazette:-

BO. S. L. N. No. 34 Borno State Urban Planning and Development Board (Amendment)
Law, 2006

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Section 11 of the Principal Law is hereby amended by deleting the phrase "subject to the confirmation of the Honourable House: appearing therein."

Amendment of
S. 11 of Principal
Law.

Section 12 (ii) of the Principal Law is amended by deleting same and substituting it with a new one as follows:-

Amendment of
S. 12 (ii) of
Principal Law.

(ii) "The General Manager shall be a Town Planner, Architect, Estate Surveyor or Engineer who is registered with his/her professional body for a period of not less than five years at the time of his/her appointment.

Amendment of
Section 12 (ii) of
Principal Law.

Section 20 of the Principal Law is hereby deleted.

Section 22 of the Principal Law is hereby amended by deleting the opening sentence and substituting it with a new one as follows:-

Amendment of
S. 22 of Principal
Law.

S. 22 "The Board shall carry out and perform the following functions:-

Part IV (2) of the Principal Law is amended by deleting the phrase "Commissioner of Land and Survey" appearing therein and substituting it with the word "Board"

Amendment of
Part IV (2) of Principal
Law.

Section 73(I) of the Principal Law is hereby amended by deleting the phrase "Appropriate authority" appearing in the last line thereof and substituting it with a word "Board"

Amendment of S. 73
(I) of Principal Law

The Opening sentence of section 84 of the Principal Law is hereby amended by deleting same and substituting it with the following:

Amendment of
S. 84 of Principal
Law.

"Whenever it becomes necessary and appropriate. ."

Section 89 of the Principal Law is hereby amended by deleting same and substituting it with a new one as follows:-

Amendment of
S. 89 of Principal
Law.

"All existing Principal Laws in respect of Urban Development and Town Planning in the State are hereby repealed"

Item (b)(iii) of schedule I of the (iii) of Principal Law is hereby amended by deleting same and substituting it with a new one as follows:-

Amendment of
Item (b) Schedule
of Principal Law.

"Environment"

EXPLANATORY NOTE

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

ALHAJI MUSA A. GWOMA
Clerk of the Borno State House of Assembly