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I assent this 27th day of May, 2015

ALHAJI MUKHTAR RAMALAN YERO
Executive Governor of Kaduna State of Nigeria



Law No. 12

2015

Kaduna State of Nigeria

**A LAW TO ESTABLISH THE KADUNA STATE URBAN
PLANNING AND DEVELOPMENT AGENCY
(KASUPDA) 2015**

(27th May, 2015) Date of
Commencement.

BE IT ENACTED by the House of Assembly of Kaduna Enactment.
State as follows:

**PART I
PRELIMINARY**

1. This Law may be cited as the Kaduna State Urban Short Title.
Planning and Development Agency Law, 2015.

2. This Law shall come into operation on the 27th day Commencement.
of May, 2015

3. In this Law:

"Agency" means the Kaduna State Urban Planning and Interpretation.
Development Agency established by section 4 of this Law;

"Authority" means the Local Planning Authority
established by this Law;

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

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

- (a) a shop,
- (b) an office,
- (c) hotel, guest house, night club, restaurant and way side stall ,
- (d) a warehouse and other similar storage facilities,
- (e) a cinema theatre, sports stadium and a building providing indoor recreational and leisure facilities for a charge,
- (f) a market, and
- (g) any development or use of land of building on the land for any purpose incidental to any of the above purposes;

"Commission" means the National Urban and Regional Planning Commission established by section 5(a) of the Nigerian Urban and Regional Planning Law Decree 88 of 1992;

"Commissioner" means the commissioner charged with the responsibility of Lands, Surveys and Physical Planning in the State;

"Control Department" means any agency performing the duties of Urban and Regional Planning and Development Control at the Federal, State and Local Government level;

"Development" Means:

- (a) The carrying out of any building construction, engineering construction, or other operation in, on, over or under any land;

- (b) The making of any material change in the use of any land, building structure from its established or approved use, and or including the placing or display of advertisement on the land, building or structure;

"Development Permit" means a permission to develop any land or building granted by the Agency empowered to give such permission under this law;

"Developer" or "Owner" means the person or group of persons who is or are for the time being entitled to a right of occupancy over a piece of land for which a plan is submitted to the construction of a building or structure including the agent or legal representative of such person(s);

"Development Plan" means a plan indicating the manner in which an area of land should be developed;

"District Plan" means a comprehensive plan designed for each Local Government or part of any Local Government.

"Federal Land" means all land acquired by the Federal Government, within the state including those lands occupied by Federal institutions or Agencies;

"Government Acquisition" means all land lawfully acquired by Federal Government, State Government or Local Government for itself and any of its agencies or bodies established by law;

"Industrial development" means any development or use of land or any building on land for the purpose of:

- (a) Processing any mineral,
- (b) Extracting or producing by whatever means other than mining one product from another product or substance,
- (c) Repair and working on any mechanised equipment,

"Institutional development" means any development on the land for any of the following purposes-

- (a) Social welfare and community development,
- (b) Offices for party political organisations, trade unions, employee; association and any other organisation whose principal purpose is participating in public affairs,
- (c) Sports and social clubs but not clubs offering overnight accommodation on charge of fees,
- (d) Museums and galleries,
- (e) Swimming pools available for use by members of the public with or without payment of a fee,
- (f) Religions institutions, and
- (g) Any development or use of land for any purpose incidental to any of the above purpose;

"Land" has the same meaning ascribed to it in the Interpretation Act;

"Land Use Plan" refers to a plan adopted by the Kaduna State Government or any of its statutory agencies, bodies established by the law or Town Planning Agency for the whole or any part of Kaduna State;

"Dwelling - House" means a building erected or converted for use primarily to provide living accommodation;

"Enforcement Notice" includes a stop notice, contravention notice and a demolition notice;

"Local Land" means all land outside Federal and State Government Acquisitions and those of their Agencies duly vested in the respective Local Government Acquisition for Village Development;

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

- (a) District plans which are plans designed for areas where factors in local planning need to be set out comprehensively, and
- (b) Action area plans which are plans for areas indicated (or identified) for action by structures plans i.e. where changes by development, or improvement needs to be affected,

"Petitioner" means any aggrieved member of the public who submits a written complaint to the Agency for redress;

Physical Development Plan" means any plan set out in section 18 of this Law and includes any scheme, plan or master plan approved under any legislation;

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

"Plot" or "Site" means a parcel of land which has been demarcated by a Survey Plan with identified boundary Beacons;

"Public Building" means a building used either regularly or occasionally as a public hall, public clinic, cinema, post office, theatre, stadium, exhibition hall or for similar purposes and it includes any building used as a place of worship, instruction, recreation, meetings, government administration, health institution to which any member of the public has access;

"Residential Unit" means a building or part of building consisting of many rooms, and a flat forming a habitable unit of one family with independent utilities;

"Residential Development" means development of land or any building for residential purpose;

"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;

"Rehabilitation" means the planning process whereby individual structures are improved to meet established building standards and criteria; and can also be called renovation scheme;

"State" means Kaduna State of Nigeria;

"State Land" means all land within State Government Acquisition including those already allocated for development to individuals and corporate bodies and institutions in conformity with State Land Laws and Regulations;

"Sub-Regional Plan" means a plan for areas indicated for action by structure plan;

"Urban Renewal" means planning proposals geared toward physical improvement of blight areas of Urban Settlements through redevelopment, rehabilitation and upgrading;

"Blight Areas" means areas that are physically and/or environmentally deteriorated/degraded.

"Zoning" refers to the Land Use Provisions in the State Regional Land Use Plan, Operatives Master Plan, District Plan, Urban Renewal plan of any area in the plans defined as such which specifies the appropriate use for which a development could be put;

"Metropolitan plan" means general policy and proposals for the physical, spatial and environmental development of a very large town or metropolitan area which may or may not extend over more than one planning authority's jurisdiction;

"Physical Development Plan" means any of the plans set out in section 1 of Decree 88 of 1992 and includes any schemes, plans or master plans approved under authority of any legislation repealed by the 1992 Decree or made under any other authority of any legislation approved under the Decree;

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

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

"Rural area" means any part of the state which is not declared an urban area;

"Structure" means any permanent or semi - permanent construction in which person may reside, work or carry on other activities;

"Panel" means the State Urban and Regional Planning Complaint Panel established under section 69 of this law

"Urban area" means any area designated accordance with section 3 of the Land Use Act.

"Gross misconduct" means very serious wrong-doing and improper behavior which can be investigated and proved.

PART II

ESTABLISHMENT, COMPOSITION, POWERS AND FUNCTIONS OF THE AGENCY

4. (1) There is hereby established an agency to be known as Kaduna State Urban Planning and Development Agency (KASUPDA); Establishment of the Agency.

(2) The Agency shall be a body corporate with perpetual succession and common seal with powers to sue and be sued in its corporate name.

5. The Governing Board of the Agency shall comprise of members to be appointed by the Governor as follows: Membership of the Board.

- (a) Chairman;
- (b) General Manager;

- (c) -- Representative of the Nigerian Institute of Town Planners with a minimum of ten (10) years' practical experience;
- (d) Representative of Nigerian Institute of Architects with a minimum of ten (10) years' practical experience;
- (e) Representative of Nigerian Bar Association with a minimum of ten (10) years post-call experience;
- (f) Two registered members to represent the following professions:
 - (i) Building engineering;
 - (ii) Civil/Structural Engineering;
 - (iii) Quantity Survey;
 - (iv) Estate Survey; and
 - (v) Land Survey/Cartography.
- (g) One representative each not below the rank of a deputy director from the following Ministries, Departments and Agencies:
 - (a) Works, Transport & Housing;
 - (b) Kaduna State Public Works Agency (KAPWA);
 - (c) Kaduna State Environment Protection Agency (KEPA);
 - (d) Ministry for Local Government; and
 - (e) Ministry of Justice.
- (h) Representatives of Ministry of Lands, Surveys and Country Planning;
 - (a) Director Town Planning;
 - (b) Surveyor General;

- (i) Secretary of the Agency shall be the Secretary of the Board.

6. The Governing Board shall perform the following functions:—

Functions of the Governing Board.

- (i) Quarterly Sitting to deliberate on matters forwarded by the Management;
- (ii) Emergency Sitting to deliberate on urgent matters that may arise;
- (iii) Consider and approve promotions for junior and intermediate cadre;
- (iv) Approve contracts of the Agency/spending above Five Million (N5,000,000.00);
- (v) Any other issue that may be forwarded by the Management.

7. The Chairman referred to in section 5 (a) shall have been in professional practice for a minimum of twenty (20) years and shall have been registered with the Town Planning Registration Council or any professional in the building industry with similar qualifications.

Qualification of the Chairman.

8. The General Manager referred to in section 5 (b) shall be a serving registered Town Planner not below the rank of a Deputy Director or its equivalent in other institutions or in private practice with a minimum of fifteen (15) years post registration experience.

Qualification of the General Manager.

9. The Chairman and members shall hold office for a term of three (3) years in the first instance and shall be eligible for reappointment for another term of three (3) years only.

10. (1) A member may, at any time resign his membership by sending a notice of resignation in writing to the Governor;

(2) The Office of a member shall be declared vacant in any of the following circumstances i.e. if he:

- (a) Is convicted of an offence involving fraud or dishonesty;
- (b) Is incapacitated by physical or mental illness;
- (c) Has become bankrupt;
- (d) Is found to have conflicting financial or other interests which is prejudicial to the Agency;
- (e) Has been absent from three consecutive meeting without the permission of the Chairman; or
- (f) Is guilty of gross misconduct.

Allowances
of Members of
the Board.

11. The Chairman and members of the Board shall be entitled to such remunerations, fees and allowances as the Board with the approval of the Governor may from time to time determine.

Appointment
of the Secre-
tary.

12. (1) There shall be appointed by the Governor a Secretary for the Agency;

(2) The Secretary shall be responsible for:

- (a) Making arrangements for meetings of the Board;
- (b) Preparing the agenda and minutes of the meetings;
- (c) Keeping proper records of proceedings of the Agency;
- (d) Obtaining legal and professional advice on all matter connected to the Agency; and
- (e) Making arrangements for payment of fees and allowances for attendance of meeting

and all other duties of the Agency affecting the members.

13. The General Manager shall be the Chief Executive Officer of the Agency and shall be responsible for the day to day running of the affairs of the Agency.

Institutional
Framework
for the
Operation of
the Agency.

14. (1) The Agency shall be a Parastatal under the Ministry of Lands, Survey and Country Planning.

(2) The Agency shall for the purpose of its operations determine its organisational structure in line with this law and policy guidelines of Government.

15. The Agency shall perform the following functions:

(a) Formulation of State Policies for urban and regional planning in conjunction with the Ministry of Lands, Surveys and Country Planning;

(b) Implementation of State Policies for urban and regional planning and physical development of the State;

(c) The initiation, preparation and review in collaboration with the appropriate Local Planning Authority:

(i) Preparing of Physical Development Plans;

(ii) Master plans for each of the Local Government areas in the state;

(iii) District plan;

(iv) Outline development plans; and

(v) Other physical development plans and scheme embracing special distribution of major roads, location of industrial, commercial, residential, administrative as well as recreational facilities.

- (d) Programmes for coordination, preparation and review of Master plans as at when due;
- (e) The establishment and operation of an effective development control organ.
- (f) Urban Planning and renewal;
- (g) Ensuring that full and comprehensive records are kept of the plans and schedule of all applications for the development permit and those which are conditionally approved or refused;
- (h) Conduct of research in urban and regional planning;
- (i) Provision of Technical assistance to the Local Governments;
- (j) Consultation and co-ordination with Federal Government and Local Government in the preparation of physical planning development;
- (k) Supervision of the activities of Local Planning Authorities in the State;
- (l) Collaborate with other relevant Ministries, Departments and Agencies for the purpose of planning and implementation of its schemes.

Establishment
of Local
Planning
Authority.

16. (a) There shall be established in each Local Government Area of the State a Body to be known as Local Planning Authority (in the law referred to as "Local Authority")

(b) The Local Authority shall have jurisdiction with respect to land outside the designated Urban Areas.

17. (1) The Governing Board of the Local Authority shall comprise of the following members;

Composition
of Local
Planning
Authority.

- (a) A Chairman;
- (b) Representative of the Planning Agency who shall not be below the rank of Chief Town Planning Officer;
- (c) One representative from all recognized professional bodies;
- (d) Head of Works of the Local Government;
- (e) Secretary appointed by the Local Authority from the Administrative Staff of the Local Government;
- (f) Education Secretary of the Local Government; and
- (g) Zonal Lands Officer Ministry of Lands Surveys and Country Planning and resident Surveyor.

(2) The chairman referred to in Section 17 (1) (a) shall be a person with requisite planning knowledge.

18. The Local Authority shall under take development control within its area of jurisdiction (excluding urban areas and filing stations)

PART III PHYSICAL DEVELOPMENT PLANS

19. (a) Where any agency lacks the technical capacity to perform any of its functions, it may, with the approval of the Governor appoint other professionals or assign such responsibility or activity to the professional so appointed.

Review of the
Operatives of
the State
Physical
Development
Plan.

(b) Agree where it considers appropriate that certain Physical Development Plan be drafted and processed for approval in defined parts:

(c) Direct that some sections of the Operative state Physical Plan shall be adopted with necessary modifications in the making of the town local and subject plans.

Procedure for
Making Town
Local and
Subject Plans
etc.

20. (1) The procedure for preparing the state Physical Development plan shall be adopted with necessary precautions/modifications in the making of the town local and subject plans.

(2) Subject plans shall be recommended by the Agency for approval.

Application
for Planning
Permission.

21. The Agency shall have powers to consider application for planning permission to deviate from the provision of the Operative Master Plan where necessary.

A n n u a l
Report.

22. It shall be the duty of the Agency to review the annual reports submitted to it by the Local Authorities.

Development
Permit

23. (1) Any application for development permit under this law shall comply with all requirements, regulations and standards as contained in this law.

(2) Any application for development permit to erect or partition a structure shall be in conformity with the Kaduna State Planning Regulations as well as the National Building Code.

(3) Under this Law, development permit may be granted to an applicant in respect of the following:

- (a) Use and development of land;
- (b) Material changes in the use or land or structure;
- (c) Interim use of land that is zoned or scheduled for an approved development but not

required for that use within two (2) years, provided such development or structure that may be erected shall be of temporary building materials; and

- (d) Modification of an approved development plan.

24. For the purpose of this law the departments of the Departments of the Agency. Agency shall be:

- (a) Urban Planning and Research Department;
- (b) Development Control Department;
- (c) Monitoring and Compliance Department;
- (d) Administration Department; and
- (e) Finance and Supplies Department.

25. (1) There is here establishment in the Agency a Functions of Development Control Department. Development Control Department (In this Law referred to as the "Control Department").

(2) The Control Department shall be multidisciplinary Department charged with the responsibility for matters relating to control of physical development and implementation of all Physical Development Plans.

(3) The Control Department shall have powers to recommend to the Agency who shall issue development permits to any applicant who complies with the provision of this law or any regulations, particularly with the provisions of the National Building Code.

(4) Where development permit has been issued under this law by the Agency in respect of any development plan submitted for approval the plan shall be referred to as Approved Plan by the Agency.

Application
for Develop-
ment Permit.

26. A developer shall apply for development permit from the Agency by providing such information including, plans, designs, drawings and other relevant documents as may be prescribed by regulations made pursuant to this law.

Government
Agencies to
Obtain
Approval for
Land Develop-
ment.

27. (1) No development shall be commenced by any Government agency without obtaining an approval from the Agency on the recommendation of the Control Department.

(2) No outdoor advertisement, bill-boards, signpost, or telecommunication mast may be erected by any person, group of persons, organisation, government or its agencies without prior approval of the Agency pursuant to this law or any other law.

28. The Control Department shall recommend to the General Manager of the Agency for issuance of development permit to any applicant if:

- (a)** The development plan is prepared by a registered town planner in the form prescribed in the National Building Code and any regulations made pursuant to this law;
- (b)** The application involves civil or structural, mechanical and or electrical details and is signed by qualified Engineer registered to practice in Nigeria;
- (c)** The architectural drawings for any structure or development shall be prepared and signed by a registered architect;
- (d)** The detailed information relating to construction works, provision of services, clearance from the State Fire Service, Police, Nigerian National Petroleum Corporation Report of Environmental Impact Assessment, Site Analysis Report, Site Location Plan, project Quality management

Plan. Project Health and Safety Plan, construction Programmes, conditions of contract; All-risk insurance for the building works, personnel and equipment or any other relevant information is specified in the National Building code and any other regulation made pursuant to this Law.

29. (1) An application for a development permit may be rejected if:

Grounds for
Rejection of
Development
Permit.

- (a) Development for which the permit is being sought is not in accordance with an approved physical development plan;
- (b) The Development for the area is not in conformity with the proposal;
- (c) In the opinion of Development Control Department, the development is likely to have a major negative 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 the community;
- (d) The proposed development falls within proposed or approved roads, public utility, service lines, drainage channels, canal or water body;
- (e) The proposed development fall within public recreational, open space or other service plot within a layout in a Government acquisition area;
- (f) The development is not in accordance with any other acquisition as may be specified under any regulation made pursuant to this law;

- (g) Documents annexed are not prepared by registered professionals; and

Presentation.

(2) The Development Control Department may consider the re-application made to it by any person body or organisation whose earlier application has been rejected.

Submission of
environmental
Impact
Assessment
Report.

30. (1) A developer shall at the time of submitting application for development permit also submit an approval on Environmental Impact Assessment Report (EIAR) from Kaduna State Environmental Protection Agency (KEPA) in respect of application for:

- (a) A residential development on land in excess of 1/2 hectare or development in excess of 3 Storey Building
- (b) Factory building or expansion of Factory Building
- (c) Office or other Commercial Building including Institutional;
- (d) Place of Worship;
- (e) Major Recreational Development covering more than 10,000 square meters;
- (f) Petrol Filling Stations;
- (g) Telecommunication Mast; and
- (h) Any other building(s) as specified in any regulations made pursuant to this law.

Submission of
Site Analysis
Report.

(2) A developer shall at the time of submitting his application for development permit also submit a detailed Site Analysis Report prepared by a registered Town Planner together with;

- (a) All development proposals and Site Plan prepared with architectural drawings; and
- (b) Application for Statutory and Customary Right of Occupancy or copies thereof already granted;

31. (1) The Development Control Department shall recommend the approval or refusal of an application for development permit and advise the Agency accordingly.

Approval or
Rejection of
Development
Plan.

(2) The Development Control Department may delay the approval of application for development permit if:

- (a) The developer fails to pay the fees or other charges imposed by the Agency; and
- (b) The developer fails to comply with any other conditions stipulated by regulations made under this law.

(3) In reaching its decision under sub-section (1) and (2) of this section the Control Department shall comply with:

- (a) The Policy and Proposal of an operative Physical Development plan applicable to locality within its area of jurisdiction;
- (b) A proposed approved physical development plan or an approved physical development plan under review; and
- (c) Any other consideration made and applicable to a locality by regulation made pursuant to this law.

(4) Where the applicant has met all requirements the Agency shall not delay the approval of an application for development permit for a period of more than one month.

The Limit of
Delaying
Approval.

Enforcement
of Right of
D u t i e s
Attached to a
Development
Permit.

32. (1) The Monitoring and Compliance 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.

(2) Where a holder of development permit transfers or assigns his interest, the Monitoring and Compliance Department shall enforce all the rights and duties attached to a development permit against such transferee or assignee.

Validity of a
Development
Permit.

33. (1) A development permit granted in respect of any development on any land shall be deemed to be valid for two (2) years from the date of communication of the approval of a development permit to a developer.

(2) Where the holder for the time being of the development permit fails to commence and or complete development within two (2) years of such permit the development permit shall be deemed to have lapsed and becomes subject to revalidation by the Agency which issued the original permit at the prevailing processing rates.

Conformity of
Development
Permit and
Certificate of
Occupancy.

34. The Conditions attached to the grant of the development permit by the Agency shall not conflict with the conditions attached to the grant of a statutory or a customary right of occupancy provided that the right of occupancy is not in conflict with the approved land use zoning for the site.

Revocation of
Development
Permit.

35. (1) Any development permit granted by the Agency under this Law may be revoked on any of the following grounds:

- (a) That the proposed development and uses for which development permit was granted are no longer appropriate;
- (b) That the site to which the development permit applies is required for overriding public interest;

- (c) That false information was given by the developer or person(s) who applied for the development permit;
- (d) That the development form which the permit was granted contravenes any other conditions as may from time to time be stipulated by the Agency;
- (e) That the developer contravenes the handling of the building production, management/processes as stipulated in the National Building Code;
- (f) That the Development poses security challenges based on security reports received and verified; or
- (g) That the building is hazardous to its occupants or neighbours owing to its physical condition.

(2) Pursuant to sub-section (1) of this section the developer or holder for the time being of a development permit shall be served a notice of intention to revoke the permit.

(3) The notice shall state the reasons for the proposed revocation action by the Agency.

(4) The Agency may consider any representation made to it by the holder for the time being of a development permit or his agents.

36. A holder of a development permit or his agent who is dissatisfied with the revocation of the development permit may appeal against the decision of the Agency to the Appeal Panel established under this Law.

Appeal
Against
Revocation of
Development
Permit.

37. No compensation shall be paid 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.

Service of
Enforcement
Notice.

38. (1) The Monitoring and Compliance Department may serve any enforcement notice:

- (a) Notice of contravention;
- (b) Notice to stop work (stop work order);
- (c) Notice to quit;
- (d) Notice to seal up; or
- (e) Demolition Notice.

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

Alteration
Variation of
Development.

39. (1) Any enforcement notice served pursuant to this Law may direct the developer or owner to vary, remove or discontinue the development in question.

(2) The Agency may impose additional conditions to the enforcement notice as it may deem fit.

(3) Before issuing an enforcement notice the Agency shall:

- (a) Have regard to the existing conditions for granting development permit;
- (b) Have regard to the likely environmental degradation or impact of a development under consideration to its surrounding development; and

(c) Consider the over-riding public interest.

40. (1) An enforcement notice served under this Law shall: Forms of Enforcement.

- (a) Be in writing and served on the developer, agent, occupier, user or owner of the building;
- (b) Be served by pasting such enforcement notice on the building or structure which is the subject of the notice in lieu of personal service as stipulated in sub-section (1) (a) of this section; or
- (c) State the reason for the enforcement notice issued by the Monitoring and Compliance Department.

(2) The Monitoring and Compliance Department shall consider any representation made by the developer or owner or his agent and communicate its final decision accordingly.

41. The Monitoring and Compliance Department or its Enforcement of an Order. Authorised agent shall enforce an Order of the Planning Panel or High Court against a developer or holder of the time being of the development permit who fails to comply with such an order.

42. A developer or holder for the time being of a Development or Owner development permit shall be responsible for all expenses Liable for Expenses. reasonably incurred by the Agency or any of its officers or agents as the case may be in enforcing the provisions of this Law.

43. Where it appears to the development Control Issuance of Stop-Work Order. Department that:

- (a) An unauthorised development is being carried out; or
- (b) Development does not comply with a development permit, the Department shall issue Stop Work Order Pending the Service of enforcement notice on the owner, developer occupier or holder of the development permit as specified in section 38 of this Law.

Stop-Work
Order to Take
Effect on
Service.

44. (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.

(2) A Stop - Work Order can be served by pasting such Order on the building or structure which is the subject of the notice in lieu of personal service as stipulated in sub-section (1) of this section .

(3) A Stop - Work Order shall 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 permit issued thereto.

Reasonable
Time to be
Given to a
Developer to
Comply to
Stop-Work
Order.

45. The Authority shall give a reasonable time not exceeding seven (7) days within which the developer shall be required to comply with the provision of section 43 of this Law.

Power of
Agency
Contravention
of a Planning
Regulations.

46. Where a developer or owner contravenes the provision of a planning law or any Regulation made pursuant to it the Agency shall have the power to require the developer to:

- (a) Prepare and submit his plan for approval.
- (b) Carry out alterations to a building as may be necessary to ensure compliance;
- (c) Pull down the building; or
- (d) Re-install a piece of land or building to its original state prior to the commencement of development.

47. Any person or corporate body who fails to comply with the terms of a Stop - Work Order issued and served under this law commits an offence and shall be liable to fine of N50,000.00 or 2 years imprisonment or both. A continuing violation shall attract a fine of N5,000.00 for each day of violation.

Offences and Penalties.

48. (1) The Agency shall have the power to serve on a developer or owner, a Demolition Notice if a structure erected is found to be defective, poses danger or constitute a nuisance to the occupier or the public, or fails to meet the minimum building standard prescribed in the Urban and Regional Planning Law and the National Building Code.

Demolition Notice.

(2) After the expiration of the time specified in the notice the Agency shall take necessary action to effect demolition of the unauthorised development.

49. A developer or owner shall reimburse the Agency for all expenses incurred in the exercise of its function under section 48 of this Law.

Reimburse Cost of Demolition.

50. (1) In the performance of its functions under this Law in relation to control of advertisement, wasteland, trees, building of special architectural or historical interest, the Agency shall make a list of such buildings of special architectural or historical interest.

Listing of Building of Special Architectural or Historical Interest.

(2) In carrying out its function under sub-section (1) of this section, the Agency may obtain the list of building special architectural or historical interest from individuals and corporate bodies.

Condition for
Listing of a
Building.

51. A building may be included in the Agency list if:

- (a) The building is of historical or special architectural interest as may be determined by the Nigerian Institute of Architects (NIA) in conjunction with the State Ministry of Culture and Tourism;
- (b) Its exterior contributes to the architectural or historical interest of a building or a group of buildings of which it forms part; and
- (c) A desirable man-made object or structure is fixed to the building or part of the land comprised with the cartilage of the building.

Consult
Person with
Special
Knowledge.

52. Before compilation of a list the Nigerian Institute of Architects and any such person as may appear to have specific knowledge in building of Architectural or historical interest may be consulted.

Consult
Person with
Special
Knowledge.

53. The list of such buildings of architectural or historical interest shall be deposited with the Town Planning Offices, Agencies or the Local Government.

Publication on
the Gazette.

54. The Agency shall cause to be published in the official Gazette the list of building of special Architectural or historical interest within the State for the purpose of preservation.

Demolition
Alteration of
Listed Building.

55. A listed building may be demolished altered or extended if the Agency gives a written consent for the execution of works on the listed Building.

56. Any Person who:

Offences and
Penalty.

- (a) Executes or causes to be executed any work aimed at the demolition, alteration or extension in any manner which changed the character of a listed building; or
- (b) Fails to comply with any condition attached to a written consent of the Agency,
commits an offence and shall be liable on conviction to a fine commensurate to the value of the property.

57. The Agency shall permit where appropriate, a provision on the provision of existing trees or planting of new trees by the imposition of necessary conditions.

Development
Permit to
include
Appropriate
Provision for
Presentation
and Planting
of Trees.

58. (1) The Agency shall regulate the dimensions, appearance display, site and manner in which an Advertisement Board shall be fixed to land.

Control of
Outdoor
Advertisement

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

(3) Any person who fails to comply with sub section (2) of this section commits an offence and on conviction shall be liable to a fine of not less than N20,000.00 or imprisonment for a term of not less than 6 months or both.

(4) The Agency shall be responsible for street naming and numbering in conjunction with Local Government Authority

59. If it appears to the Agency that the wasteland amenity of part of an area or an adjoining area is seriously injured by the condition of a garden vacant site and or open land, the Control Department shall serve on the developer,

Maintenance
of Wasteland.

occupier or owner of such land a notice requiring steps to be taken for abating the injury as may be specified in the notice within a stipulated period of time.

Power to
Revoke a
Right of
Occupancy.

60. (1) Where it appears to the Agency that it is necessary to acquire any land in connection with the planned urban or rural development in accordance with the policies and proposals of any approved plan, and right of occupancy subsisting on that land shall be revoked by the Ministry of Lands Surveys and Country Planning on the recommendation of the Agency.

(2) A right of occupancy may be revoked only in accordance with the provisions of the Land Use Act.

Compensation.

61. (1) All matters connected with the payment of compensation for the revocation of right of occupancy under this Law shall be governed by the provisions of the Land Use Act.

(2) Any compensation payable as a result of the revocation of the right of occupancy under this law shall be paid within a period not exceeding twelve (12) months from the date of revocation.

62. Where it is impracticable to comply with the provision of section 60 (2) the reasons for non compliance shall be communicated to the affected party.

Delegation of
Power of
Urban
Policies.

63. (1) The Agency may delegate the power to implement all Urban Renewal Policies and programmes to competent professionals.

(2) Where Development Plan has been prepared by the appropriate planning Authority and approved under section 20 (1) of this Law, the Agency may exercise the powers hereafter set out for the purpose of assisting in the implementation of the Development Plan.

64. (1) A development plan to which section 19 (c) of this Law applies may designate any part of the area for which such plan has been made to be an improvement Area for the purpose of rehabilitating, renovating and up-grading the physical environment, social facilities and infrastructures of the area.

Delegation of
Power of
Urban
Policies.

(2) The rehabilitation, renovation and up-grading may be proposed by the residents of the area concerned, the Agency and other body or bodies in complimentary effort towards the rehabilitation, renovation or up-grading of the area.

(3) The Agency shall, before declaring an area to be an improvement Area, satisfy itself that the purpose set out in section (2) is reasonably likely to be achieved.

65. (1) The Agency shall before declaring any part of an area to be improvement area.

Consultation
and
Cooperation
of Important
Area.

(a) Use its best endeavour to inform the residents of the area of the proposed designation of the area as an improvement Area and particularly:

- (i) The purpose and contents of the proposed improvements;
- (ii) The power vested in the Agency; and
- (iii) The facilities which would be provided and the benefits to be derived in the area

(b) Hold meetings with the Local Government of the area and other body or bodies in the area to:

- (i) Ascertain the views of the residents on the proposed

improvement Area and the exercise of powers relating thereto;

- (ii) Set up liaison or consultative committees between the Agency and representatives of the residents to monitor the progress of the rehabilitation, renovation or up-grading in the area.
- (c) Inform other relevant statutory authorities of the proposed improvement Area and invite their views and comments thereon; and
- (d) Take into account the views and comments made and inform other interested parties of the proposed improvement Area.

(2) The Agency shall after declaring an area to be an Improvement Area:

- (a) Hold regular meetings with the committee established under sub section 1 (b) (ii) of this section;
- (b) Assist or join the other persons and authorities in assisting a resident or group of residents within the area drawn up and implement plans for improvement of the neighbourhood; and
- (c) Generally advise and assist the residents of the area to take full advantage of the improvement provided.

Powers of the
Agency in an
Improved Area.
has powers to:

66. The Agency in dealing with an improvement area

- (a) Prepare an improvement area plan showing the manner and the period of time over which the area is to be improved; and
- (b) Improve, repair or renovate or order the improvement, repair or renovate of a building or part thereof and where appropriate recover the cost of the improvement or repair from the owner of the building.

67. The Agency shall before ordering the repair or renovation of the building or part thereof:

Exercising
Power of
Repairs
Demolition
and
Renovation.

- (a) Inspect the building or part thereof to ascertain its condition; and
- (b) Prepare a schedule of necessary regulations which shall inform the owner or occupier of the building:
 - (i) of the proposed order and the reason(s) thereof; and
 - (ii) the date, time and place where the Agency shall consider any representations or objections to the proposed order and such other matters as may be prescribed by regulation.
- (c) Affix a notice of the proposed order on a conspicuous part of the building to which the order relates;
- (d) Appoint a committee from the members of the Agency to hear, consider and report on the presentation or objection which may be made orally or in written by the owner or occupier or his duly authorised representative; and

- (e) Prepare an estimate of the compensation payable to the owner or occupier of the building.

Provision of
Alternative
Accommodation
etc.

68. Where the Agency proposes to take an order for the demolition of a building that is used for human habitation or part thereof, it shall provide a person or persons likely to be displaced from their home alternative accommodation or financial assistance by way of grant of loan or guarantee either directly or through other authorities on such terms and condition as the Authority shall deem fit.

PART IV THE URBAN AND REGIONAL PLANNING COMPLAINTS PANEL

Provision of
Alternative
Accommodation
etc.

69. There is hereby established a body known as the Urban and Regional Planning Panel (in this Law referred to as "The Panel"), which shall have the jurisdiction power and authority conferred on it by this Law and any regulations made hereunder.

70. The Panel shall consist of:

- (a) A Chairman who shall be a registered Town Planner with at least fifteen (15) years -post qualification experience;
- (b) An Architect who shall be a member of the Nigerian Institute of Architects and Registered by Architects Registration Council of Nigeria (ARCON);
- (c) A Civil Engineer registered by the Council of the Regulation of Engineering in Nigeria (COREN);
- (d) Member of the Nigerian Institute of Building registered by the Council of Registered Builders of Nigeria (CORBON);

- (e) A legal officer from the Ministry of Justice not below Grade Level 12;
- (f) A land surveyor or cartographer who shall be a member of the Nigeria Institute of Land Surveyors and Registered with Surveyors Registration Council of Nigeria between Grade Level 12
- (g) An Estate Surveyor, who shall be a member of the institute of Estate Surveyors and registered with the Council of Regulation of Estate Surveyors and Valuers; and
- (h) A Secretary who shall be a registered Town Planner with at least ten (10) years post graduate qualification experience.

71. The Governor shall appoint:

- (a) The Chairman of the Panel;
- (b) Other members of the panel on the recommendation of their various professional bodies; and
- (c) The Secretary to the panel shall be an officer in the State Civil Service not below Grade Level 12.

Appointment
of Member
of the Panel.

72. (1) The Chairman and members of the panel shall hold office for three (3) years and shall be eligible for re-appointment for such further terms as the Governor may from time to time determine.

Tenure of
Office and
Termination of
Appointment
of a Member
of Panel.

(2) The Office of the Chairman or a member of the Panel shall become vacant if:

- (a) A Chairman or a member has completed his tenure of office and is not re-appointed;

- (b) He resigns his appointment in writing under his hand to the Governor;
- (c) Without good cause declines to sit for the hearing of an appeal referred to the panel on three consecutive occasions;
- (d) He is adjudged bankrupt by a court of competent jurisdiction;
- (e) He is adjudged to be of unsound mind;
- (f) His appointment is terminated by the Governor;
- (g) He has been found guilty of professional misconduct by the appropriate professional body in Nigeria and such is brought to the notice of the Chairman or Secretary of the Panel;
- (h) Is found to have a direct or indirect proprietary or pecuniary interest in the case before the panel.

Remuneration
of Members of
the Panel.

73. The Chairman and members of the Panel shall be paid such remuneration fees and allowances as the Governor may approve from time to time.

Jurisdiction of
the Panel.

74. The Panel shall have jurisdiction to investigate and adjudicate on all public complaints concerning the activities of the Agency particularly regarding Building Plans approval or rejection, preparation of Master Plans, District Plans and Layouts Schemes, or disputes arising from compensation paid or to be paid in respect of any other matters relating to physical developments in the State.

Appeal.

75. (1) An aggrieved person or an interested party may appeal against the decision of the Agency to the panel within twenty-eight (28) days of the final decision of the Panel.

(2) An appeal against the decision of the Panel shall be as of right to the High Court, which appeal shall be made within Twenty-eight (28) days of the final decision of the Panel.

(3) The Chairman of the Panel shall convene a sitting of the Panel within Twenty-one (21) days of the receipt of the appeal.

(4) The aggrieved party may be heard in person or through his representative.

76. An appeal to the Panel shall be in the prescribed form and payment of a fee as may be prescribed in the regulations made pursuant to this Law. Mode of Appeal.

77. The Panel shall be constituted for the purpose of exercising the power and authority conferred on it by this Law if it consists of the Chairman and three members.

PART IV FUNDS OF THE AGENCY

78. (1) For the purpose of this law, there shall be established an Urban and Regional Planning Fund (in this Law referred to as "The Fund") in which shall be paid all moneys accruing to the Agency and from which expenses incurred shall be defrayed. Establishment of Planning Agency and Agency's Fund.

(2) The Fund Shall Comprise of:

- (a) Such moneys as may be appropriated to the Agency by the Kaduna State Government and respective Local Governments;
- (b) Such moneys as may be given to the Agency by way of grants from the Federal Government Corporate Organisations and other Donor Agencies from time to time;

- (c) All sums, debentures and returns from investments or other properties vested in the Agency;
- (d) Such moneys raised by way of loan under the powers to borrow vested in the Agency;
- (e) Moneys which may be vested in the Agency under any enactment or law; and
- (f) All other sums accruing to the Agency by way of financial grants, aid, gifts, sales or publication of maps plans, journals and charges.

Expenditure.

79. The Agency may from time to time apply the Fund for:

- (a) The pursuance of all or any of its functions under the provision of this law;
- (b) The interest payable in respect of any money borrowed under the provision of this law;
- (c) The payment of taxes, States and Local Government development levies rates or other charges payable by it under any enactment of Law.

(2) The Agency may:

- (a) Make grants from time to time from the funds at its disposal to any institution, society, body or bodies which in the opinion of the Agency is likely to be of benefit to the people of the State;
- (b) Commission studies on Urban and Regional Plans to be made for the purpose of collection base-line data; and

- (c) Finance various studies, workshops and seminars or other matters related to its functions under this Law.

80. The Agency may with the approval of the governor or the Chairman of the Local Government from time to time borrow such sums of money, wither by way of mortgage or otherwise, for the purpose of carrying out its functions under this Law as may be deemed necessary.

Power to
Borrow
Money.

PART V MISCELLANEOUS

81. The quorum of the Board at any of its meeting shall be a simple majority of not less than eight persons including the Chairman, while the quorum of any Committee shall be simple majority of the members.

Quorum.

82. (1) (a) Subject to the provision of any standing order the Board shall meet quarterly and meeting shall be convened by the Chairman. Also the Chairman may be required by notice, signed by not less than twelve other members to summon a meeting of the Board and he shall summon such meeting to be held within fourteen (14) days from the date of the notice.
- (b) Where the Chairman fails to summon a meeting as may be required by a notice given pursuant to sub-section (1) (a) of this section the members shall hold such meeting and appoint a Chairman from amongst themselves to preside and the resolutions of such meeting shall be binding.

Meeting of the
Board.

(2) Where the Board desires to obtain the advice of any person on a particular matter the Authority may co-opt such person as a member at its meeting but such co-opted member shall not be entitled to vote at the meeting of the Board and shall not count towards the quorum.

Validity of Proceedings.

83. The validity of any proceedings of the Board shall not be affected by any vacancy in its membership or any defect in the appointment of a member or for the reason that a person not entitled to participate had taken part in such proceedings.

84. (1) No suit shall be commenced against the Agency until the expiration of one month written notice of intention to commence the same has been served upon the Agency by the intending plaintiff or his agent.

(2) Such notice shall state the cause of such action, the name and the place of abode of the intending plaintiff and the relief which he claims.

85. Where a Planning Tribunal is not available Magistrate Courts shall have summary jurisdiction to try all violators of this Law and impose the maximum penalty provided.

Power to Make Regulations.

86. (a) The Commissioner may with the Governors' consent make Regulations generally for carrying into effect the purpose(s) of this Law.

(b) The Regulations so made shall be consistent with the prevailing Urban and Regional Planning Act as amended and the National Building Code.

Savings.

87. (1) All property, assets and liabilities that were vested in the Kaduna State Urban Planning and Development Authority edict No. 10 of 1985 and Kaduna State Urban Planning and Environmental Protection Agency Edict No. 14 of 1991 shall be vested in Kaduna State Urban Planning and Development Agency.

(2) All actions taken by the Kaduna State Urban Planning and Development Authority Edict No. 10 of 1985 and Kaduna State Urban Planning and Environmental Protection Agency Edict No. 14 of 1991 shall be deemed to have been taken under this Law.

88. The Kaduna State Urban Planning and Development Authority Edict No. 10 of 1985 and Kaduna State Urban Planning and Environmental Protection Agency Edict No. 14 of 1991 are hereby repealed.

DATED AT KADUNA this 27th day of May, 2015.

EXPLANATORY NOTE

(This note does not form part of this Law and has no legal effect).

The purpose of this Law is to repeal the Kaduna State Urban, Planning and Development Authority Edict No. 10 of 1985 and Kaduna State Urban, Planning and Environmental Protection Agency Edict No. 14 of 1991 and establish the Kaduna State Urban Planning and Development Agency.

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

HON. SHEHU USMAN TAHIR
(Speaker)

BARR. UMMA ALIYU HIKIMA
(Clerk to the Legislature)