

**L A W**  
**Nr.8405, date 17.9.1998**

**ON**  
**URBAN PLANNING**

In accordance with Article 16 of Law No.7491, dated 29.4.1991 "On the main constitutional provisions", on the proposal of the Council of Ministers,

**THE PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA**

**D E C I D E D:**

**CHAPTER I**

**DEFINITIONS**

**Article 1**

Within the meaning of this law:

"Regional urban planning study" is the complex urban planning study and includes the territory of one or more municipalities and districts;

"Master plan" is the urban planning study with a certain subject and includes all the country territory or separate parts of it;

"Environmental study" is the study conducted to determine the ecological conditions or state of a given environment;

"General adjustment plan" is the complex urban planning study of a limited territory and includes the territory of a city together with the suburban area (outskirts) of the perspective extension of a village, an urban area, a recreational area, an industrial area etc;

"Partial urban planning study" is the detailed urban planning study based on the forecast of the general adjustment plan and includes areas of part of its territory where adjustment interventions are forecasted;

"Construction site blueprint" is the graphical material that is extracted from the partial urban planning study and is attached to the decision of approval of the construction site and its urban conditions;

"Construction bordering line" is the geographical border of the territorial extension of constructions;

"The border of the suburban area or the suburban line" is the geographical border of the territorial extension of the town outskirts for a multi-annual period;

"Construction line" is the permitted border for the construction of volume with the surround area referring to;

"Site" is a piece of land that is located within the bordering line of the construction determined through the urban planning study approved to build on it;

"Public property territory" is the piece of land inside and outside the bordering line of the construction and approved for public use;

"Private property land" is any piece of land inside and outside the bordering

construction line in private property;  
"Draft project" is the development phase of a construction project sufficient to use in the deliberation of the approval of the construction site;  
"Technical project" is the development phase of construction project sufficient to use in the construction permit issuance;  
"Implementation project" is the development phase of construction project sufficient to use in the implementation of the object construction;  
"Urbanization" is the process of occupation of a piece of land to construct, from the simple adjustment elements to the definite construction;  
"Protected area" is the area of special natural values and ecologically sensitive;  
"The green area" is the piece of land destined for greening, from the grass to the high greening [trees and bushes];  
"Urban planning conditions" are the technical conditions and requirements compulsory to be applied that define the space development of a construction (extension in length, width, volume, form, etc).  
The Urban planning Regulation determines the content and the preparation methodology of the above definitions.

## **CHAPTER II**

### **GENERAL PROVISIONS**

#### **Article 2**

Urban planning, within the meaning of this law expresses and defines the general rules of construction placement and architecture in the entire territory of the Republic of Albania.

In determination of these rules shall be taken into consideration the economic and social development, present or future of the country, at the national and local level, the protection of the country, the protection of the environment, preservation and display of the urban planning, architectural and archeological values as well as the protection of legal interests concerning the private property.

#### **Article 3**

The local government organs shall be the management of the territory under their jurisdiction, in compliance with the competences provided for by law. Aiming at the life conditions improvement, territory is managed on legal basis, to ensure the environment protection, to preserve the equilibrium in the development of urban and rural areas and at the present conditions improvement, the local government organs shall harmonize their decisions mutually, honoring the local autonomy.

#### **Article 4**

All construction in the territory of the Republic of Albania shall be done based on regional and environmental urban planning studies, master plans, general adjustment plans, partial urban planning studies in the draft project phase and on technical and implementation projects. The project of all the types of superficial and subterranean

constructions and of engineering infrastructure in the entire territory of the country shall be based on norms, technical conditions, laws, and by-laws in force.

#### **Article 5**

The regional urban planning and environmental study, master plan, general adjustment plan, partial urban planning study, construction bordering line and suburban line are technical documents that condition and determine all the technical and legal relations in the field of urban planning. The Council of Ministers approves the Urban planning Regulation, which determines the content and manner of formulation of these documents.

#### **Article 6**

Outside the urbanized territories shall be permitted to construct only in cases when determined in the regional studies and master plans approved by the competent organ. The regional studies and master plans shall be formulated excluding from construction agricultural lands of the first, second, third and fourth category, determined by a technical report of the directory of agriculture and food in the district, as well as the protected natural areas.

### **CHAPTER III**

#### **COMPETENCES OF THE STATE ORGANS IN THE FIELD OF URBAN PLANNING**

#### **Article 7**

The highest state organ for approval of the urban planning studies is the Council of Territory Adjustment of the Republic of Albania (CTARA).

#### **Article 8**

CTARA is a decision organ and functions close to the Council of Ministers. The Chairperson of the CTARA is the Prime Minister. The Council of Ministers shall determine the composition, number of members and their compensation amount by decision.

#### **Article 9**

CTARA approves the following decisions:

- Terms of Reference for studies approval of which is under its competence;
- Regional urban planning studies;
- Master plans of areas with a surface more than 10 hectares;
- Regional and partial urban planning studies of development of the tourism areas;
- Master plans of development of the tourism areas;
- General adjustment plans, constructions bordering lines and the suburban border

of cities that are administrative centers of a district and of other towns with a population of over 10 000 inhabitants;

- Urban planning studies of the towns centers with a population of over 50 000 inhabitants;

- Partial urban planning studies within towns with surface of larger than 15 hectares;

- Studies of city parks, national parks and national reserves of preservation of biodiversity and of protected natural areas;

- Regional studies on port, airport and strategic areas.

- Draft Projects of the general studies of road, rail, energy, water supply, sewage, telephone, gas and petroleum supply infrastructure inside town and in areas outside those; – Construction sites and the projects of objects within those with a surface of over 0.5 hectares proposed to be constructed outside bordering lines of towns, villages and residential areas according to the definition in the regional studies and master plans. The relevant District Council asks for the opinion of the Ministry of Agriculture and Food on sites with surface over 0.5 hectares outside the bordering lines.

- Construction permits for important objects in the centers of the towns, urban planning studies of which are approved by it [the CTARA].

- Urban planning studies, construction sites and permits in the tourism areas, which are in the disposal of the Committee for Tourism Development.

#### **Article 10**

CTARA on its own or on request of local councils, prefectures, in cases when notices legal violations in decision-making of districts and municipalities CTAs and when the government programs implementation is impeded, reviews and take decisions repealing decisions taken by the municipalities and districts CTAs.

#### **Article 11**

The technical secretariat of CTARA functions in the relevant ministry and follows up the activity of territory planning in the Directory of Territory Planning. The Council of Ministers shall determine with separate provisions the duties of the technical secretariat.

#### **Article 12**

The relevant ministry that follows up the activity of territory planning through the Directory of Territory Planning shall co-ordinate the work between the CTARA state organs and those of local government in the field of territory planning. This directory has the right to conduct controls in the local government organs dealing with territory planning as well as to study and prepare drafts of laws and by-laws.

#### **Article 13**

Institute of Studies and Urban Planning is the state organ at a national level that designs studies and urban construction plans defined in the Urban Planning Regulation. This institute is subordinate of the Ministry of Public Works and Transport.

#### **Article 14**

The specialized organs on urban planning in the local government are:

- The Council of Territory Adjustment in the District Council, in the Municipality of Tirana and in other municipalities, which are of the first category towns (CTA).
- The urban planning section in the District Council and in municipalities that are towns of the first category (the urban planning directory in the Municipality of Tirana) and the technical secretariat of the CTA;
- The urban planning office in municipality;
- The urban planning office in the commune.

Establishment and functioning of the CTA is done respectively on the proposal of the District Council, of the Municipal Council of Tirana or of towns of the first category and the ministry, covering the activity in the relevant approves it. The members of the CTA shall be compensated for their work.

#### **Article 15**

Within the meaning of this law, towns of the first category are Shkodra, Durrësi, Elbasani, Fieri, Vlora, Korça, Saranda, Gjirokastra, Berati, Pogradeci, Lezha, Lushnja and Kavaja.

#### **Article 16**

The CTA function as a decision-making organ in the District Council, Municipality of Tirana and municipalities that are towns of the first category. The Chairperson of the CTA is respectively the Chairperson of the District Council and the Mayor. The CTA is composed of 15 members who are experts with experience in the relevant field.

#### **Article 17**

The members of the CTA of municipality of the first category towns are: Mayor; Chief of urban planning office; Chief of urban property registration office; Director of the Construction Police or an officer proposed by him; Chief of legal office; Chief of public infrastructure; inspector of the regional environmental agency; greening expert, three urban planners or architects designated by the Municipal Council; two urban planners or architects and a construction engineer and a construction expert proposed by the prefecture.

#### **Article 18**

Member of the district CTA are: The Chairperson of the District Council; Chief of urban planning office, Chief of agricultural property registration office; Director of agriculture and food of the district; Director of the Construction Police or an officer proposed by him; Chief of legal office; Chief of public infrastructure office; Director of roads sector or an officer proposed by him; inspector of the regional environmental agency; inspector of fire protection; two urban planners or architects and a construction expert or construction engineer proposed by the District Council; two urban planners or architects proposed by the prefecture.

### **Article 19**

The CTA of Municipality of Tirana is composed of 21 members. Members of CTA of the Municipality of Tirana are: Mayor of Municipality of Tirana; Director of Urban planning Directory of municipality; Director of legal office in municipality, Director of the Directory of Territory Planning in municipality; Director of the Directory of Territory Planning in the Ministry of Public Works and Transport; Director of General Directory of Water Supply and Sewer; Director of the Regional Directory of Roads Maintenance of Tirana; Director of the Institute of Studies and Urban planning Design; Director of the Construction Police; Chairperson of the Regional Environmental Agency of Tirana; Director of the Greening Enterprise of Tirana; three urban planners or architects proposed by the municipal Council and one constructor, expert proposed by the Prefecture of Tirana.

### **Article 20**

The CTA in the district or municipality shall approve and propose changes with regard to the following:

- Terms of Reference for the design of any kind of urban planning study on the territory under its jurisdiction;
- Platform [the format] for development of competitions of urban planning studies;
- Regional plan, master plans and the general adjustment plan of town comprising the district and partial urban planning studies of any size in conformity with the development programs;
- Bordering line of construction and the border of suburban area;
- General and partial urban planning studies of communes;
- General adjustment plans of communes;
- General adjustment plans of villages;
- Construction sites with their destinations together with urban planning conditions based on the approved urban planning studies;
- Implementation project of objects constructed in a construction site of any size
- Construction sites and permits;
- The CTA of the district and municipality shall approve the consideration as illegal of the already approved increased object volume and sanctions on it.

The materials that the CTA of the district, Tirana Municipality and municipalities of the first category towns reviews, on the basis of studies and the opposition, are prepared by the technical secretariat of the CTA, the function of which is executed respectively the urban planning section in the District Council, Tirana Municipality and in those first category municipalities. The materials that are forwarded, due to lack of competence, to the CTARA must be submitted no later than 30 days after their approval by the district of municipality CTA.

### **Article 21**

The district and municipality CTA convenes once a month and on request of its Chairperson or of 1/3 of its members convenes in an extraordinary meeting. The meeting is official when 2/3 of its members are present. The Decision of the CTA is taken with majority vote and is signed by the CTA Chairperson. All members of the CTA, present in the meeting shall be obliged to sign the minutes of the meeting after

reading it. In the meeting of the CTA participate without the right of vote representatives of the interested local government. In case when the District Council or Municipal Council have objections and do not agree with decisions taken by the CTA, they have the right of veto only once. In cases when the CTA does not change the decision, it remains effective.

## Article 22

The urban planning section in the District Council, in municipalities of the first category towns and the Directory of Urban planning in the Municipality of Tirana has the following competencies:

- Prepares materials of studies in the field of territorial planning and development under its jurisdiction and submits for review in the CTA;
- Designs urban planning studies or orders them in conformity with the law from state or private design institutions licensed in the field of urban planning studies, upon opinion of the CTA, in implementation and elaboration of the regional urban planning studies, master plans, general adjustment plans and partial approved studies.
- Manages the work for formulation of the Terms of Reference of the regional plan, general adjustment plan, of territorial development master plans, partial urban planning studies, etc;
- Prepares the technical documentation and submits for approval in the District of Municipal Council;
- Submits to the CTA applications for construction sites. In cases when those are public property submits to the CTA, upon the District Council, the Municipal Council and the Communal Council has determined and distributed ownership of the sites;
- Submits applications for construction permit, applications for object demolition and tree cutting;
- Prepares the decisions of the CTA and the necessary technical documentation together with urban planning conditions approved by CTA and delivers to the applicant no later than 30 days after CTA decides, upon the applicant's obligations pay off towards the state according to the law.
- Designs urban planning studies for communes and adjustment plans for villages;
- Controls, in conformity with approved permits, the use according to destination of relevant constructions;
- Keeps the property registration and urban statistics, makes periodical update of the city blueprint and archives it at the end of each year;
- Delivers every 6 months to the Ministry of Public Works and Transport statistical information about the territory planning sector;
- Determines, upon construction permit approval and in compliance with the law, valuation of the site public property on which construction will take place;
- Keeps the control acts of the following phases of works implementation: to picket the object, completion of foundations and building framework as well as archives the object technical documentation and other documentation of the object;
- Proposes norms of special urban planning conditions and submits for review to CTA;
- Prepares upon approval of CTA the material on relevant changes, in cases when new conditions for change occur in the approved studies by other higher state organs;
- Keeps frequent contacts with the technical secretariat of the CTARA and with

urban planning offices in municipality and commune;

- Gives its opinion in writing about any material that submits to CTA.
- Get information about licenses in the field of design and implementation and makes proposals to the competent organs to lift licenses in cases when misused.

#### **Article 23**

Designation and dismissal of the Chief of urban planning section in the District Council and in municipalities of first category towns shall be done respectively on the proposal of the District Council, Municipal Council of first category towns and is approved by the relevant minister. The relevant minister in special and justified cases decides their dismissal.

The minister shall designate and dismiss the Director of the Directory of Urban Planning in the Municipality of Tirana.

#### **Article 24**

The urban planning section in the District Council, Directory of Urban planning in Tirana Municipality and urban planning office in municipalities of first category towns must have the following structure:

- Chief of the section (Director of Urban planning in Tirana Municipality);
- Technical secretariat of the CTA;
- Sector of design study urban planning;
- Sector of urban property registration;
- Sector of legal urban planning;
- Sector of engineering infrastructure and environmental impact assessment.

The District Council and the Municipal Council, shall determine the number of employees of urban planning section respectively but no less than seven urban planners, architects, infrastructure engineers and topographic engineers in districts and first category towns and no less than five urban planners, architects, environment engineers, infrastructure engineers and topographic engineers or similar experts in other districts.

The Municipal Council shall determine the number of employees of the Directory of Urban planning in Tirana Municipality, but no less than 35 urban planners, architects, environment engineers, construction engineers, infrastructure engineers, topographic engineers, environmentalists or similar experts.

#### **Article 25**

In the Directory of Urban planning in Tirana Municipality, urban planning sections in the District Councils and urban planning offices in municipalities of the first category towns shall be established the technical council, composition of which is approved by the Tirana Municipal Council, District Council or Municipal Council of first category towns. Composition, functioning, rights and duties of the technical council shall be determined by normative acts.

#### **Article 26**

The urban planning office in the municipality has the following rights:



- Manages the work for formulation of Terms of Reference of urban planning development design of the town and the necessary technical documentation for design of the adjustment plan and submits for approval to CTA and to the Municipal Council.
- After approval from the Municipal Council and from the relevant organs of design Terms of Reference, shall order the design of town adjustment plan to the specialized organs in reliance with laws in force.
- Designs and orders partial urban planning studies from specialized design organs, private or state, licensed in the field of urban planning, in reliance with legal provisions in force and in application and elaboration of town general adjustment plan, upon primarily receipt of CTA opinion.
- Reviews applications for construction permit of any object and the enclosed documentation and only where there is a general adjustment plan or partial urban planning study approved, after gives its opinion, submits for review to the CTA. It delivers the paperwork to the technical secretary of CTA. The number of employees of the urban planning office shall be determined by the Municipal Council, which shall be urban planners, architects, environment engineers, infrastructure engineers and topographic engineers, but in any case no less than five experts for municipalities' center of the district and no less than three experts for other municipalities. The Chief of urban planning office in the municipality must be an urban planner, an architect or an environmental engineer for municipalities of first category and may be either a construction or an environmental engineer for municipalities of other categories.

#### **Article 27**

The urban planning office in the commune has the following rights and duties:

- Manages the work for application of urban planning development program approved within the territory of the commune;
- Reviews applications for construction site and permit and the relevant documentation only where exists an approved general adjustment plan and partial urban planning study together with its opinion [remarks] and submits for approval to the Communal Council;
- Submits for approval to the district CTA the applications for construction permit, construction sites, for objects demolition and trees cutting.

#### **Article 28**

In cases when Chiefs or officers of urban planning sections and offices notice violations of this law, within to two days notify the relevant construction Police organs. Failure to fulfill this obligation by the responsible persons, when does not constitute criminal violation, constitute serious breach of the work discipline. The responsible persons shall be obliged to pay off the occurred damage, because of committed breaches, when juridical, natural persons, private or state require this action. In such cases, discrepancies shall be resolved in the court.

## CHAPTER IV

### MANAGEMENT OF LAND WITHOUT CONSTRUCTIONS

#### Article 29

Management of land for construction shall be done through regional plans, master plans, general adjustment plans, and partial urban planning studies. The Regulation of Urban planning determines their content.

#### Article 30

Within the meaning of this law, the land private property and the land, public property has the same value for urbanization. The manner of their use for construction purposes shall be defined in the regional urban planning studies, master plans, general adjustment plans and partial urban planning studies.

#### Article 31

In application of all types of urban planning studies, according to their implementation phases in compliance with this law and other legal acts, shall be executed the expropriation in full conformity with private immovable property valuation and with relevant expropriation procedures.

#### Article 32

Owners of the lands within the constructions bordering lines in towns, villages and residential areas have the right that through licensed organs and persons to perform studies on their estate territories upon receipt from urban planning organs the criteria and urban planning conditions defined in the studies in force. These studies are not compulsory for use by state organs, but they can be presented as options of technical solutions for discussion in the CTA under the jurisdiction of which is the land, together with the studies that the local government has the right to design on the same territories.

#### Article 33

Shall be prohibited the extensive urbanization of areas with natural values, of agriculture lands and private property forestlands. The owners of agriculture lands outside the construction bordering lines of towns, villages and residential areas have the right to request the urbanization of their estates only based on determinations in the regional studies, master plans and suburban areas studies, approved by the competent organ.

#### Article 34

The landfill of all kinds of waste including those of technological and construction origin, dependant of the size of the landfill and of the processing technology shall be approved by the CTA under the jurisdiction of which is the area of landfill location.

This determination must be done in the level of the regional study or of master plans. In any case, the documentation shall be reviewed and approved additionally by the regional environmental agency and the state sanitary inspectorate.

#### **Article 35**

The District Council, the Municipal Council and the Communal Council must update with legal documentation territories of public property under their jurisdiction. Only after these actions are completed based on urban planning studies, they have the right of review and proposal construction permits for these territories in compliance with the law according to their relevant competencies.

#### **Article 36**

Regional plans, master plans, general adjustment plans and partial urban planning studies design by organs designated by this law, shall be filed within 15 days from the date of their completion in the technical secretariat of CTA of the district or first category municipalities and for a 30 days time limit shall be available to the interested persons. The public media release the notice. The interested individuals concerning this documentation shall present their remarks to the urban planning section at the local level. Within the 30 days time limit, the design organ in co-operation with relevant office or section in the district, in the first category municipalities and Tirana Municipality includes the remarks and the final documentation is submitted to the closest meeting of the relevant CTA.

#### **Article 37**

Regional plans and master plans shall be prepared for periods of over 20 years, whilst general adjustment plans and partial urban planning studies shall be prepared for certain periods of 10 to 15 years including priorities of the 5 year first phase. They can be modified on proposal of local government organs justifying the modification and approving these modifications by organs competent for their approval. During the time, that modification of any kind of urban planning study is prepared and until it's final approval shall be effective the previous study.

#### **Article 38**

Submission of applicant in writing for approval of the construction site and its urban conditions, as well as of any urban planning study shall be compulsory to any natural or juridical person, local or foreign, which will construct a superficial or subterranean structure. The application for construction site shall be done based on Form No.1 that is attached to this law. The Urban planning Regulation provides the technical definitions of the documentation and its graphical form.

#### **Article 39**

Application for construction permit of any kind shall be submitted to the urban planning section of the District Council, to the urban planning office of the municipality or to the urban planning office of the commune, dependant of the

location of site. Urban planning offices after review of documentation and when it is found in conformity with legal requirements forward to the urban planning section of the District Council or urban planning office in municipalities of the first category and to Tirana Municipality, to follow procedures of submission and review of the relevant CTA.

For any construction site, the application must be based on the approved urban planning study of the therein mentioned area, in the contrary documentation is turned back for study completion, if possible by the state organ or the interested individual, which may design the urban planning study in the licensed organs in conformity with the urban planning development strategy of the district of area. The relevant urban planning offices provide clarification to the interested individual. The interested individual may design studies on his own expenses honoring the requirements of the law.

#### **Article 40**

Destination of the main construction sites and their urban planning conditions shall be determined in the approved general adjustment plans or partial urban planning studies.

Only its proprietor shall do the application for approval of the functional destination and of the urban planning conditions of the site, private property.

For a construction site, public property several applications may be submitted, The District Council, the Municipal Council and the Communal Council review applications in the form of competing tenders choosing the one that meets best the financial, economical, social, urban planning, architectural, functional, environmental and other conditions, which have the same importance in the evaluation of tenders.

#### **Article 41**

Local government organs when interested for constructions in a certain area that is public property, on objects of public and social importance shall announce competitions. Review and selection of tenders shall be conducted in compliance with the law.

#### **Article 42**

District Council, municipal or communal Council, in compliance with requirements of this law, shall be obliged to make available to the National Entity of Households, the construction sites for construction of households for persons that don't have a house [homeless] in territories public property according to its request for a 2 years time limit.

#### **Article 43**

For site public property, the district, municipality or commune urban planning offices publish the approved study and applications for construction sites in public property territories as per their location. Publication is made no less than 20 days prior to the date scheduled for their review in the District, Municipal or Communal Council. According to the competence the District, Municipal and Communal Council shall

review applications, enclosed documentation, comments of urban planning office and decides on majority vote granting the site to the best tender [offer]. Decision of these councils shall be announced and signed by the Chairperson of the District Council and the Mayor of municipality or commune. The decision of the CTA for granting of the construction site on public property and urban planning conditions, based on which the project for construction permit will be designed, after selection done by the District, Municipal and Communal Council, shall be conducted according to Form No. 2 attached to this law. Reply about the construction site application either for the site private property or the one public property shall be issued respectively from the urban planning section of the District Council, from the urban planning office of the municipality and commune where the application has been submitted.

#### **Article 44**

From the date of application submission for approval of the site with its final functional destination as well as the urban planning conditions to the decision announcement must not pass more than two months. In case that the application does not agree with the decision of CTA may file a complaint of application re-review to the District and Municipal Council. The re-review of the application and the CTA decision is final.

#### **Article 45**

Any natural and juridical person, local or foreign that will construct in the territory of the Republic of Albania must provide a construction permit. This is the single legal document, based on which construction shall be permitted. The construction permit shall be granted to the licensed constructor juridical person. Either in the case where the land is private property or in the case where is public property, the constructor juridical person must submit the contract entered with the land proprietor or with the person to whom construction site has been granted by the CTA. The application for construction permit shall be done according to Forms 3 and 3/1 of this law. In the Urban planning Regulation shall be determined the technical requirements of documents and their graphical form.

#### **Article 46**

From the date of approval of function destination and urban planning conditions of the construction site until the application submission for construction permit on sites public property with surface up to 0.1 hectares must not pass more than 3 months and on sites of surface over 0.1 hectares must not pass more than 6 months. In case of violation of these deadlines for public property sites, the urban planning office or section notifies the Council of Municipality, Commune or District according to the site location, which decides for extension of the deadline or another distribution of the site. In cases of private property territories the time limit of the CTA decision for approval of function destination of the construction site and its urban planning conditions, regardless of the surface is 6 months. In case of expiration of this deadline, the application shall be submitted again. When deadlines for the decision of construction site are not met, for either private property territory or public property one, the decision of CTA becomes invalid.

#### **Article 47**

Shall be prohibited the transferal in any form of the construction permit.

#### **Article 48**

The construction permit is requested for the following works:

- New constructions of any kind, on and underground, additions, various plants, roads, bridges, ports, airports, motor-ways, railways, infrastructure works, water supply, sewer, telecommunication, energy, gas, petroleum, steam supply systems, construction materials quarries;
- Construction on existing foundations;
- Modifications of objects affecting its façade with architectural elements as well as when executed interventions in construction and durability of the existing object;
- New opening and closure of windows [in the existing walls], new entrance in the first floors of the existing buildings, modifications in object volume increase in the form of lateral additions or construction of additional floor;
- Elaboration of façade decorations, plastering, painting, etc;
- Temporary and permanent fences;
- Fences and temporary establishments for the period of construction work implementation;
- Construction of kiosks, exhibitions, fairs, tribunes, advertisement boards, etc;
- Trees cutting;
- Building demolitions;

#### **Article 49**

The Directory of Urban planning in Tirana Municipality and urban planning sections in first category districts and towns shall review applications for construction permit on the following:

- Temporary fence for construction sites approved with a 6 months period;
- New entrance in the encircling wall, temporary and permanent yard encircling;
- New doors and entrances that do not influence the architecture and construction;
- Permit for change of destination of existing objects;
- Permit to place advertisement boards;
- Permit to demolish buildings.

These applications shall be reviewed by the relevant technical councils according to the procedure determined in Article 22 and shall be approved by the Mayor or the Chairperson of the District Council of first category. The permit of tree cutting is competence of the CTA.

The technical secretariat informs the CTA regarding the approved permits for these cases. When a member of the CTA has remarks on these permits, they shall be discussed in the CTA meeting and the CTA has the right of annulment of these permits.

#### **Article 50**

The CTA shall approve and reject the issuance of construction permit on majority vote. Decision for approval of construction permit is issued with the signature of the

CTA Chairperson. This decision is accompanied with the relevant blueprint signed by the CTA Chairperson and the Secretary.

The CTA has not the right to approve the construction permit in case when:

- The submitted design has changed the construction site destination;
- The submitted design has changed the measurements of construction site.

From the date of application submission until the approval or rejection date of it, no more than 45 days must be passed.

In the technical secretariat of CTA shall be filed all the submitted technical documentation that includes documents according to the law and the complete technical design as well as basic construction calculations and the cost estimation. The documentation must be the original in the Albanian language

#### **Article 51**

Natural and juridical person, prior of receipt of construction permit must pay 1% of the investment value according to the object cost estimation sheet. This fund will be deposited for financing of urban planning studies of the local government.

Additionally, natural and juridical person prior of construction permit receipt must pay for the use of existing water supply, sewage, energy, telephony, roads, etc network as below follows:

- 5% of the investment value according to the cost estimation when the object is constructed inside the towns bordering lines;
- 2% of the investment values according to the cost estimation when the object is constructed outside the towns bordering lines.

Control of payments with the final cost estimation of the object to be constructed and the infrastructure project shall be done by the technical secretariat of CTA in co-operation with the finance section.

Payment shall be done immediately in the finance section of the district or town council of the first category (or Tirana Municipality) with authorization of CTA technical secretariat. This fund will be used for reconstruction of the infrastructure networks of local government units. The permit document shall be issued upon filing of the payment receipt in the object file.

#### **Article 52**

The validity period of the construction permit shall be determined in the decision of the CTA and CTARA. When the object to be constructed needs a longer duration than the one approved, an application is submitted together with the justification of the extension of permit time limit. In this case, natural and juridical person does not make additional payments.

#### **Article 53**

The construction permit shall be issued to its applicant according to Form No. 4 attached to this law. In cases when the site surface is over 0.5 hectares, the construction permit shall be filled in by the CTA technical secretariat, upon approval of the permit by CTARA.

For important objects that are constructed in the center of the towns, urban planning studies, which have been approved by CTARA, the construction permit is approved

by the CTARA. The permit Form shall be filled in by the CTA technical secretariat of the relevant district or town. For objects that are procured with state funds, the construction permit is issued to the organ that approves the funding, prior to contracting the object construction.

#### **Article 54**

In the construction permit shall be determined the obligation of acceptance of the construction control by the urban planning directory in Tirana Municipality, by the urban planning section in the district and in towns of first category, by the urban planning office in municipality or commune, which must notify in writing the CTA technical secretariat for each control.

The control is conducted for the following:

- Picketing of the object;
- Completion of foundations;
- Completion the framework for the entire object;
- Completion of the construction site adjustment according to the design.

Any control act shall be filed in the object file. Shall constitute administrative contravenes and punish with a penalty all cases when is proved that the surface and volume of the object is enlarged breaching the conditions of the project approved in the construction permit. The organs of the Construction Police shall determine the amount of the penalty of this administrative contravene.

In cases when the CTA or the Construction Police decides the demolition of the volume that is constructed additional to the approved design, the contravener shall cover the demolition expenses.

#### **Article 55**

Sale of the site state or public property shall be done in compliance with the Law No. 7980, dated 27.7.1995 "On the sale of sites". In cases of constructions in public property, at the moment of construction permit receipt, the natural and juridical person shall pay 50% of the site value and when the first floor framework completes, the remaining amount shall be paid.

#### **Article 56**

In the establishment of the construction site, the natural and juridical person that implements the works shall be obliged to expose in the visible place a bill board with data on the type of object, name of the implementing company, director of works, chief of works implementation, name of the juridical or natural person that is designer of the project and the deadline of works completion.

#### **Article 57**

In the construction permit the border of the temporary fence, height and type of encircling in order not to impede the view for the road circulation and aesthetical view and in no case shall be permitted that the encircling occupies the sidewalk. Prior to construction work receipt, the applicant shall declare in writing that will keep roads, sidewalk and the environment around the object clean during the construction and on



completion of the works will recover it to the previous state, in particular the damaged roads and sidewalks as well as the subterranean wiring. When actions executed in contrary to the construction permit conditions, which cause damage to environment, the CTA has the right to suspend the works and to require fulfillment of all the obligations according to the declaration, as well as payment of expenses in an equal amount of the works to be executed until the recovery of the surrounding environment in the previous state.

In cases when the permit possessor suspends works, the construction permit time limit expires and when due to interruption of works, the phase of object construction causes disturbances for functions and surrounding environment state, the possessor of the permit shall be fined. In cases when works do not continue again, the District Council, Municipal or Communal Council shall recommend to the CTA, beside the lift of construction permit, other solutions to recover the normal functions and state of that area.

#### **Article 58**

Permit for construction of temporary objects shall be granted only in cases of natural misfortunes or in similar case with those. Temporary constructions shall be constructed with dismountable materials without using concrete structures, concrete blocks, wall, and concrete panels. Permit for construction of these temporary objects shall be granted for a period of one year.

#### **Article 59**

Objects that constitute potential risk of bruise to life and health of people and to third parties property, that are not repaired by the owner within the maximal limit of their physical durability, determined on basis of technical reports of experts, shall be demolished by the owner in the time limit determined by the CTA. After expiration of this time limit, they shall be demolished by the organs of Construction Police based on the request of the CTA. The object proprietor shall pay expenses of demolitions. The order signed by the CTA Chairperson for payment of these expenses is an executive title.

#### **Article 60**

Urban planning Directory of Tirana Municipality, urban planning offices of its units, urban planning offices of other municipalities, urban planning sections of district councils and urban planning offices of communes shall control the destination of use of constructions in conformity with the one approved.

Any modification of the constructions destinations in general, transferal of private buildings from ownership of a proprietor to another proprietor, and when this transferal is done through destination change, shall be done upon permit receipt by the abovementioned offices.

#### **Article 61**

In the regional studies, master plans, general adjustment plans and partial urban planning -studies, in co-operation with the National Environmental Agency and the

General Directory of Forests and Pastures shall be made the classification of green territories to be protected, preserved and increased. This classification, upon approval, shall impede any type of modification, damage or reduction of green spaces through granting of construction sites, modification of their destination, which cause damage in the protection and increasing of these areas.

#### **Article 62**

CTAs of districts, of first category towns, of Tirana Municipality and the CTARA have no right to approve any permanent or temporary construction, outside the territory determined in the approved studies, in public property territories such as:

- Territories of social and cultural objects;
- Green territories;
- Sports territories;
- Sites and spaces between existing blocks of buildings;
- Roads, public squares, and parking, determined and interpreted in the Urban planning Regulation.

Constructions that may be done are only those determined in the urban planning study in full conformity with the approved function.

In cases of properties returned from commission of return and compensation of properties to former proprietors, when these properties are located in such territories, the CTAs of all levels do not have the right to modify the determined destination in the approved study. In these cases, proprietors of lands have the right of compensation according to laws in power.

#### **Article 63**

Application to cut or uproot trees shall be done according to Form No. 6 attached to this law. The CTA, under jurisdiction of which is located the area where trees will be cut or uprooted, shall review the application. In case when the CTA decides to approve this application, it issues the construction permit, which is issued only after receipt of payment for any cutting or other damage. The payment is done in the enterprise subordinate of municipality, commune or district that manages green territories. Juridical and natural person, prior of issuance of tree cutting permit, shall be obliged to plant trees triple the trees to be cut, in an area determined by the greening or forest enterprise.

Permit of tree cutting is valid only for a period of 3 months.

### **CHAPTER V**

#### **CONSTRUCTIONS IN TOURISM AREAS**

#### **Article 64**

Tourism coastal, lacustrine and continental areas are approved by separate provisions. They have the geographical border of their extension approved by relevant organs. Law shall determine criteria of constructions within those borders

#### **Article 65**

Development of constructions in tourism areas shall be determined in regional and master plans of tourism development.

#### **Article 66**

Development of constructions in tourism areas shall be done preserving maximally the nature and their functions. These constructions shall develop as a rule in territories that damage greenery the least. Shall be impeded the development of a tourism structure without an approved study of engineering structure.

#### **Article 67**

Aiming at protection of tourism areas:

- Shall be prohibited extraction of earth materials within the border of the tourism area such as earth, gravel, sand, stones, wood, etc.
- Shall be prohibited extraction materials from riverbeds, in coastal and lakeshore areas;
- Shall be prohibited works of drying, reclamation, creation of dumps and other reclamation works, except of cases approved by the CTARA, the National Water Council and the National Environmental Agency in reliance of provision of environment impact.

These conditions are valid even to coastal protection works executed by the Ministry of Defense.

#### **Article 68**

Towns, villages and other residential areas within the border of tourism, coastal, lacustrine and continental areas shall be developed based on their adjustment plans. Cohabitation with natural ecological systems shall be resolved based on regional studies and master plans.

#### **Article 69**

Establishment and enlargement of commercial coastal, tourism and fishing ports as well as industrial, commercial and tourism areas shall be done on basis of master plans of tourism areas development.

#### **Article 70**

Construction sites for tourism coastal, lacustrine, and continental objects shall be approved in conformity with approved urban planning studies by the CTARA. Studies and construction sites approved for these areas, shall be available to the Committee for Tourism Development to select offers of investment.

CTARA shall approve permits for constructions in tourism coastal, lacustrine and continental areas. Procedure of completion and submission of the documentation is done in the section of urban planning of the relevant district upon prior receipt of decision of Committee of Tourism and the National Environmental Agency.

## **CHAPTER VI**

### **MANAGEMENT OF AREAS AND TERRITORIES OF PECULIAR CULTURAL, ENVIRONMENTAL, ARCHEOLOGICAL, MUSEUM AND STRATEGICAL VALUES**

#### **Article 71**

In design of regional studies, master plans of territorial development, adjustment plans and partial studies, territories of peculiar environmental, historical, cultural, archeological, museum, military and strategic values shall be marked, described and protected in compliance with separate provisions.

#### **Article 72**

In design of regional studies, master plans of territorial development, adjustment plans and partial studies, shall be determined territories of environmental values, ecological systems, national parks, flora and fauna reservations, according to classification and criteria for their preservation, protection and development, provided for with separate provisions.

#### **Article 73**

Sites, existing construction objects and complexes of archeological, museum and historical values must be honored in the urban planning studies ensuring their protection according to requirements of specialized institutions. Shall be prohibited any type of construction in a distance of 200 meters from the border of archeological sites under protection. Constructions in museum cities, their protected sites and near separate monuments as well as sites around them shall be done in accordance with definitions of this law getting prior opinion of the relevant institutions.

#### **Article 74**

Preservation, protection and development of structures, architectural and urban planning object of special values are reflected in the urban planning studies and approved by CTARA.

## **CHAPTER VII**

### **ILLEGAL CONSTRUCTION AND ARBITRARY OCCUPATION OF THE SITE**

#### **Article 75**

Arbitrary occupation of the site for any type of construction, besides punishment with a fine, shall be accompanied by the obligation of immediate demolition of the object and return of the site in the previous state at the contravener expenses.

Impose of the penalty, demolition of the object and return of the site in the previous state shall be applied based on the order issued by the Chairperson of Construction Police of the district. The Construction Police shall execute the order with assistance of specialized organs and subjects.

#### **Article 76**

Construction done without construction permit is illegal. Shall be prohibited their registration in the registers of immovable properties. For the purpose of implementation of urban planning plans, no indemnification or expropriation of illegal construction shall be made, either by state organs or by private subjects that implement urban planning studies approved by competent organs.

#### **Article 77**

For illegal construction completed until the time of entry into force of this law, the relevant CTA decides the following:

- When completed constructions impede implementation of approved studies of any level that are effective, the CTA decides their demolition according to implantation phases of the studies;
- When those constitute risk to environment or occupy public territories, they shall immediately demolish.

For construction completed without permit by owner in their land, when urban planning conditions are met, the CTA shall decide their legalization with the condition of compulsory payment of a fine equal to 10% of the completed investment value, whilst for residential houses 4% of this amount. Evaluation experts of immovable properties shall determine this investment value on request of urban planning section or office. The urban planning office or section shall approve compensation of experts' payable by the contravener.

#### **Article 78**

Constructions that are executed without construction permit in the approved site are illegal constructions. Urban planning section of municipality or district, urban planning directory of Tirana Municipality, the Municipal Police and other interested persons, when notice such constructions, shall notify immediately the Construction Police Branch in the district about the illegal construction. The Construction Police Branch, upon receipt of notice from the above organs or on its own initiative shall decide immediately the suspension of the illegal construction and impose the amount of the fine according to Article 81 of this law.

#### **Article 79**

The CTA of the district or of Tirana Municipality shall decide on the illegal construction suspended according to Article 78, in its next meeting.

The CTA grants the construction permit when construction meets requirements of this law, in the contrary shall decide to demolish the illegal construction. These decisions are final and the demolition of the construction shall be executed within five days from the issuance of the order of Mayor of municipality or district for demolition

of the illegal construction in application of CTA decision.

#### **Article 80**

In cases when contraveners impede the application of procedures of Articles 75 and 79, actions from which have resulted or may result consequences for the public order, the Construction Police organs may call the assistance of public order police. In cases when contradiction from the side of contraveners constitutes criminal violation, immediately shall be denounced to the prosecutor for criminal proceeding.

### **CHAPTER VIII**

#### **SANCTIONS**

##### **Article 81**

Besides obligations contained in these provisions, breach and execution of illegal actions that constitute administrative contravene in the field of urban planning shall be punished with a penalty as follows:

- For [violation of] Articles 34, 56, 57, and 58 with 50 000 ALL;
- For Articles 60, 61, and 63 with 200 000 ALL;
- For Articles 66, 67, 73, 75, 77, and 78 with 500 000 ALL.

The Chairperson of the Construction Police Branch shall impose the penalties.

##### **Article 82**

Against the decisions of the Chairperson of the Construction Police Branch, an appeal may be filed within five days from the date of notice to the Director of the Construction Police, which must reply within ten days. Against the decision of the latter, an appeal may be filed to the district court where contravene has been committed, within five days from the date of notice.

##### **Article 83**

Appeal to the court of against decisions of the CTAs, organs of Construction Police and those of penalties impose does not suspend their execution. In case of, based on the final decision of the court, acceptance of accusation or appeal, the damaged person has the right to request from the organ that issued the decision, compensation for the caused damage.

##### **Article 84**

The contravener shall pay penalties, compensations and demolition expenses, determined in this law within 5 days from the day of notice of the Construction Police decision or from the day when the court decision is final. After expiration of this time limit, shall be paid a penalty fee for lateness for 2% daily for a month. After expiration of this limit (one month), organs of Construction Police shall require its execution to the court according to laws in force. Penalties, compensations and expenses shall be

payable to the finance office of the local government organ.

**Article 85**

The attached forms no.1, 2, 3, 3/1, 4, 5, 6, 7, 8 and 9 are integral part of this law.

**Article 86**

Law 7693, dated 6.4.1993 "On Urban Planning" and any other provision that is contrary to the provisions of this law are repealed.

**Article 87**

This law is effective 15 days after publication in the Official Journal.

**Promulgated with the Decree No. 2222, dated 28.9.1998 of the President of the Republic of Albania, Rexhep Meidani**