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EKITI STATE NOTICE NO. 3

By the State Governor's Command,  
**BUNMI FAMOSAYA, mni**  
*Head of Service*

Ado-Ekiti, 25th August, 2011

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**EKITI STATE URBAN AND REGIONAL PLANNING  
AND DEVELOPMENT LAW**

No. 16 of 2011

EKITI STATE OF NIGERIA

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Assented to this 26th day of July, 2011.

**DR KAYODE FAYEMI**  
*Executive Governor of Ekiti State*

(L.S)

No. 3



2011

Ekiti State of Nigeria

**DR KAYODE FAYEMI**  
*Executive Governor of Ekiti State*

(26th July, 2011)

Date of  
Commencement

A LAW TO PROVIDE FOR THE ADMINISTRATION OF PHYSICAL PLANNING,  
URBAN DEVELOPMENT, URBAN REGENERATION AND BUILDING CONTROL  
IN EKITI STATE AND FOR CONNECTED PURPOSES

ENACTED By The Ekiti State House Of Assembly As Follows:

**PART 1 – ADMINISTRATION OF PHYSICAL PLANNING,  
URBAN DEVELOPMENT AND BUILDING  
CONTROL IN EKITI STATE.**

1. There is established, the following physical planning and development agencies (referred to in this Law as the "Agencies") to implement the policies of the Ministry.

Establishment of  
the Agencies



*Urban and Regional Planning and Development Law*

Functions of the  
Ministry

- (a) The Ekiti State Physical Planning Permit and Building Control Agency (Referred to "Planning Permit and Building Control Agency")
  - (b) The Ekiti State Urban Renewal Agency (referred to as the "Renewal Agency")
2. (a) The Ministry of Physical, Urban and Regional Planning (referred to in this Law as The Ministry") shall be responsible for initiation, formulation of policies for all physical Planning, Urban Development, Urban Regeneration and Building Control policies of the State.
- (b) The Ministry shall be responsible for the initiation, formulation of Policies, Programmes and review of all aspects of Physical Planning Urban Development, Urban regeneration and Building Control in the State.
- (c) Implementation of its policies through the relevant agencies established under the provision of this law;
- (d) Preparation of approval of the following hierarchies of physical development Plans;
- (i) Regional Plans;
  - (ii) Sub-Regional Plans;
  - (iii) District Plans;
  - (iv) Model City Plans;
  - (v) Urban/Town Plans;
  - (vi) Urban Regeneration Plans
  - (vii) Development Guide Plans; and
  - (viii) Local Plans including layout and subdivision Plans;
- (e) Provision of technical assistance to all government ministries and agencies on matters relating to physical planning urban development, urban regeneration and building control;
- ✓ (f) Determination of locations of infrastructural facilities and centres of economic activities in the State;
- ✓ (g) Offering advice on State development projects/programmes with socio-economic and environmental impacts as may be referred to it, from time to time;
- (h) Formulation of legislations on physical planning, urban development, urban regeneration and building control in the State;
- (i) Formulations of guidelines for fostering inter-ministerial, intergovernmental bilateral and multi-lateral cooperation on physical

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- planning, urban development, urban regeneration and building control;
- (j) Adoption of measure for the promotion of physical planning, urban development, urban regeneration and building control policies in the State;
  - (l) Creation and administration of data base for physical planning urban development, urban regeneration, building construction and control in the State;
  - (m) Consideration of all matters referred to by the State Executive Council, other government ministries, agencies and the general public;
  - (n) Liaising with agencies of other governments including Federal, State and Local Government in the execution of its physical planning, urban development, urban regulation and building control programme and projects;
  - (o) Regulating the location, positioning, dimensions, appearance, display and manner in which urban furniture shall be affixed to land in the State;
  - (p) Prescription of fees chargeable for its services;
  - (q) Executing such other planning, urban development, urban regeneration and building control functions and duties as may be assigned to it by the Governor.

3. The Commissioner shall have powers to:

- (a) Review the issuance of Planning Permits by the relevant Authority and Agencies;
- (b) Direct any relevant Authority / Agency established under this Law to seal up any premises for any alleged contravention of any physical planning, urban development, urban regeneration or building control law and regulations for the purpose of enforcement and compliance;
- (c) Direct any relevant Authority / Agency established under this Law to demolish any unauthorized structure or development on, under, or over any land or seabed in the State after the issuance of appropriate notices;
- (d) Authorize the entry into any premises at reasonable hours to the day for purpose of giving effect to the provisions of this law and Regulations made under it.
- (e) Delegate specific responsibilities and functions for implementation to any Agency established under this Law and to any other person *and*;
- (f) Organize stakeholders meetings for the purpose of deliberating on any matter under this Law.

Power of the  
Commissioner



Assent of the Governor for Special Building Projects

4. The assent of the Governor shall be obtained in respect of development of special buildings such as multi-story building of (5) five floors and above, University, (public & private), tertiary institutions, Airport, Railway Station and refinery.

Procedure to be adopted for the preparation and review of development plans

5. (1) The relevant physical Planning Agency in the State shall, with the approval of the Commissioner:-

(a) Set up programmes for the preparation and review of development plans and the review of an Operative Development Plan which shall take place periodically as may be determined by the relevant agency;

(b) Approve where it considers appropriate, certain plan(s) as shall be drafted and processed to approval in defined parts;

(c) Direct that some sections of the Operative Development Plans be reviewed, revised, redrafted and processed for approval.

(2) For the purpose of preparing Development Plans in the State, the Ministry or relevant Agency shall from time to time invite relevant stakeholders including Ministries, Agencies, Non-Governmental Organization, Professional Bodies and individuals for the purpose of considering any matter relating to physical planning and urban development

Publication and preparation of Draft Development Plans

6. (1) Notice shall be given in the Official Gazette and in at least two daily newspapers circulated within the State and by other specified means, of the date on which preparations shall commence for a draft plan or for reviewing and Operative Development Plan or part of it and the Official Gazette Notice shall, where appropriate, provide the following information:

(a) The Location, boundary, geographic co-ordinates and description of the proposed area for Development Plans(s)

(b) A general description of the types(s) of development proposed and working population;

(c) Matters which could be contentious; or

(d) Any other matter of public interest.

(2) After the publication of a draft development Plan, the Ministry or relevant Agency shall ensure that there is:

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- (a) Acknowledgement of all written submission which shall be kept on record until the draft Development Plan becomes the Operative Development Plan;
  - (b) Consideration of all written submission, relevant information and suggestions;
  - (c) Convening of public meetings, public hearings and interviews to discuss and decide on the relevance of written comments it considers necessary; *and*
  - (d) Submission of all written comments together with a summary of such comment on the draft plan
- (3) On receipt of the draft Development Plan, the Ministry or the relevant Authority / Agency shall:
- (a) Direct that specified amendments be made to meet requirements which are considered necessary in the public interest; *and*
  - (b) Approve that the draft Development Plan, as submitted or as amended in accordance with its directions as stated in the paragraph of this subsection, is suitable for exhibition.

7. (1) A draft Development Plan or part of it shall be made available for public inspection at the Ministry and the Agencies' offices between the hours of 9.00 a.m. and 4.00 p.m. on working days for a period of twenty-eight (28) days.

Exhibitions of  
Draft  
Development  
Plan

(2) During the period, the plan shall be advertised in at least two daily newspapers circulated within the State and in specified media stating the places and hours at which the Plan may be inspected.

(3) A copy of the draft Development Plan shall be available to any person on the payment of a prescribed fee as may be specified from time to time.

8. (1) During the period of exhibition of the Development plan as set out in Section 7 of this Law, any member of the public including Non-Governmental Organizations, State Ministries, Agencies, Local Governments and Professional Bodies, may submit to the Ministry or the relevant Agency, written statements of their objections which shall:

Submission of  
objection to  
draft plan by  
member of the  
public

- (a) define the nature and reasons for the objection(s);
- (b) suggest alterations and amendments that could be made to resolve the objection(s)

(2) Such suggestions shall be made by the objector personally or through relevant and appropriately registered Professionals as advocate to the objector

Schedules of  
Summaries of  
Objections and  
Comments

9. (1) The Ministry or relevant Agency shall prepare schedules of summaries of the objections, comments and suggestions submitted to it.

(2) Such schedules shall be submitted within twenty-eight (28) days after the day of exhibiting the draft Development Plan.

Consideration of  
Comments and  
Objections

10. The Ministry or Relevant Agency shall within sixty (60) days after final date of exhibiting a draft development plan, consider the schedules of objections and comments submitted to it.

Procedure for to  
amendment of  
Draft Plan

11. (1) The ministry or relevant Agency may give preliminary consideration any objection in the absence of the objector and may propose amendments to the draft plan in the public interest.

(2) Notice of such Amendment shall be served in writing on the objector.

(3) An objector may notify the Ministry or relevant Agency in writing within fourteen (14) days after service of notice under subsection 2 of this section that his objection is withdrawn on the condition that the amendment as proposed by the ministry or relevant Agency has nullified his objection failure of which, such objection shall cease to hold.

Withdrawal of  
Objection

12. (1) Where an objection has been conditionally withdrawn and the ministry or relevant Agency does not proceed with the proposed amendment, the written statement of objection shall be considered at a meeting.

(2) The objector shall be given reasonable notice of such meeting, which he or his representative may attend and shall be heard.

Notice of  
Amendment

13. (1) Where an amendment appears to affect any approved land use such development project which has been granted development permit, notice of such amendment shall be given to the applicant by registered post or advertisement or other practicable means.

(2) Any written objection received within fourteen (14) days after giving notice under subsection (1) shall be considered at a meeting of the Ministry of relevant Agency where the objector, other objectors or their representatives may be present and shall be heard.

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(3) Upon the consideration of any objection in accordance with subsection (2) of this section, the Ministry or relevant Agency may reject the objection in whole or in part or may cause amendments to be made to the draft Development Plan in order to wholly or partially satisfy such objection.

(4) The final decision of the relevant Agency shall be communicated in writing to the parties within a week from the date of the decision.

14. (1) The Commissioner shall preside at any meeting for the Consideration of a Development Plan in the Ministry

Meeting

(2) The Commissioner on the advice of the General Manger of the relevant Agency shall call for a meeting for the consideration of a Development Plan.

(3) The General Manger shall preside at any other meeting of the relevant Agency.

15. (1) The draft Development Plan made under Section 5 of this Law may be amended after exhibition, but only before it is approved by the Commissioner on the advice of the relevant Agency.

Additional  
Power of  
Amendment

(2) Every amendment to a draft Development Plan made under section 6(3) of this Law shall be exhibited for public inspection between the hours of 9.00 a.m. and 4.00 p.m. on working days for period of fourteen (14) days and during such period be advertised in at least two (2) daily newspapers circulated within the State.

(3) A copy of an amended draft Plan made under this section shall be made available to any person on payment of such fee as may be prescribed from time to time

16. Any person affected by an amendment to a proposed draft Development Plan made under this Law may make an objection within a period of twenty-one (21) days in the manner provided for under Section 8 of this Law.

Objection to  
Development  
Plan

17. After the consideration of objections of the draft final Development Plan, with or without amendments, shall be submitted to the Commissioner for approval together with:

Submission for  
Approval



*Urban and Regional Planning and Development Law*

- (a) Any objection made and not withdrawn;
- (b) A schedule of the amendments made, if any, with a view to meeting such objections; and
- (c) Copies of the minutes of meetings and hearings held in relation to the consideration and hearing of the objections and amendment of the draft Development Plan.

Operative  
Development  
Plan

18.(1) Subject to the provisions of this Law upon the submission of the final Development Plan, the Commissioner on the advice of relevant Agency may:

- (a) Approve it in part
- (b) Approve it in whole;
- (c) Decline approval; or
- (d) Refer it to the relevant Agency for further consideration and amendment of the whole or part thereof.

2. A final Development Plan approved under this Law shall be referred to as an "Operative Development Plan" and a notice to this effect shall be published in the State Official Gazette and two (2) daily newspapers or published in any other suitable manner as may be prescribed by the Agency.

Correction of  
Operative  
Development  
Plan

19. There shall be a Notice in the Official Gazette of intention to correct any omission or error in any Operative Development Plan as well as due publicity for the correction or omission.

Deposit of  
Operative  
Development  
Plan

20. (1) Copies of the Operative Development Plan, duly signed by a Development Plan authorized officer, shall be deposited in the ministry and with other organs of Government responsible for its implementation, execution, administration, enforcement and compliance, and such plans shall be available for inspection between the hours of 9.00 a.m. and 4.00 p.m. on working days.

(2) Copies of the Operative Development Plan shall be made available for sale at a price to be determined by the Ministry.

Revocation  
of operative  
Development  
Plan

21. (1) The Commissioner on the advice of the relevant Agency Authority may:

- (a) Revoke in whole or in part, any Operative Development Plan
- (b) Refer any Operative Development Plan or part of it to the relevant Agency for:

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- (i) Replacement by a new Development Plan or part of it; or
- (iii) Amendment

(2) Notification of any revocation under subsection (1) of this section shall be published in the Official Gazette and indicated on all the copies of the Operative Development Plan deposited for inspection as required by section 20 of this law, as well as any other means of communication or publicity.

(3) With reference to subsection (1)(b) of this section, a replacement or amendment of an Operative Development Plan or part of it shall be prepared, approved and deposited in accordance with the provision of this law.

(4) An Operative Development Plan of review and amendment shall be replaced by a new Operative Development Plan or read as one with any approved amendment, as the case may be.

22. (1) All Government Agencies involved in processing application of Planning Permit shall comply with the provision of the Operative Development Plan.

Compliance  
Operative  
Development  
Plan.

(2) All applications for planning permit shall comply with the provision of Operative Development Plan.

23. Without prejudice to Section 5 (1) of this Law, the review of an Operative Development Plan shall be undertaken every five (5) years.

Review  
Operative  
Develop-  
ment  
plan

## **PART II – EKITI STATE PHYSICAL PLANNING PERMIT AND BUILDING CONTROL AGENCY**

24. There is established, the Ekiti State Physical Planning Permit and Building Control Agency (referred to in this Law as the “Planning Permit and Building Control Agency”)

Establishment  
of the Planning  
permit and  
building  
Control  
Agency

25. (1) There shall be an appointee by the Government for the Planning Permit and Building Control Agency, a General Manager who shall:

The General  
Manager of  
the Planning  
permit and  
Building Control  
Agency

- (a) Be a holder of a recognized qualification and professional registration in Town Planning; and
- (b) Who shall have not less than twelve (12) years cognate posts professional registration experience.

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(2) The General Manger shall be the Chief Executive Officer of the Planning Permit and Building Control Agency and shall handle:

- (a) The General Administration; and
- (b) The Execution of the functions conferred on the Planning Permit and Building Control Agency under this law.

26. The Planning Permit and Building Control Agency shall be responsible for:

- (a) Processing and issuance of planning permits in the state, subject to the provisions of this law and Regulations pursuant to this Law;
- (b) Monitoring and ensuring compliance with provision of approved and Operative Development Plans, Approval orders and regulations made under this Law;
- (c) Establishing District Planning Permit Officers for the discharge of its functions with the approval of the Governor on the recommendation of the Commissioner;
- (d) Establishing local Planning Permit and Building Control Offices in cooperation with the Local Government for the discharge of its functions at the Local Government level with the approval of the Governor on the recommendation of the Commissioner;
- (e) Preparation and periodic review of the following categories of physical Development Plans:
  - (i) District Plans;
  - (ii) Development Guide plan;
  - (iii) Town Plans; and
  - (iv) Local Plans
- (f) Referring any plan prepared by it to the Ministry for the purpose of obtaining the approval of the Commissioner;
- (g) Keeping records of Planning Permit, Applications granted, rejected or withdrawn and publication of the list in the State Official Gazette;
- (h) Evaluation of physical planning technical report consultation with the Ministry;
  - (i) Preparation and review of physical planning regulations in consultation with the Ministry;

Function of the  
Planning Permit  
And building  
Control Agency



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- (j) Engaging in planning activities to achieve zero tolerance of illegal development;
- (k) Engaging in stakeholder consultations, enlightenment and publicity;
- (l) Operational control and supervision of its Local Planning Permit and Building Control Agency.
- (m) Enforcement of building control regulations;
- (n) Regulation and inspection of building works and certification of various stages of building construction and keeping of such records;
- (o) Removal of illegal and Non-conforming buildings;
- (p) Identification and removal of distressed buildings to prevent collapse;
- (q) Issuance of certificate of completion and fitness for habitation;
- (r) Provision of building services such as material hesitation evacuation and testing fire and public health control.
- (s) Exercise other powers as may be conferred on it by Regulations made pursuant to this Law.

27. (1) The permit of the Planning Permit and Building Control Agency shall be required for any physical development in the State.

Planning Permit

(2) A developer of any building above two floors shall insure his/her liability in respect of construction risks submit a certified true copy (C.T.C) of such Insurance Policy Certificate with his/her application for Planning Permit

(3) A developer shall make provision for access, safety and toilet for physically challenged persons in public and commercial buildings.

28. (1) A developer (whether private or government) shall apply for a Planning Permit in such manner, using such forms and providing such information and documents as may be prescribed by the Regulations made.

Application for  
planning Permit

(2) An application made under this Law shall comply with all requirements and standards of an Operative Development Plan of which is a part.

(3) A plan required to be made under this Law shall be prepared by the appropriate registered professional and shall be in accordance with the provisions of the Regulations made pursuant to this Law.



(4) An application for a Planning Permit to develop or partition a structure or subdivide or partition land shall be in conformity with the planning regulations made pursuant to this Law.

(5) Any planning permit granted shall satisfy the provisions of the state Land Policy and the Land use Act.

(6) No development shall be commenced by any Government or its Agencies without obtaining a permit from the Planning Permit Authority.

Submission of  
Technical Report

29. A developer shall, at the time of submitting his application for planning permit, submit a detailed Technical Report as prescribed by the regulations made pursuant to this Law.

X Grant or Rejection  
of Planning Permit

30. The Planning Permit and Building Control Agency may approve or reject an application for Planning Permit.

Ground for  
Rejection of An  
Application for  
Planning permit

31. (1) An application for a planning permit may be rejected if:

- (a) The application is not in accordance with Operative Development Planning
- (b) In the opinion of the Planning Permit and Building Control Agency, the proposed development is likely to cause nuisance or have major impact which cannot be adequately mitigated on the environment, facilities, or inhabitants of the community or in the public interest; or
- (c) The development is not in accordance with any other condition as may be specified by Regulations made under this Law.

Delay of Planning  
Permit

32. (1) The Planning Permit and Building Control Agency may, if circumstances so require, delay the approval of application for Planning Permit until the developer:

- (a) Satisfies the following conditions:
  - (i) Provision of infrastructures and service facilities
  - (ii) Provision of necessary commercial facility
  - (iii) Provision of necessary social recreational and communal facilities or

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- (iv) Payment of a sum of money to the Planning Permit in lieu of the provision of or this subsection.
- (b) Enter into an agreement with an individual, corporate or incorporate body in respect of any matter which the Planning Permit Law Building deems necessary for the development.
- (c) Pays such fees or other charges as prescribed by the Planning Permit and complies with any other condition stipulated by regulation made under this Law
- (2) In reaching its decision under subsection, the Planning Permit shall comply with:
  - (a) the policies and proposals on operatives development plan applicable to a locality within its area of jurisdiction.
  - (b) A proposal plan or an approved plan under review and
  - (c) Any other consideration made particular to a locality by regulation made under this law.
- (3) The planning permit for a period of time not exceeding three months from the date of submission of the application.
- (4) The decision of the Planning Permit on an application for a Planning Permit shall be communicated to the applicant in writing for three months from the date of submission of the application.
- (5) Where the Planning Permit decides not to approve an application, it shall give reasons for its decision in writing.
- (6) The decision of the Planning Permit and Building Control Agency shall be evidence of information stated in it.

X 33. The Planning Permit and Building Control Agency may consider under representation made to it by a person, body or organization to be affected by an intended development. Consideration of Representation by developer

X 34. The Planning Permit may under this Law grant a permit or without conditions to an application in respect of the following. Grant of Planning Permit

(a) Use and development of land which conform with the following minimum set backs:

S/N	TYPE OF DEVELOPMENT	SET BACK
1	Stream	30.0m
2	Rivers	60.0m
3	Dams and Large Water Bodies	100.0m
4.	Local Roads	4.5m
5.	State Roads	30.0m
6.	Federal Roads	50.0m
7.	Low Tension (domestic) Power line	4.5m
8.	Medium Tension Power Line	15.0m
9.	High tension Power Line	45.0m
10.	GSM Cell radio Antenna	10.0m
11.	Optic Fibre Line	4.5m
12.	Main Water Pipe Lines	15.0m
13.	Quarry	100.0m
14.	Railway	30.0m
15.	Gas Pipe Line	30.0m

- (b) Change in the use of land, seabed or structure or part of structure;
- (c) Alteration of an Approved development plan ;
- (d) Renovation of existing structure;
- (e) Demolition of the existing structure by the owner/developer;
- (f) Demolition or removal of contravening structures within a minimum of 6.0mts. from the outer edge of the road in the core areas of the town.

Approved  
Planning Permit

35. Any approval granted under this Law by the Planning Permit and Building Control Agency shall be referred to as "Planning Permit".

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36. The holder for the time being of a Planning Permit shall comply with the contents of the permit. Compliance with Planning Permit
37. (1) Any Planning Permit granted in respect of any development on any land shall be deemed valid. Validity of Planning Permit
- (2) A Planning Permit shall become invalid where development has not been commenced within two (2) years of the grant of such permit.
- (3) Where a developer fails to commence development within two (2) years, the planning permit shall be subject to revalidation by the Planning Permit and Building Control Agency on the payment of prescribed fees, provided that the Operative Development Plan has not been amended, varied or altered as provided for in this Law.
- (4) A Planning Permit shall not be deemed to confer ownership of the land on the application.
38. The Planning Permit and Building Control Agency attached to a Planning Permit, against a developer provided that, where a developer transfers or assigns his interest, the Planning Permit and Building control Agency shall enforce all the rights and duties attached to a Planning Permit against a holder or occupier for the time being. Enforcement of Rights and duties attached to a Planning Permit
39. (1) The Planning Permit and Building Control Agency shall keep register or records of all applications for Planning Permit. Register of Application submitted to it and Publication of Planning Permit.
- (2) The list of Planning Permit issued shall be published in the State Official Gazette.
40. (1) The Planning Permit and Building Control Agency shall grant Planning Permit subject to the preservation of existing trees or greenery or planning of new trees or greenery on the development by the imposition of necessary conditions. Provision for Planning of Trees and greenery
- (2) Without prejudice to the provisions of any existing Law under the subject matter, the Planning Permit and Building Control Agency shall make "Tree Preservation and Greenery Orders" for securing such amenities within its area of jurisdiction.
- (3) If it appears to the Planning Permit and Building control Agency that the amenities or part of an area or an adjoining area is seriously injured by the condition of a garden, vacant site or open land, the



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Planning Permit and Building Control Agency, the occupier or owner of such land a notice requiring such steps to be taken for abating an injury within such period of time as may be specified in the Notice.

(4) The Notice referred to in subsection (3) of this Section shall contain a period of Thirty (30) days within which such injury shall be abated, failure of which the garden, vacant site or open land may be acquired by the State Government subject to the provisions of the Land Use Act.

Revocation of  
Planning Permit

41. Any Planning Permit granted under this Law may be revoked in part or in whole on any of the following grounds:

- (a) the proposed development and uses for which the planning Permit was granted are no longer appropriate;
- (b) the site for which Planning Permit was granted is required for overriding public purpose;
- (c) the Planning Permit was obtained fraudulently;
- (d) the developer or owner of the Planning Permit has developed in excess of the approval granted or, has not complied with the terms and conditions under which the permit was granted;
- (e) the permitted development has been modified, altered, varied, added to or renovated without permit; or
- (f) the permitted development has not complied with building control standards.

Payment of  
Compensation

42. (1) The State Government shall pay compensation for the revocation mentioned in Section 41 (a) and (b) to the extent of all reasonable costs that may have been incurred by the owner or developer if:

- (a) Development has commenced;
- (b) The developer or owner is liable under an existing contract to a third party for damages for a breach of contract; or

(2) Compensation shall not be paid for the revocation mentioned in Section 41 (c), (d), (e) and (f).

Assessment of  
Compensation

43. (1) The amount of compensation payable under this law shall be such as to reimburse the developer or holder for the time being of a

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planning permit for the losses incurred on the development as a result of the revocation and shall not be excess of the sum incurred by the developer.

(2) No compensation shall be payable under this Section if:

- (a) The right of occupancy of the land on which a development was to take place has been cancelled or revoked on the grounds that the applicant did not comply with the requirements of the Land Use Act; *or*
- (b) A claim for compensation is not made within ninety (90) days after a notice of revocation is served on the holder for time being of a planning permit.

**44.** Compensation payable under this Law shall be paid not later than ninety (90) days after a claim for compensation has been made.

Period of  
Payment of  
Compensation

**PART III**  
**URBAN REVEWAL, IMPROVED AREAS**  
**REHABILITATING AND UPGRADING**

**45.** (1) There is established Ekiti State Urban Renewal Agency (referred to in this Law as "Renewal Agency")

Board of the  
Agency

(2) The Renewal Agency shall be under the supervision of the Ministry of Physical, Urban and Regional Planning.

**46.** (1) The Board of the Renewal Agency is hereby established.

Board of the  
Agency

(2) The Board shall consists of the following members:

- (a) A full-time Chairman, who shall be a holder of a recognized qualification and professional registration in Town Planning or related discipline, shall be the head of the Renewal Agency.
- (b) Two other full-time members
- (c) Seven Ex-Officio members who shall be registered members of the following professions.
  - 1. Town Planning
  - 2. Architecture
  - 3. Civil Engineering
  - 4. Law
  - 5. Estate Management
  - 6. Land Surveying
  - 7. Building

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- (d) The Ex-Officio Members are to be nominated from the relevant Ministries, Departments and Agencies
- (e) There shall be an Executive Secretary for the Renewal Agency who shall:
  - (i) Be a holder of recognized qualification and professional registration in town planning *and*
  - (ii) Who shall have not less than twelve (12) years cognate post professional registration experience.
  - (iii) He shall be responsible for the day-to-day administration of the Agency and
  - (iv) The execution of the functions of the Urban Renewal Agency.

Remunerations **47.** Members of the Board shall be paid such remunerations or allowances as may be approved by the Governor.

Removal of member **48.** Members of the Board shall be removed by the Governor, if he is satisfied that it is not in the interest of the Agency that such person should continue in office, provided that the Governor shall also have powers to suspend a member, if deemed appropriate.

Tenure of Office **49.** (1) Subject to the provision of Section 50, the Chairman unless he resigns his appointment through a letter addressed to the Governor shall hold office for a term of four years subject to the pleasure of the Governor.  
(2) Any public officer appointed to be official member shall hold office as such of then pleasure of the Governor.

Resignation **50.** Any member other than an ex-officio member shall hold office subject to the pleasure of the Governor for a term of four years and may at any time, resign his office by a letter to be addressed to the Governor through the Chairman.

Functions of the Renewal Agency **51.** The Renewal Agency shall be responsible for:
 

- (a) Monitoring and identifying areas qualified for upgrading and advising the State Government on redevelopment or renewal programmes accordingly;
- (b) Preparing and implementing approved State Urban upgrading; *and*



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urban redevelopment projects:

- (c) Holding, administering, and maintaining government acquired Properties within redevelopment or renewal project areas.

**52.** Where a Development Plan prepared by the Renewal Agency in accordance with Section 5 to Section 17 has been approved under Section 18 of this Law, the Renewal Agency may exercise the power set out in this part for the purpose of assisting in the implementation of that plan

*Exercise of Powers*

**53. (1)** The Renewal Agency may after the Plan has been approved by an order published in the Gazette, designate and declare any part of the area for which such plan has been made to be an "Improvement Area" for the purpose of rehabilitating, renovating, and upgrading the physical environment, social facilities and infrastructure of the area.

*Improvement Area*

(2) The rehabilitation, renovation and upgrading may be brought about through the combined efforts of the residents of the area concerned and the Renewal Agency.

(3) The Renewal Agency shall before declaring an area to be an improvement area, satisfy itself that the purpose set out in subsection one (1) of this Section is reasonably likely to be achieved.

**54. (1)** The Renewal Agency shall before declaring any part an improvement area:

- (a) use its best endeavour to inform the residents of the proposed improvement area means, as it deems fit of the:
  - (i) purpose and intents of the proposed improvement;
  - (ii) powers vested in the Renewal Agency; and
  - (iii) facilities which would be made available and benefits to be derived by the areas.
- (b) hold meetings with the local government of the area or any other associations in the area to:
  - (i) ascertain the views of the residents on the proposed improvement area and the exercise of powers relating to it;

*Consultation and Cooperation in Improvement Area*



- (ii) set up liaison or consultative committees between the Renewal Agency and representatives of the resident to monitor the progress of the rehabilitation, renovation or upgrading in the area;
- (c) inform other relevant statutory authorities of the proposed improvement area and invite their views and comments on it;
- (d) take into account the views and commitments made under paragraphs (b) and (c) of subsection (1) of this section and from other interested parties on the proposed improvement area.

(2) The Renewal Agency shall, after declaring an area to be an improvement area:

- (a) hold regular meetings with the committees established under subsection 1 (b) (ii) of this section;
- (b) assist or join other persons in assisting a resident or group of residents within the area to draw up and implement plans for the improvement of the neighborhood;
- (c) generally advise and assist the residents of the areas to take full advantage of improvement concerned.

Power to Prepare  
an Improvement  
Plan

55. (1) The Renewal Agency shall, in an improvement area, have power to:

- (a) prepare an improvement area plan showing what ways and over what period of time the area is to be improved and may, where necessary include a plan for the area or part of it;
- (b) grant, guarantee or otherwise facilitate the granting of loans to a person or group of persons to:
  - (i) assist in the improvement, repair or renovation of house within the area as may be dedicated by the Renewal Agency;
  - or;
  - (ii) provide, improve, repair or renovate social and communal facilities within that area;
- (c) subject to the provision of this law, demolish or order the demolition of building or part of it and where appropriate,

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recover the cost of the demolition from the owner of the building or part of it;

- (d) improve, repair or renovate or order the improvement, repair or renovation of a building or part of it and where appropriate, recover the cost of the improvement or repair from the owner of the building or part of it; *and*
- (e) Pay compensation within 90 days on such terms and conditions as may be prescribed, to a person who suffers a loss or damage through the exercise of its power in the area.

(2) The Renewal Agency shall have power to enter into agreement with persons or body corporate for the purpose of implementing its improvement plans

Restriction of  
the Power to  
demolish

**56.** (1) The power of the Renewal Agency to demolish or order the demolition of a building or part of it under this Law may not be exercised unless:

- (a) the building falls so far below the standard of other buildings used for habitation in the area that it is likely to become a danger to the health of occupiers of adjacent buildings;
- (b) the building is in such a state of disrepair that it is likely to become a danger to public safety and cannot be repaired at a reasonable cost;
- (c) two or more contiguous building are badly laid out and so congested that without the demolition of one or more of them that part of the improvement area cannot be improved; or
- (d) it is in connection with the provision of infrastructural facilities and other services for the area.

Demolition  
Order

**57.** (1) The Renewal Agency shall, before ordering the repair, renovation of a building or part of it:

- (a) inspect the building or part thereof to ascertain its condition and situation;
- (b) where the proposed order is for a repair of a building or part of it prepare a schedule of necessary information which shall inform the owner or occupier of the building:
  - (i) of the proposed order and the reasons for it;

- (ii) the date, time and place where the Renewal Agency shall consider any representation or objections to the proposed order; and
  - (iii) of such other matter as may be prescribed by Regulations;
  - (a) affix a notice of the proposed order on a conspicuous part of the building to which the order relates;
  - (c) appoint a committee of members of the Renewal Agency to hear, consider and report on any representation or objection which may, be orally or in writing by the owner or occupier or his duly authorized representative; and
- (2) Where the Renewal Agency, after consideration of the report of the committee appointed under paragraph (d) of subsection (1) of this section confirms the proposed order with or without modification or alterations, it shall serve a notice and the reasons for it in such form as may be prescribed by regulations on:
- (i) the owner or occupier of the building; or
  - (ii) the person who made representations or objections to the proposed order
- (3) An aggrieved owner, occupier or interested party of a building which is the subject of a demolition order, may appeal against the order as provided under Part VI of this law.
- (4) An order made under this Section shall take effect where:
- (a) there is no appeal against the order, at least 28 (twenty-eight) days after:
    - (i) its service on the owner or occupier of the building; or
    - (ii) the appeal has been finally determined or dismissed.
- (5) The Renewal agency shall not enter to repair, renovate or demolish a building or part thereof which is the subject of an order until:
- (a) after the period stated in the notice of the proposed order has expired, or
  - (b) where there is an appeal against the repair, renovation or demolition, until the appeal has been determined or dismissed

through the Commissioner to the Governor for the acquisition of the property.

(2) Compensation shall be payable to the owners or developer as provided for, under the Land Use Act.

#### **PART IV**

#### **ENFORCEMENT**

**59.** Enforcement Notices shall include the following

- (i) Contravention Notices;
- (ii) Stop Work Order;
- (iii) Quit Notice;
- (iv) Seal-up Notices;
- (v) Regularization Notice; *and*
- (vi) Demolition Notice.

Enforcement  
Notices

**60.** (1) The relevant agency may serve enforcement notices on the owner of a private or public, residential, commercial, or any other land use wherever any development is commenced without planning permit and building control authorization or, where the building constitutes danger to the occupier or public or, where the building is affected by a renewal programme

Service of  
Enforcement  
Notices by  
relevant Agencies

(2) An enforcement notice may be issued under subsection (1) of this Section, notwithstanding that the authorized development, renovation, alteration, repair or addition took place before the commencement of this law.

(3) An enforcement notice served under subsection (2) may direct the developer or owner to obtain planning permit or building control authorization or alter the structure to be in conformity with building regulations within twenty-eight (28) days of the Contravention Notice.

(4) An enforcement notice served subsection (1) of this section may direct the developer or owner to alter, discontinue or remove a development.

**61.** (1) Before serving an enforcement notice in accordance with the provision of subsection (3) of section (60) the relevant Agency shall:

Conditions in  
order to alter  
vary etc



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- (a) have regard to the existing conditions for granting a planning permit;
- (b) have regard to the likely environmental degradation or impact of development carried out being out; *and*
- (c) consider the overriding public interest without prejudice to paragraph (b) of this subsection.

(2) The relevant agency may impose additional conditions as it may deem, fit in each circumstance.

Requirement of enforcement notices

**62.** An enforcement notice served under Section 59 by the relevant agency shall:

- (a) be in writing and address to the developer or owner;
- (b) state the reasons for the proposed action of relevant Agency;
- (c) give time for responses to the notice;
- (d) consider any representation made by a developer or owner, or on behalf of a developer or owner.

Address and Services of enforcement notice

**63.** (1) The notice shall be addressed to the owner, occupier or those responsible for the illegal structure, works or development and is deemed to have been duly and validly served by pasting or affixing such notice and marking on any part representatives of the developer found at the site.

(2) Where Service of notice is effected by pasting or affixing on any part of a structure or premises, the person effecting service shall make photographic evidence of the pasting or fixing of the notice.

Enforcement of order

**64.** The relevant agency shall enforce an order of the High Court of Ekiti State against a developer or holder for the time being of a planning permit who fails to comply with such an order

Liability for expenses

**65.** A developer or holder of the time being a planning permit shall be liable for the expenses reasonably incurred by the relevant agency or any of its officers or agents, as the case may be, in enforcing the provisions of this Law.

Stop work Order

**66.** Where it appears to the relevant Agency that:

- (i) an unauthorized development is being carried out; *or*
- (ii) an unauthorized does not comply with a planning permit issued by the relevant agency; *or*

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- (iii) a development is defective or poses danger to the owner, contractor, occupier, or the public, or constitutes a nuisance to the occupier or public, relevant agency shall issue a Stop Work Order on the development.

**67. (1)** The Building Control Agency shall have powers to serve on developer or holder for the time being of a Planning permit, a demolition notice if a structure erected by the developer or holder of the permit is found to be defective as to pose danger or continue a nuisance to the occupier or public.

Defective  
Structure

(2) Notice served in sub-section (1) of this Section shall contain a date not later than 21 (twenty-one) days on which the Building Control Agency shall take steps to commence demolition of the defective structure.

**68. (1)** After the expiration of the time specified in the notice served under sub-section (2) of Section 67 of this Law, the Building Control Agency shall demolish the defective structure and recover cost of demolition from the owner or developer.

Power of  
Building Control  
Agency to  
demolish  
defective  
buildings

(2) Where the owner or developer refuses to pay the cost of demolition within (3) three months of service of a demand notice, such property shall be forfeited to the State Government

**69.** The relevant Agency shall have power over any abandoned building in the State in the following ways:

Power of  
relevant  
agencies over  
abandoned  
property

- (i) seal up the property to prevent its conversion by unauthorized persons;
- (ii) unseal the property upon satisfaction that it is structurally stable; or
- (iii) unseal the property where the owner or developer submits a written application supported by an affidavit that he is ready to continue further development or recovery the building within fourteen (14) days of the unsealing; or
- (iv) make the owner of the structure pay penalty fees to be determined from time to time before such structure is unsealed.

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Forfeiture of  
property on  
collapse of  
building or  
structure

70. In the event of the collapse of any property or structure due on the part of the owner, or the developer, such property shall be forfeited to the State Government after due investigation and or publication in the State Official Gazette

Offences  
and penalties

71. (1) Any person who contravenes the provision of this Law and Regulations made in pursuance to this Law is guilty of an offence and shall be liable on conviction to a fine not exceeding the sum of Two Hundred and Fifty Thousand Naira (N250,000.00) or One (1) month of Community Service or both.

(2) Any person who breaks any seal or, removes any marking placed upon any property by or with the orders of the relevant Agency commits an offence and shall, on conviction be liable to a fine not exceeding the sum of Five Hundred Thousand Naira (N500,000.00) or two (2) Months Community Service or both.

(3) Any person who fails to insure his building as required under this Law commits an offence and shall on conviction be liable to a fine not exceeding the sum of Two Hundred and Fifty Thousand Naira (N250,000.00) or one (1) month Community Service or both.

(4) Subject to any restrictions or conditions prescribed by the Constitution or any other Law, a Magistrate Court shall have jurisdiction and powers in respect of trial of offences contained in this Law or Regulations made pursuant to this law.

(5) Where any cost is incurred by the relevant Agency in the course of demolition or removal or enforcement of compliance, such cost shall be assessed and communicated in writing to the owner, builder, and developer occupier or any other person responsible for the illegal structure demanding for reimbursement of the cost.

(6) Any person who fails to pay the assessed cost of demolition shall be guilty of an offence and be liable to a fine not exceeding the sum of One Hundred Thousand Naira (N100,000.00) or one (1) month Community Service in addition to the payment of the assessed cost referred to in subsection (5) of this Law.

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(7) Where an offence under this Law is committed by a body corporate, the fine on conviction shall be twice the fine imposed for the commission of such offence or payment of a fine not exceeding the sum of Two Hundred and Fifty Thousand Naira (N250,000.00) where there is no option of fine.

(8) Where the act constituting an offence under this section continues after the service of the relevant notices, the offender upon convict in addition to the penalty for the offence, shall be liable to additional fine not exceeding One Hundred Thousand Naira (N100,000.00) for every day the offence continues.

(9) For the purpose of this Section, "any person" shall include an owner, his servants, agents or privies, a developer, an independent contractor, architect, engineer or builder and each of these persons who knowingly participated in contravening the provision of this Law or any Regulation made under this law.

**PART V****ACQUISITION OF LAND AND COMPENSATION**

72. (1) Where it appears to the Commissioner that it is necessary to obtain any land in connection with planned urban or rural development in accordance with the policies and proposals of any Operative Development Plan, any right of occupancy subsisting on that land may be revoked on recommendation to the relevant agency.

Power to acquire land

(2) Any right of occupancy referred to in subsection (1) of this Section shall be revoked only in accordance with the relevant provisions of the Land Use Act.

73. (1) All matters connected with the payment of compensation for the revocation of a right of occupancy under this Part shall be governed in accordance with the relevant provision of the Land Use Act.

Payment of Compensation

(2) Any compensation payable as a result of the revocation of a right of occupancy under this part shall be paid within twenty-eight (28) days.

(3) Where in the opinion of the relevant Agency, a person has committed a gross contravention of an existing scheme, the land together with the building on it may be forfeited for the breach of the scheme under this Law without payment of any compensation.



Facilitation of the  
Execution of  
Operative  
Development Plan

74. Notwithstanding any provision of this law, the relevant Agency may when it deems it necessary;

- (a) facilitate the execution of the Operative Development Plan;
- (b) make payment or reasonable compensation to any person who had developed or who is carrying on lawful development who sustains a damage or suffers any loss while his land is affected by:
  - (i) injurious affection; or
  - (ii) disturbance; or
  - (iii) displacement in order to give effect to any provisions of this Law or Regulations made under the Law.

## PART VI

### APPEALS AND OTHER MATTERS

Establishment of  
Appeal Committee

75. (1) There is established a body to be known as the Physical Planning and Building Control Agency Appeals Committee (referred to in this Law as "the Appeals Committee").

Composition of  
the Appeals  
Committee

76. (1) The Chairman and members of the Appeals Committee shall be appointed by the Governor on the recommendation of the relevant professional bodies.

(2) The Appeals Committee shall comprise of:

- (i) The Chairman who shall be a registered professional in the built environment with at least fifteen (15) years cognate post registration experience;
- (ii) The following members who shall be registered members of the relevant professional bodies with not less than ten (10) years cognate post registration experience:
  - (a) A Town Planner;
  - (b) An Architect;
  - (c) A Legal Practitioner;
  - (d) An Engineer;

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- (e) A Land Surveyor;
- (f) A Builder;
- (g) An Estate Surveyor and Valuer;
- (h) A Quantity Surveyor;
- (i) A representative of Ministry of Physical Planning and Urban Development;
- (j) Two (2) members of the public of suitable standing and not members in the built environment profession; *and*
- (k) A secretary who shall be a registered Town Planner in the Civil of the State and not less than Grade Level 14.

## 77. The functions of the Appeals Committee shall include:

Functions of  
the Appeals  
Committee

- (a) Investigation of petitions sent to it on Physical Planning, Regeneration or Building Control matters;
- (b) Consideration of appeals from members of the public on the decisions of the relevant Agency;
- (c) Investigation of complaints concerning officials on matters relating to the grants of Planning Permit;
- (d) Recommendation of appropriate remedial action;
- (e) Submission of an annual report to the Commissioner; *and*
- (f) Advice on matters referred to it by the Commissioner or relevant Agency or other Departments and agencies of government and the general public.

## 78. The Appeals Committee shall have powers to:

Power of the  
Appeals Commit-  
tee

- (a) Investigate and decide on:
  - (i) All public complaints concerning decisions on development permit application, Development Plans, Layouts or Schemes, Change of Use, Approval-in-Principles, Demolition, Conduct of Planning or Building Control officials, and service of Notices; *and*
  - (ii) Disputes arising from compensation or other matters affecting physical planning and development and building control in the State.
- (b) Invite any member of the public including officials for interview in the course of carrying out its investigation for the purpose of obtaining information or advice;

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- (c) Call for documents, plans, schemes, files, in the course of its investigation;
- (d) Consult the Physical Planning Law and Regulations of the State in its proceedings;
- (e) Recommend the approval or withdrawal or reinstatement of any planning permit granted;
- (f) Recommend the suspension of further physical development activities in relation to a building, site or premises the subject of investigation.

Recommend  
Actions of the  
Appeals Commit-  
tee

**79.** The Appeals Committee shall make recommendations for the consideration of the Governor through the Commissioner.

Proceeding of the  
Appeals Commit-  
tee

**80.** (1) The Appeals Committee shall regulate its own proceedings, operations and meetings.

(2) Quorum shall be by a simple majority of the members of the Appeals Committee.

Sittings of the  
Appeals Commit-  
tee

**81.** (1) The Chairman of the Appeals Committee shall cause a sitting of the Appeals Committee once a month or as may be deemed necessary to hear appeals.

(2) The aggrieved owner, occupier, developer or interested party may attend sittings of the Committee and shall be heard if he so desires or through his authorized representatives.

Remuneration  
Allowances

**82.** The Chairman and members of the Appeals Committee shall and be paid such remuneration and allowance as may be approved by the Governor from time to time.

Tenure of Office  
of the Appeals  
Committee

**83.** (1) The Chairman and members of the Appeals Committee shall hold office for 3 (three) years and shall be eligible for re-appointment for another term of three years by the Governor on the recommendation of the Commissioner.

(2) The office of the Chairman or a member shall become vacant if:  
(a) The Chairman or a member has completed his tenure of office.

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- (b) He resigns his appointment in writing under his hand to the Governor through the Commissioner;
  - (c) Without good cause he absents himself from sittings for the hearing of an appeal referred to the Committee on three consecutive occasions;
  - (d) He is adjudged bankrupt by a court of competent jurisdiction;
  - (e) He is so incapacitated either by reason of illness or otherwise as to make him incapable of attending meetings of the Committee.
  - (f) He is adjudged to be of unsound mind;
  - (g) His appointment is terminated by Governor in the interest of the public;
  - (h) He is found guilty of professional misconduct by the relevant Professional Registration Council in Nigeria; and
  - (i) He is convicted of corruption by a Court of Law.
- (3) The office of the Chairman or member shall also be vacant by reason of good cause.
- (4) For the purpose of subsection (3) of this Section "good cause" means:
- (a) Failure to disclose a professional involvement in the case before the Appeals Committee at its earlier or prior stage; and
  - (b) Having direct or indirect proprietary or pecuniary interest in the case before the Appeals Committee.

**84.** The office of the Secretary shall serve as the Secretariat for the Appeals Committee. The Secretariat

**85. (1)** An aggrieved person or any interested party may appeal against the decision of the Appeals Committee and such appeal must be made within twenty-eight (28) days after notification of the final decision of the Committee has been communicated.

*Appeal against  
Decision of the  
Committee*

(2) An appeal against the decision of the Appeals Committee shall lie as of right to the High Court of the State, and the appeal must be made



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Power to make  
Regulations

within twenty-eight (28) days after written notification of the decision of the Committee

**86. (1)** The Commissioner on the recommendation of the relevant Agency may make regulations for the purpose of carrying into effect the provisions of this Law including implementing development planning relating to the following:

- (a) The format, scales, standard, notations and matter to be included and covered in all types of physical development plans;
- (b) The format, documents, survey plans, development plans and matters to be dealt with in all application for planning permit;
- (c) The form and content of the comprehensive records that must be kept of all application for planning permit; and
- (d) Prescribing in particular the fees payable in respect of any application for planning permit and other matters incidental to it.

(2) The Commissioner shall have power to make regulations determining the forms and contents of physical development plans in the State and the said power shall come within the following:

- (a) Outline development plans as specified in the First Schedule to this Law;
- (b) The preparation of Development plans by the planning permit Authority and publicity of such plans;
- (c) The mode of objection of physical Development plan or Scheme;
- (d) The preparation of schemes by relevant agencies of the State and the execution of such schemes;
- (e) Application for grant of physical planning permit and building control authorization; and
- (f) To set standards of building work for construction of buildings and structures with documents containing practical and technical guidance on compliance.

(3) The Commissioner shall have power to make Regulations on the recommendations of the Building Control Agency for the regulation of building control standards and any matter incidental to it.

(4) The Commissioner shall have the power to make regulations for the location, position dimensions, appearance, display, and manner in which urban furniture shall be affixed to land.

87. Subject to the provisions of this Law, any planning permit granted in respect of any physical development in any part of the State before the commencement of this Law, is deemed valid.

Validity of  
Planning Permit

88. (1) Capital and Urban Development Authority (and other matters incidental thereto or connected therewith) Law of Ondo State as applicable to Ekiti State is hereby repealed.

Repeals

(2) Any previous existing Urban and Regional Planning Law of Ondo State applicable to Ekiti State is hereby repealed.

89. In this, unless the context otherwise requires: "**Abandoned Building**" included an existing previously occupied but vacated building and, left in that condition for a period of up to five years, or a building which is under construction but on which work has ceased for up to five years;

Interpretation

"**Commissioner**" means the Commissioner who for the time being is charge with the responsibility for Physical Planning, Building Control and Urban development.

"**Constitution**" means the Constitution of the Federal Republic of Nigeria 1999 as amended;

"**Developer**" means a builder, contributor, creator, pioneer;

"**Development**" means:

- (i) The carrying out of any building, mining, or other operation in, on, over, or under any land, or
- (ii) The making of any material change in use of any land building or structure, or
- (iii) Conversion of land, building or structure from its established or approved use, or
- (iv) Placement or display of urban furniture on the land, on building or structure, or

(v) Making of any environmentally significant change in use of any land, and

(vi) Demolition of buildings including felling of trees;

**"Development Plans"** means details, drawings and specifications for a development rendered at appropriate scales, dimensions and sizes and prescribed by the regulations made pursuant to this Law;

**"Gazette"** means Ekiti State Government Official Gazette;

**"Good Cause"** means failure to disclose a professional involvement in any matter before the Advisory Committee; having direct or indirect proprietary or pecuniary interest in any matter before the Advisory Committee;

**"Governor"** means Governor of Ekiti State;

**"Land"** includes land covered with water and everything attached to the earth or permanently fastened to anything which is attached to the earth and also chattels real, and tenures of every description and any interest therein, and undivided shares of land;

**"Ministry"** means Ekiti State Ministry of Physical, Urban and Regional Planning.

**"Operative Development Plan"** means any plan that has formally been endorsed for implementation;

**"Planning Permit"** means an approval or assent given for the time being to a development and includes, layout or subdivision plan, Building Control authorizations given at construction and post construction stages;

**"Relevant Agency"** means the Ekiti State Physical Planning Permit and Building Control Agency, the Ekiti State Urban Renewal Agency and any other bodies that may be created under this Law;

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

**"Redevelopment"** means a planning process where an existing old and decayed settlement or neighborhood which has been declared a blighted area is completely pulled down and redeveloped from scratch and thereby creates a new and modern development in replacement of the old one;



*Urban and Regional Planning and Development Law*

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**“Renovation”** means to rebuild, reclaim, recondition, reconstruct, rehabilitate, reinstate, rejuvenate, restitute, restore, a building (excluding painting);

**“State”** means the Ekiti State Government

**“Special Building Project”** includes refineries, petrochemical plants or complex, storage/holding tank farms, container/ bonded terminals and other developments that may be classified by the relevant agencies as special building projects;

**“Urban Furniture”** included all those physical structure placed on the landscape and affixed to the land distinct from actual building and, includes bus stop shelter, telecommunication antennae, mast and tower, cables and pipes, street neon signs, advertisement billboards, light status, artifact placement, fountains and direction finders;

**“Urban Renewal”** means a planning process geared towards a physical improvement of existing urban settlement to eliminate blight by any of the following methods; Redevelopment, upgrading or Regenerating or, Rehabilitation, Preservation and Conservation.

**“Up Grading or Regeneration”** means a planning process whereby an existing but decaying urban area is improved in parts to meet established physical planning; and

**“Waste Land”** includes land which for the time being is unworkable and includes burrow pit. Land degraded by erosion, abandoned waste dumps and land liable to flooding.

90. This law may be cited as **the Ekiti State Urban and Regional Planning and Development Law.**

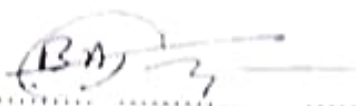
Citation.



*Urban and Regional Planning and Development Law*

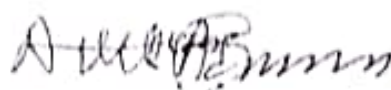
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This printed impression has been carefully compared by me with the Bill, which has been passed by the Ekiti State House of Assembly and found by me to be a true copy of the said Bill.



**MR. BEN. AKINTUNDE FAMOYEGUN**

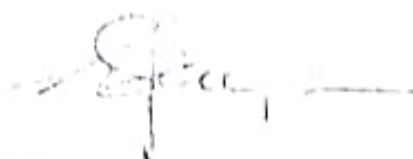
*Clerk of the House of Assembly*



**RT. HON. (DR.) ADEWALE A. OMIRIN**

*Speaker of the House*

Governor's Assent  
I hereby signify my assent to this Bill



**DR. KAYODE FAYEMI**

*Executive Governor of Ekiti State*

**MADE AT ADO-EKITI THIS 26TH DAY OF JULY, 2011**