

Law No. 12-90 on Town Planning

Reference: Dahir No. 1-92-31 of 15 Hijja 1412 (17 June 1992) promulgating Law No. 12-90 on town planning, as amended and supplemented by Law No. 66-12 on the control and punishment of town planning and construction offences

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Practice areas: Administrative law, Real estate and land law

Law 12-90 governs town planning instruments (urban development master plan, zoning plan, development plan, alignment order), the building permit, the occupancy permit and the certificate of conformity. Law 66-12 strengthened the monitoring of building sites and the penalties for unlawful construction.

Town planning instruments

- The development plan sets out the designated use of zones, sites reserved for public facilities, building rules and easements.
- The provisions of the plan are binding on landowners; sites reserved for public facilities are subject to a time-limited easement.
- The town planning certificate, the planning information note and the alignment order provide information on the rules applicable to a plot.

Permits and enforcement

- A building permit is required for any new construction, alteration or raising of a building; it is issued by the president of the municipal council after review (Art. 40).
- The occupancy permit or certificate of conformity is issued once the works have been completed in accordance with the permit (Art. 55).
- Law 66-12 governs offence reports, stop-work orders, demolition and fines; the project owner, the architect and the contractor may each be held liable.

Key articles

ART. 40

No construction may be undertaken without a building permit issued by the president of the municipal council in urban municipalities, delimited centres and peripheral areas.

ART. 55

No building may be occupied before the occupancy permit has been obtained, in the case of a residential building, or the certificate of conformity, in the case of other buildings.

Points to watch

- Before buying any land, obtain the planning information note: zoning, building coefficient, easements and planned public facilities.
- A refusal of, or failure by the authorities to respond to, a permit application may be challenged before the Administrative Court of Rabat within the time limit for appeal.
- A building erected without a permit is exposed to demolition and cannot be registered or sold off-plan.

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