



**Republika e Kosovës**  
**Republika Kosovo - Republic of Kosovo**  
*Kuvendi - Skupština - Assembly*

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**Law No. 04/L-062**

**ON THE VILLAGE OF HOÇË E MADHE /VELIKA HOČA**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON THE VILLAGE OF HOÇË E MADHE /VELIKA HOČA**

**Article 1**  
**Purpose**

The purpose of this law is determination of rules for protection, administration and modern development of the village Hoçë e Madhe/Velika Hoča as a property of cultural and religious heritage in permanent protection and classified as a special protected zone.

**Article 2**  
**Scope**

This law defines the right of limited authority of the Village of Hoçë e Madhe/ Velika Hoča for protection and promotion of cultural and religious heritage and rural planning in accordance with applicable legislation.

### **Article 3**

#### **Definitions**

1. Terms used in this Law shall have the following meaning:

1.1. **Cultural Heritage** - architectural heritage, archaeological heritage, movable and spiritual heritage as defined by the Law on Cultural Heritage, no. 02/L-88/2006.

1.2. **Rural Planning** - the planning for utilization, protection, regulation and management of the area or territory defined as “Village” by the Law on Spatial Planning No. 2003/14.

1.3. **Promotion** - promotional activities to propagate values of a cultural heritage monument in order to increase visitorship and knowledge.

1.4. **Protection** - a nomenclature of protection measures of a juridical nature aimed at the preservation of values of the Cultural Heritage in accordance with the Law No. 02/L-88/2006 on Cultural Heritage.

1.5. **Conservation** - the creation of suitable conditions and the taking of preliminary measures for preservation of the Cultural Heritage including maintenance in accordance with Law No. 02/L-88/2006 on Cultural Heritage.

1.6. **Conservation Plan** - a document on spatial planning for the conservation, use and future development of a space of cultural heritage value.

1.7. **KIPM** - the Kosovo Institute for Protection of Monuments.

1.8. **Village** - the village of / Hoçë e Madhe Velika Hoča.

1.9. **SPZ** - the Special Protective Zone of / Hoçë e Madhe Velika Hoča as defined by the Law No. 03/L-039/2008 on Special Protective Zones.

1.10. **The Council** - the Council of the village of / Hoçë e Madhe Velika Hoča as established by the Municipality of Rahovec/Orahovac pursuant to this Law.

1.11. **Municipality** - the Municipality of Rahovec/Orahovac as determined by the Law on Self Government.

1.12. **Municipal Assembly** - the highest representative body of the Municipality of Rahovec/ Orahovac consisting of all its elected members as defined by the Law on Local Self Government.

1.13. **IMC** - the Implementation and Monitoring Council as defined by the Law No. 03/L-039/2008 on Special Protective Zones.

1.14. **MDP** - the Municipal development Plan of Rahovec/Orahovac.

1.15. **Limited Authority** – the authority exercised by the Council without prejudgement towards the Law on SPZ.

#### **Article 4 The Council**

1. The Council represents the interests of the Village in the field of protection and promotion of religious and cultural heritage and in the field of rural planning.
2. The Council shall be established by the Municipal Assembly in accordance with Article 51.2. of the Law on Local Self-Government.
3. The Council shall be composed of five (5) members:
  - 3.1. two (2) members shall be selected by the Municipal Assembly;
  - 3.2. two (2) members shall be selected directly by citizens of the village of / Hoçë e Madhe Velika Hoça;
  - 3.3. one (1) member shall be selected by the Serbian Orthodox Church who must be a resident of the village / Hoçë e Madhe Velika Hoça.
4. The election of the Council shall be organised by the Municipality Assembly through a public call and in compliance with applicable law.
5. The term of the Council shall correspond to item term of Municipal Assembly members with the possibility of re-election/re-selection.
6. Quorum for all meetings of the Council shall be at least half of the members of the Council.
7. The Council may take a decision if majority of its members who are present vote for it.
8. The Council shall elect the Chairperson from among its members who must be a resident of the village, whose election shall be done with secret votes of the Council.
9. The Council and the Chairperson of the Council shall perform their activities based on decisions issued by the Municipal Assembly and upon their authority under this Law.
10. The Budget for establishment and operation of the Council shall be allocated in accordance with the Law on Local Finances and provided to the Municipality as a grant for enhanced competence.

**Article 5**  
**Relationship between the Council and Municipal and Central Authorities**

1. The Municipality or Central Authorities shall consider the contributions, assessments and proposals/recommendations of the Council as provided for by the applicable legislation.
2. The Municipality, in consultation with the relevant cultural heritage institutions, and in cooperation with the Council, shall draft and adopt the planning documents for the Village in compliance with the relevant legislation: Law No. 2003/14 on Spatial Planning and Law No. 03/L-106 on Amending the Law on Spatial Planning No. 2003/14 and Law No. 02/L-88/2006 on Cultural and Religious Heritage, UNESCO convention for cultural and natural heritage, UNESCO universal declaration for cultural diversity and relevant EU treaties.
3. For the purpose of implementing paragraph 2. of this Article, the Municipality shall develop an integrated approach towards the SPZ and its surroundings, respecting the structure and character of the SPZ.
4. The Council may request support from the Municipality Assembly or Central Government which provides support for implementation of the rights and authorities under this Law as needed.
5. In case of disagreements between the Council and municipal authorities, on matters related to exercising the limited authority of the village under Articles 6, 7 and 9 of this Law, the parties shall refer to IMC and if it is justifiable in competent central institutions and in Competent Court for review.

**Article 6**  
**Limited authority over activities for the protection and promotion of religious and cultural heritage**

1. The Council has the right in consultation and cooperation with the competent authorities of the Municipality to exercise limited authority over activities for the protection and promotion of religious and cultural heritage by:
  - 1.1. organizing, contributing to, and monitoring activities during drafting of the conservation plan for the Village, in cooperation with the KIPM and in accordance with Law No. 02/L-88/2006 on Cultural Heritage, as well as with UNESCO convention for cultural and natural heritage, UNESCO universal declaration for cultural diversity and relevant EU treaties;
  - 1.2. monitoring and assessing the situation of cultural heritage in the Village;

1.3. proposing to KIPM measures that need to be undertaken for protection, promotion and development of cultural heritage in accordance with the Law on Cultural Heritage;

1.4. developing promotional programmes on cultural heritage in cooperation with KIPM.

#### **Article 7**

##### **Limited authority over activities in the field of rural planning**

1. The Council has the right, in consultation and cooperation with the competent authority of the Municipality, to exercise limited authority over activities in the field of rural planning by:

1.1. participating in drafting the rural planning documents of the Village;

1.2. participating in drafting MDP.

#### **Article 8**

##### **Conservation of the Structure and Characteristics of the Village**

1. For the purpose of preserving the special structure and characteristics of the Village with the conservation plan, the following activities shall be prohibited respectively restricted:

1.1. industrial construction or development, such as the exploration and exploitation of mineral resources and the building of dams, power plants or power lines, kilns and factories, and transit roads;

1.2. construction or development leading to deforestation or pollution of the environment;

1.3. urbanization of agricultural land;

1.4. activities that would result in permanently changing the physical profile of the natural landscape;

1.5. construction of petrol stations;

1.6. merging two or more cadastral parcels into a single entity, that would result in erection of a building with an area of more than 90 m<sup>2</sup>;

1.7. construction or transformation activities that would result in buildings that exceed the height of ground floor + 1 (G+1); or whose height exceeds 7m when measured from the natural terrain to the level of the roof-line; or whose total height when measured from the natural terrain, including the roof-line and other physical extensions to the building, exceeds 9,5m.

1.8. construction or transformation activities that would result in buildings whose ground floor surface exceeds 90m<sup>2</sup>, with the exception of special cases of reconstruction or refunctionalisation of buildings, respecting the character of the SPZ;

1.9. placement of permanent advertising displays, private signboards, decorations or other obstructive elements with a surface area of more than 1m<sup>2</sup>

### **Article 9**

#### **Procedure for reviewing requests for permit within the SPZ**

1. Except conditions for granting permit as requested by the applicable legislation, the procedure for issuing requests for permit in SPZ includes initiation of the following actions:

1.1. municipality shall submit to the Council all reviewed requests for permit within SPZ with its professional recommendations;

1.2. the Council shall review all recommendations for permission in accordance with the applicable laws;

1.3. the Council may not agree with a recommendation for permit only if it is considered that it is not in compliance with spatial and urban plans and with applicable laws;

1.4. the Council shall review recommendation for permit, and shall inform the Municipality on its consent or refusal within fifteen (15) days;

1.5. the municipality shall review recommendations of the Council in all cases;

1.6. if the Council does not respond within fifteen (15) days, it shall be considered that the recommendation of the municipality has obtained consent by the Council;

### **Article 10**

#### **Transitional provisions**

1. Members of the Council shall be selected within six (6) months from entry into force of this Law and shall remain in office until the next elections coinciding with local elections.

2. Nothing in this Law shall be construed as limiting or otherwise affecting the rights, privileges and immunities granted by the Constitution.

**Article 11**  
**Entry into force**

This law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-062**  
**20 April 2012**

**President of the Assembly of the Republic of Kosovo**

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**Jakup KRASNIQI**