

„Official gazette of Prijedor Municipality“ No.06-06.

On basis of Articles 92 of the Planning Law («Official gazette of Republic of Srpska« number 84/02-consolidated text) and Article 18 of the Statute of Prijedor municipality («Official gazette of Prijedor Municipality «, number 5/2005), the Assembly of Prijedor municipality, at the XXI session held on 06.07.2006, adopted the

DECISION ON STATUS OF ILLEGALLY BUILT STRUCTURES

I INTRODUCTORY PROVISION

Article 1

This Decision determines the conditions and procedure, deadlines and methods of payment for legalization process, or permanent or temporary retaining of illegally built structures and procedure for demolition of illegally constructed structures.

II DEFINITIONS

Article 2

Expressions used in this Decision have the following meaning:

- „illegally built structure“ is the structure or part of the structure built or under construction without the approval for construction, or in discrepancy with approved technical documentation.
- „permanent legalization of illegally built structure “ is the adoption of decision on subsequent approval for construction, after conducted procedure.
- „temporary legalization of illegally built structure“ is adoption of decision on temporary retaining of illegally built structure, after conducted procedure.
- „demolition“ is the procedure of removal of illegally built structure for which in the conducted procedure it was established that there is no possibility for permanent, or temporary retaining.

III PERMANENT LEGALIZATION

Article 3

Structures illegally built before 1975, which were recorded on aerophotogrametric record, if they remained in at that time recorded dimensions (position, horizontal and vertical dimensions) shall be legalized without obligation for payment of compensation for expenses for planning of urban construction land, and the fee in name of municipal tax shall be paid in accordance with the method set in Article 6 of this Decision.

On the parts of structures from paragraph 1 of this Article, which on any way differ to original form concerning position and dimensions, applied shall be the provisions of Articles 5 and 6 of this Decision.

Article 4

For structures illegally built in period 1975-2002, and which may be identified on orthophoto image, issued shall be the subsequent land use permit and construction permit.

Article 5

With the request for subsequent issuing of approval for construction of residential structures, the investor is obliged to enclose:

- land use permit, with zoning-technical conditions,
- evidence on solved property-legal relations,
- principal approvals,
- simplified technical documentation.

Simplified technical documentation has to contain:

- technical description,
- pro forma invoice,
- basic characteristics of stories and one characteristic section in scale 1:100,
- photographs of all facades,
- attachments for all installations.

Article 6

Compensation of expenses for planning of construction land and municipal tax for structures from Article 4 shall be reduced by:

50% of real calculated expenses, for residential buildings up to 100m² and production buildings,

30% of real calculated expenses, for residential buildings from 100-150 m².

For all other structures identified in accordance with image from paragraph 1 of this Article which are not included in previous paragraph, compensation of expenses for planning of construction land and municipal tax shall be paid in amount of 100% of total amount of expenses.

All other contributions (cadastre, transfer of agricultural land to construction land) shall be paid in accordance with valid regulations.

Article 7

Structure which may not be identified on orthophoto image from 2002 are considered as illegally built and they may not be legalized according to this Decision, and they shall be taken into procedure in accordance with Article 155 paragraph 7 of the Planning Law („Official gazette of RS“ No: 84/02-consolidated text).

Article 8

If there are no conditions for permanent retaining of entire structure or retaining of structure in as-built condition, and there is a possibility for partial retaining of structure with changed construction conditions (change of dimensions, shape, purpose etc.) the Department conducting the procedure is obliged to offer the investor, by means of professional opinion, an acceptable solution.

Article 9

Financial assets collected on basis of this Decision shall be used in purpose of financing of works from the Program construction land planning.

Article 10

Illegally built structure for which the decision is adopted on permanent retaining or subsequent decision on approval for construction, on the day of validity of those

decisions ceases the validity of limitations from Article 92 paragraph 1 of the Planning Law („Official gazette RS“ No: 84/02 – consolidated text).

IV TEMPORARY LEGALIZATION

Article 11

For the structure which does not meet the conditions for permanent retaining adopted shall be the decision on temporary retaining of illegally built structure or decision on demolition of the structure.

With the request for temporary retaining the investors shall enclose the documentation stipulated by the Article 5 of this Decision.

Article 12

Subsequent decision on approval for construction may be issued on basis of professional opinion of legal entity which in sense of the Planning Law („Official gazette RS“ No:84/02 – consolidated text) meets the conditions for preparation of plans, or expert commission appointed by Planning Department, which shall evaluate justification or conditions and possibilities for adoption of subsequent decision for construction of illegally built structure.

In the commission from paragraph 1 of this Article it is mandatory to appoint at least one architect, one civil engineer and one engineer whose expertise shall be determined on basis of type, size and purpose of the structure. Members of the commission need to have license for designing, or construction of specific type of structure.

In case of the positive opinion, the commission has to give the explanation for all aspects they used respecting the rules of the profession, participation of public and positive legal regulations.

Article 13

The validity of the Decision on temporary retaining of the illegally built structure is until the moment of when the land is brought to its purpose determined by appropriate plan documentations.

The moment when the land is brought to its permanent purpose in sense of this Decision is considered as the moment of adoption of final land use permit in accordance with the plan act or other works and activities in purpose of bringing the land to its final purpose.

Article 14

Decision on temporary retaining of illegally built structure gives the investor the legal base for temporary connection to utilities and other infrastructures (water supply, sewage, TC line etc).

Article 15

Compensation for planning of city construction land, for structures temporary retained by the decision, and compensation for its usage are paid in amount of 30% of total amount of compensation for permanent legalization in accordance with provisions of the Law on construction land and the Decision on construction land in Prijedor municipality which is based on it.

Article 16

Owners of temporary retained illegally built structure are obliged to, after the time from Article 13 of this Decision elapses, remove the structure under the threat of compulsion of execution, on his own expense, and on basis of decision of competent Planning Department.

V DEMOLITION

Article 17

For structure whose construction started without the approval for construction after the day of aerophotogrametric image and for which the investor does not submit the request for permanent or temporary retaining during the application of this Decision (6 months), or the submitted request is rejected with the final decision, adopted shall be the decision on its demolition.

Article 18

The infrastructure companies are obliged to disconnect the structures from previous Article from their installations immediately upon information from town planning – building inspector or from the competent body authorized for issuing of approvals for construction.

VI TRANSITIONAL AND FINAL PROVISIONS

Article 19

Owner of illegally built or structure which is in construction has to submit the request for permanent or temporary retaining of the structure to the competent body authorized for issuing of approvals for construction, at latest within 6 (six) months from the day this Decision was published in Official gazette of Prijedor Municipality.

Article 20

This Decision comes into effect on the eighth days from the day it was published in "Official gazette of Prijedor Municipality".

Article 21

The effectiveness of this Decision repeals the Decision on status of illegally built structure number: 01-022-3/04 from January 30, 2004 („Official gazette of Prijedor Municipality“ no: 1/2004).

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Prijedor

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CHAIRWOMAN OF
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