

OFFICIAL GAZETTE OF THE REPUBLIC OF SRPSKA

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On the basis of the Article 44 of the Act on Amendments of the Physical Planning Act ("Official Gazette of the Republic of Srpska", number 53/02 and 64/02) and Article 54 of the Procedural Rules of the National Assembly of the Republic of Srpska ("Official Gazette of the Republic of Srpska", number 50/01), the Legislative - Legal Board of the National Assembly of the Republic of Srpska, at the session held on 9th December 2002, stipulated the revised text of the Act on Physical Planning ("Official Gazette of the Republic of Srpska", number 19/96, 25/96, 10/98, 53/02 and 64/02), as follows:

ACT ON PHYSICAL PLANNING

- Revised text -

I – BASIC PROVISIONS

Article 1

Physical planning, in a sense of this Act, is a group of measures and activities within the construction process, physical and urban development planning, urban development, architectural and civil engineering designing and construction, aimed at coordination of needs of the population with respect to habitation, work and recreation in a healthy and protected environment, creation of conditions and assumptions for balanced and harmonious development of the Republic of Srpska and all its parts with coordination of general and special interests of all users of the space.

Physical planning, as multidisciplinary activity, in addition to this Act, in some its parts is determined also by the provisions from the domain of environment protection, use of agricultural and building land, forests, waters, ores, traffic, energetics, protection of cultural - historical heritage and nature, protection from natural disasters and war activities, technical hazards etc. as well as by the provisions of territorial units related to physical planning.

Article 2

Physical planning, as a complete care about natural and constructed environment is being orientated according to plans, and is based on plans and programs of development of territorial units by respecting the plans and programs of development and other subjects of planning and their associations.

By planning, the coordination of plans and programs of development from the previous paragraph is provided from the point of view of rational use of space and properties in the space, with application of principles of compulsoriness, simultaneousness and continuity in the process of planning, as well as the principles of integral approach in planning, establishment of planning on a single information system on space, providing of public in the process of planning and making the plans available to all interested parties.

Article 3

The Republic of Srpska, municipalities and other territorial units, on their territory determine and accomplish the policy of physical planning by passing and implementation of appropriate plans, ie. other deeds and measures, in accordance with their Constitution and the competences determined by law.

The Republic, municipalities and other territorial units, are obligated to adopt the plans which are to be adopted according to this Act, and may prescribe the compulsoriness of adoption of other plans as well.

The Republic, municipalities and other territorial units, are obligated to follow the realization of the plans adopted, as well as to carry out the amendments to the plans in accordance with new circumstances that are significant for physical planning.

Rights and obligations determined by this Act for municipalities are also relating to the cities that are not divided into municipalities. In the cities that are divided into municipalities, the holders of these rights and obligations are determined in accordance with regulations on local self-management.

Article 4

The duties from the domain of physical and urban development planning are the duties of special interest.

On the proposal of the Ministry that is competent for duties of urban development and construction (hereinafter referred to as: Ministry), the Government will, according to need, establish the network of public companies which will, in a sense of this Act, be registered for making of physical-planning documentation.

The duties of organizing and keeping the single information system on space are the duties of special interest. These duties are being kept by administrative authorities which are competent for duties of physical planning. Performance of professional tasks can be entrusted to authorized institutions, but the competent administrative

body is responsible for establishment and functioning of the system and for distribution and use of the data from this system.

II – MEANING OF THE EXPRESSIONS

Article 5

The expressions used in this Act have the following meanings:

1. Documentation on physical planning / physical - planning documentation is the documentation for organization of the space of the Republic on the basis of the plans, on the principle of integral approach to planning, principles of sustainable development and provisions of this Act regarding continuity, compulsoriness and synchronicity of preparation, making, adoption and implementation of plans, and presents a group of documents that is consisted of: physical, urban development and regulatory plans, plans of parcellation of the land, urban development and technical conditions, analyses, studies and other documents made within the jobs of physical planning and organization, as well as documents with the data from information system on space.
2. Settlement is the space built and functionally incorporated on which the conditions for life, work and satisfying of common needs of the population are provided.
3. The village is a settlement whose population is mainly engaged in agriculture, and is not the capital of the municipality.
4. The city is a settlement that is as such determined by the law.
5. Building lot is the area of land which has been defined numerically and graphically by the plan, and is intended for construction and regular use by one or more buildings.
6. Regulatory line is a planning line, defined graphically and numerically, by which the planned space for construction and function of construction are determined and separated from the space for public use.
7. Building line is a planning line on, above, or below the land surface, defined graphically and numerically or just graphically in the plan, which presents the limit until which the certain building may be constructed, or on which it must be constructed.
8. Protective belt and protective zone are the areas of land, water areas or air spaces, which are defined by the plan numerically and graphically, and are intended for protection of life and health of the people, safety and function of the buildings, areas or spaces, in accordance with provisions of special regulations or in accordance with professional rules that are applied in appropriate domain.

9. Public areas are the areas of land or water, which are numerically and graphically or just graphically defined by the plan, and intended for performance of public functions and activities and which are available to indefinite number of individually indefinite physical or legal entities.
10. Construction is a process that comprises execution of preliminary and construction works for construction of buildings (including construction-trade works and installation works), reconstruction, extension and superstructure of existing buildings, as well as building-in and assembly of equipment, finished elements and structures.
11. Building site is an area on which the building is being built, as well as temporarily possessed land that is used for construction, or has been intended for construction of the building on the basis of the plan or other deed adopted according to the law.
12. Preliminary works are the works of construction of auxiliary buildings of temporary character as well as other works for the needs of organization of building site and use of appropriate technology of construction.
13. Temporary building is the building temporarily set for the needs of the building site or for other needs according to the law.
14. Buildings are the structures that, by external walls and roof, are framing the space intended for living or performance of certain activities or functions.
15. Auxiliary buildings are the structures that are indirectly used for specific activity or purpose, by providing the conditions for function of main buildings.
16. Conceptual design is a group of mutually coordinated drafts and texts, which are given the fundamental shaping-functional and technical solutions of the building and its position in the space, which contains: drafts, extracts from the land registry plan with locality plan drawn and adjacent buildings on geodetic base of appropriate size and technical description.
17. Preliminary design is a group of mutually coordinated drafts and texts, which are given basic shaping-functional and technical solutions of the building and its position in the space, which contains: drafts, extract from the land registry plan with locality plan drawn and adjacent buildings on geodetic base of appropriate size, system of construction, installation and technical description.
18. Final design is a group of mutually coordinated projects, by which technical solution of a building is given, made on the basis of **urban design approval** and determined urban and technical conditions, which contains: architectural and constructive project, project of installations, project of building-in of the equipment and other necessary types of projects (project of founding, technological project, project of infrastructural organization etc.).

19. Production design is the developed technical solution of the building by which the conditions stipulated by the final design are being worked out, which is confirmed by the statement of the designer in charge, and contains all details, reinforcement drafts, formwork plans, instructions for execution and other solutions necessary for construction of the building, as well as protective measures at work and for organization of the building site.
20. Removal of the building is demolition or disassembly of the building, and exporting of remaining material, equipment and other elements.

III – BASICS OF PHYSICAL PLANNING AND ENVIRONMENT PROTECTION

1. Construction and physical planning

Article 6

Aimed at planning construction of settlements, creation and maintenance of favorable conditions for living, work and rest of the population and rational management of natural resources, the following is determined in the space:

- A) building land
- B) agricultural land
- C) forest land
- D) water areas
- E) protected and recreational areas
- F) traffic areas (roads, railways, airports etc.)
- G) barren land and areas for other purposes.

Building land is determined by the law and the plan, and must be limited from the lands which are not such, and in accordance with further urban and economical development and permanent preservation of environmental conditions.

Agricultural and forest land is the land defined by special law, ie. the land which is by physical or urban development plan intended to be agricultural land or forests.

Water areas are the areas defined by a special law, ie. the areas which are by physical or urban development plan intended to be water areas.

Protected and recreational areas, as well as traffic areas, exploitation fields and area of special purpose, are determined by the law, ie. appropriate plan.

Article 7

Construction of settlements and buildings can be carried out only on building land.

Exceptionally from the previous paragraph, on the lands that are not determined as building land, the buildings can be built and works can be carried out which exclusively correspond to purpose of the land, if not otherwise stipulated by this Act.

Article 8

For each settlement that presents spatial and functional entity, or more settlements spatially and functionally connected into the entity, which, on the basis of the planning assumptions have the conditions for further development, by physical or urban development plan the urban area is defined as the area to which the construction is directed and stimulated, in accordance with natural assumptions, distribution of population, direction of economical activities, construction of infrastructural systems and networks of structures of social standard.

Urban area comprises constructed and non-constructed area intended for residence, work and rest, buildings of social standard, infrastructure and areas of special purpose, green areas, as well as areas reserved for future development. Urban area can comprise, in addition to the building land, other kinds of land as well.

In larger settlements, closer urban area can be formed for the purpose of determination of special conditions on the occasion of issuing of **urban design approval** and building approval. Closer urban area comprises a part of settlement which has been built intensively or it is stipulated to be built intensively by plan.

Limits of urban area, limits of land registry municipalities and limits of statistical area are being coordinated mutually. Urban area, as a rule, includes appropriate land registry municipalities and statistical circles on the whole.

Article 9

In the space and in a settlement, according to the plan determined are the spaces and infrastructural lines as reserved areas that are significant for further development, whose detailed purpose does not have to be determined more closely.

The assemblies of political - territorial units can determined by their decision the reserved areas from previous paragraph even before adoption of the plan.

On the reserved areas, determined by the paragraph 2, the regime of construction ban (Article 10 of this Act) is applied until adoption of appropriate plan, but not longer than 5 years since the decision from paragraph 2 has come into effect.

On the reserved areas, which have been determined as such by appropriate plan (paragraph 1), the regime of construction ban is applied for entire period of validity of the plan.

Article 10

On the reserved areas, no construction of buildings and facilities is allowed, except for current maintenance, extension for the purpose of providing of basic hygienic conditions, partition that has not got the character of new construction and conservation of the building.

Exempted from the previous paragraph, on the reserved areas in the settlement, construction of basic public utility installations can be approved as well as structures of social standard for necessary maintenance of existing part of the settlement.

On the reserved areas, temporary purpose may also be determined: green and recreational areas, forest and agricultural land, playgrounds, parking areas, open markets and similar.

Article 11

By harmonious arrangement of the space on the territory of the Republic of Srpska on a whole and complex planning of wider areas, the interests and aims of development of two or more political - territorial units are been coordinated with respect to use of the space and properties in space as well as development of functions and activities that are of common interest.

Article 12

Development of space in peace conditions must correspond to basic needs in war conditions and direct war danger. Plans and regulations provide coordination of concepts and measures of physical planning and defense of the Republic of Srpska, especially with respect to distribution of population, production, infrastructure, public services, as well as structures for the needs of defense.

2. Construction and development of settlements

Article 13

The settlement is a constructed, inhabited, spatially and functionally incorporated part of the inhabited place.

Inhabited place is a territorial unit that, as a rule, comprises one or more settlements, with the area belonging to that inhabited place.

Cities and settlements of city character, in a sense of this Act, are inhabited places in which the capital of the municipality is located.

National Assembly of the Republic of Srpska can pronounce other inhabited place to be a city or settlement of city character, on the proposal of municipality assembly on whose area the inhabited place is located.

Article 14

A name is determined for each inhabited place. Inhabited places in the same municipality cannot have the same name.

The names of the inhabited places are determined by the law.

Article 15

Municipality assembly determines in which inhabited places the names of settlements, streets and squares are to be determined obligatorily, it decides about their names as well as the obligation of marking the buildings by numbers.

Municipality assembly determines the way of marking of streets and squares, as well as buildings by numbers, in inhabited places in which the names of settlements, streets and squares are determined.

Article 16

Construction of settlements, ie. parts of settlements, is carried out continually on the basis of the regulatory plans for spatial entities for which the adoption of these plans is compulsory.

Reconstruction of existing parts of settlements is obligatorily stipulated by the plan and is carried out as permanent activity in the process of settlement construction.

Article 17

New settlement that is used for temporary accommodation to the workers during construction of large infrastructural, industrial and similar facilities, as well as for the purpose of removing the consequences of natural disasters of large scale, is being planned and constructed, as a rule, in a way that upon the end of circumstances that required its construction it develops into the settlement that corresponds to future development of that area. If this is not possible, the investor is obligated to remove the settlement, ie. to demolish it, and to bring the area into previous state.

Article 18

Along with the construction of a settlement, ie. part of the settlement, the construction of facilities of social standard and facilities of public utility infrastructure is being provided in accordance with the plan.

The construction of school, health, and similar facilities from the previous paragraph is being carried out on the basis of the coordinated plans of appropriate organizations network.

Article 19

Aimed at harmonious relation of the constructed and natural environment and providing of recreational functions, the municipality provides construction and development of green and recreational areas in accordance with the plan.

The development of particular green and recreational areas is being determined by the regulatory plan, and if the plan has not been made, it is being determined by the **urban design approval**.

Article 20

The settlement has one cemetery for use.

The settlement may have more cemeteries, if required by special reasons.

The cemetery is being constructed and developed in accordance with the plan, according to the appropriate provisions. In the cities and settlements with city character, the cemeteries are being developed according to the **urban design project**.

3. Construction of infrastructural systems, structures and facilities

Article 21

Construction of infrastructural systems, structures and facilities of water, traffic, energy and public utility infrastructure is being carried out in accordance with physical ie. urban development plan, as well as on the basis of the plan of the appropriate infrastructural system.

The plans from the previous item are being mutually coordinated.

Article 22

Aimed at providing of undisturbed functioning of infrastructural systems, structures and facilities, as well as their protection, the protective infrastructural belts ie. protective zones are being established and arranged along the infrastructural lines ie. around the infrastructural structures.

The width and other conditions of arrangement of appropriate protective belts, ie. zones are being closely regulated by special laws on roads, railways, waters etc.

Article 23

On the area comprised by protective infrastructural belt, ie. zone, no structures may be constructed and works carried out which are contrary to the purpose due to which protective belt ie. zone has been established.

On the existing structures in protective belt, ie. zone, only current maintenance can be approved, as well as extension aimed at provision of basic hygienic conditions, also the partition that has not got the character of new construction as well as conservation of structures.

Article 24

Construction of connections, stops and stations, petrol stations, car services, catering facilities, park lots, viewpoints, seedlings, markings, devices and other appropriate facilities is planned in protective belt, next to the motorways, main roads, regional roads and airports.

Article 25

Roads and other facilities of public utility infrastructure in the settlements are being constructed by an investor, ie. municipality, simultaneously with construction of settlements whose part they are, in the volume that provides normal functioning of settlement, ie. its part.

4. PARCELLING OF THE BUILDING LAND

Article 26

Building land is being divided into building lots.

Building lot comprises one or more land registry lots or their parts.

Building lot must have the area and the form that provides construction of structures in accordance with the plan, urban design and technical provisions.

Lot must have permanent access to the street, ie. road.

Article 27

Parcelling is being carried out on the basis of regulatory plan and **urban design project** and is being determined by the parceling plan which is their integral part.

For spatial entities for which there is not an obligation to submit regulatory plan, ie. urban design project, the parcelling plan is being prepared on the basis of the urban development plan, ie. physical plan.

Parcelling plan from the previous paragraph is adopted by the municipality assembly in accordance with the purpose of the area determined by the urban development ie. physical plans.

Parcelling plan contains the plan of spatial organization, plan of infrastructure, plan of regulatory and building lines, general urban development conditions for construction of planned structures, as well as conditions for interventions on the existing structures.

5. PROTECTION OF ENVIRONMENT IN THE PROCESS OF PHYSICAL PLANNING AND CONSTRUCTION OF STRUCTURES

Article 28

Protection and improvement of the environment are being accomplished by the application of provisions of this Act, other Acts and provisions passed on the basis of these Acts.

Article 29

In the plans, during determination of organization, development and use of space, the following conditions and measures of protection and improvement must be determined:

- nature,
- natural values,
- cultural - historical heritage and its surroundings,
- urban standard.

Under protection of nature, in a sense of this Act, we especially imply the protection of waters, air, land and forests, ore deposits and other protection.

Under protection of natural values, in a sense of this Act, we imply protection of national parks, memorial areas, parks of nature, nature reserves, as well as monuments of nature and natural rarities.

Under protection of cultural - historical heritage and its surroundings, in a sense of this Act, we imply protection of building heritage, monuments, and monumental entities, archeological localities, commemorative landmarks, as well as areas having the significant historical and environmental values and characteristics.

Under protection of urban standard, in the process of planning and construction of settlements, we imply providing for basic hygienic, construction and social conditions of habitation, work and recreation of the population, in a sense of determination of coefficient of completeness of settlements and density of population, structure of flats and standard of habitation, public utility equipment in settlements, areas and structures intended for social standard and recreation, conditions for passenger and car traffic, as well as other conditions of construction.

Article 30

By physical, urban development and regulatory plans, ie. urban design projects, the conditions and measures of protection from natural disasters, technical catastrophes and war demolitions are determined, in a sense of construction of protective structures, appropriate spatial organization of settlements, distribution of structures of vital significance and industrial zones, distribution of traffic and other structures of infrastructure, distribution of health, firefighting and other facilities of significance for providing help to the population, as well as in a sense of provision of basic needs of defense and protection of population and material goods in case of war and direct war danger.

Article 31

Aimed at efficient protection and improvement of the environment, economical and other activities which endanger or can endanger the environment are subject to special regime of control and are entered in the special registry.

The Ministry will closely prescribe the conditions and the mode of control from previous paragraph, as well as the mode of keeping the registry.

In addition to the provisions this Act, also the appropriate provisions on protection of environment apply in the procedure of issuing of **urban design approval**, building approval, approval for change of purpose and approval for use for structures in which the activities from paragraph 1 are being performed,

IV – PLANNING OF SPACE AND SETTLEMENTS

1 BASIC PROVISIONS

Article 32

By planning of space and settlements, on the basis of study of natural, historical, demographical, economical, social, technical and other conditions, provided is functional and rational organization and use of available space, as well as values in general use, natural resources, material, cultural and ecological values, rational use of energy, protection and improvement of the environment, as well as coordination of interests of all users of the space.

Planning of space and settlements is integral part of unique system of planning and programming of development and presents the obligatory and continual activity of all political-territorial units.

Article 33

Organization, development and use of space and construction of settlements are being provided by adoption and implementation of the plans.

Plans, in a sense of this Act, are the following:

- a) physical plans:
 - physical plan of the Republic,
 - physical plan of the area,
 - physical plan of the municipality,
- b) urban development plans,
- c) regulatory plans,
- d) urban design projects.

Physical and urban development plans are long-term strategic planning documents by which the basic aims are determined as well as directions and instrument of development in a space, ie. settlement, and relate to the period of at least ten years.

Regulatory plans and urban design projects are technical - regulatory planning documents on the basis of which the conditions for designing and construction of buildings are defined and elaborated, ie. on the basis of which the space is indirectly being brought to the planned purpose.

Article 34

Plans from the previous paragraph especially contain:

1. limits of comprised area
2. planning period
3. extract from the physical plan of wider spatial area
4. description, analysis and mark of state, organization, development and use of the space,
5. analysis and evaluation of needs and possibilities of further physical development
6. aims and directions of further physical development
7. planning solutions
8. points and guidelines for plan implementation.

Plans also contain the informational - documentational base of the plan as the enclosure.

Contents of the plans and the scope and type of informational - documentational base of the plans are being closely determined by the Minister.

Article 35

Preparation and adoption of the following plans is compulsory:

- a) for the territory of the Republic – physical plan of the Republic
- b) for the territory of the municipality - the physical plan of the municipality
- c) for cities and settlements of city character, as well as new settlements – urban development plan
- d) for other settlements for which it is prescribed by the Minister, ie. municipality assembly in accordance with the physical plan of the municipality – urban design plan, ie. regulatory plan.

Compulsoriness of preparation and adoption of other plans is regulated by special regulations of this Act.

Article 36

The plans are being mutually coordinated.

Plan of the closer area is being coordinated with the plan of wider area, and the plans of adjacent areas must be mutually coordinated.

In case when the plans are not mutually coordinated, the plan of wider area is being applied.

Plans are being coordinated with the plans and programs of development, plans of infrastructure, plans of defense, and other plans that are significant for planning of space and settlements.

Holder of the plan preparation, as a rule, ensures the coordination of the plans, in the process of their making.

Article 37

Use of the space, formation of building lots, construction of settlements and structures, public utility and other infrastructure, and generally any intervention in the space, ie. giving of approvals for construction by the competent authorities, is allowed only in accordance with appropriate plans, ie. other deeds that, in a sense of this Act, substitute the plans.

II – PHYSICAL PLANS

Article 38

Physical plan of wider area presents the foundation for making of physical plan of closer area.

Physical plan of closer area is a base for making of urban development plan, and exceptionally the regulatory plan, for the areas and settlements for which it is not compulsory to adopt the urban development plan, ie. if such plans have not been adopted.

Article 39

By physical plans, especially determined are the protection, improvement, development, organization and use of the space and values in the space, purpose of the space, construction of the infrastructure network and facilities, bases for distribution of economical and social infrastructure, economical activities and settlements, development of special areas, protection and use of cultural - historical and natural heritage, protection and improvement of the environment.

Article 40

By physical plan of the Republic, the development, function and activities on the territory of the Republic are being orientated, basic purpose of space which is significant for the Republic is being determined, as well as the system and settlements network, economical and social infrastructure that are significant for the Republic, areas of concentration of economical activities, areas of cultural - historical and natural heritage and other special areas, and the development and use of the space is coordinated with the needs of defense and needs of environment protection.

Physical plan of the Republic contains the points and the guidelines for preparation and making of the physical plans of closer areas.

Article 41

Physical plan of the area is being made for the needs of two or more municipalities, areas of large exploitation of mineral raw materials, tourist - recreational, sports and spa areas of special significance, areas of national parks, areas of exceptional cultural and historical significance and other protected or specific areas.

The area is being determined by the physical plan of the Republic.

The area of two or more municipalities, if not determined by this plan, is being determined by mutual decision of these municipalities.

By physical plan of the area, depending on the nature and use of the area, in more details are being elaborated and defined basic assumptions determined by the physical plan of the Republic, the interests and aims of development of two or more municipalities are coordinated with respect to use of space and values in space, and development of functions and activities of joint interests for these municipalities, ie. functions and activities are defined within the limits of the determined special area, as well as its purpose and conditions of development and use of space.

Two or more municipalities may reach a consent to make a single physical plan of the area of these municipalities as well as to determine that such plan has to have contents determined in the article 42 of this Act for physical plan of the municipality.

Single physical plan from paragraph 5 is being adopted by the assembly of each municipality. By the Decision it is being determined that this plan substitutes physical plan for each of these municipalities.

Article 42

By physical plan of the municipality, in more details are elaborated and spatially defined the determinations determined by the physical plan of the Republic, the purpose of the areas on the territory of the municipality is being determined, and especially the limits of urban areas of inhabited places are being determined, as well as economical, public utility and social infrastructure which are significant for the municipality, areas of economical activities, cultural - historical and natural heritage, tourism, sports, health and recreation, and use and development of the space are coordinated with the needs of defense and needs of environment protection.

Physical plan of the municipality contains the guidelines and assumptions for preparation and making of urban development plans, ie, regulatory plans from item c) Article 35 of this Act.

Article 43

Physical plan for the territory of the Republic is being passed by the National Assembly.

Physical plan for the area is being passed by the municipality assembly ie. appropriate municipalities assemblies.

Physical plan of the municipality is being passed by the municipality assembly.

3. Urban development plan

Article 44

By urban development plan, the following is determined and spatially defined in details: determinations from the physical plan of the municipality, the limits of

building land, agricultural land and forest land are being determined as well as purpose of the areas for the needs of living, work, recreation, sports, tourism and special purposes, protected areas and protected zones, zones of reconstruction and remedy, and traffic, water, energy and public utility infrastructure and other infrastructure.

By the plan from previous paragraph, the use and development of space is coordinated with the needs of defense, needs of environment protection and conditions and mode of construction in urban area are determined.

The urban development plan contains guidelines and assumptions for preparation and making of regulatory plans, ie. urban design projects.

Article 45

Urban development plan may comprise more villages or hamlets (other settlements) for the purpose of joint physical planning and construction.

Urban development plan is passed by the municipality assembly.

4. REGULATORY PLAN

Article 46

The regulatory plan is being made for the spatial entities of the city or settlements of city character for which this is determined by the urban development plan, ie. ahead of which there is intensive construction, reconstruction or remedy, and for other settlements for which this is prescribed by the Minister, ie. municipality assembly in accordance with physical plan of the municipality.

Regulatory plan is also being made for industrial and economical zones, parts of protected areas, cultural - historical and natural heritage, for parts of tourist, spa and weekend settlements, and for sports, recreational and health complexes.

Article 47

Urban development plan is the base for making of a regulatory plan in urban area, and physical plan of the municipality, ie. physical plan of the area for the areas out of the limits of an urban area.

Regulatory plan is a base for making of urban design project, for issuing of **urban design approval**, for obtaining of building land and its parcellation, as well as for other interventions in space stipulated by the plan.

Article 48

By the regulatory plan, the limit of coverage of plan is determined, time for which the planning parameters have been determined, purpose of the areas, treatment of existing buildings, conditions for reconstructions, conditions of protection and use of

monument entities of cultural - historical and natural heritage, with the guidelines for possible interventions, purpose of planned buildings, elements of regulation – regulatory and construction lines, number of floors, coefficient of completeness, levelling plan, guidelines for shaping, horizontal dimensions of constructions (orientational, maximal or fixed), preliminary designs of public utility infrastructure, general urban and technical conditions for construction and development of the space, as well and orientational costs of development of the building land.

By the plan from previous paragraph, the urban development-construction measures of protection of population are being determined as well as material goods from natural disasters and war conflicts, and needs of defense and environment protection needs are coordinated.

By regulatory plan, more villages and hamlets can be comprised (other settlements) for the purpose of joint physical development and construction.

Article 49

Making of the regulatory plan, as a rule, is preceded by the making of preliminary design of regulatory plan.

Preliminary design of regulatory plan contains the basic functional, technical and shaping elements of regulatory plans, and serves as control of the needs, wishes and spatial possibilities.

Contents, procedure and method of preparation, making and adoption of preliminary design of regulatory plan is closely determined by the holder of the plan preparation.

For especially significant spatial entities of the city, and aimed at obtainment of optimal solutions, the preparation of preliminary design of regulatory plan can be a subject of public contest.

Article 50

Regulatory plan and preliminary design of regulatory plan are being passed by the municipality assembly.

5. URBAN DESIGN PROJECT

Article 51

The urban design project is being made for closer urban area, parts of the urban areas which are being constructed as an entity, or have already been partially constructed, and which present specially characteristic and valuable spatial entities determined by the urban development plan.

Urban design project is being compulsorily made for inhabited place or parts of the inhabited places which are entered in the registry of cultural monuments.

The base for preparation of urban design project is the regulatory plan, ie. urban development plan and project program determined by the urban development plan.

By urban design projects, in details are given urban and architectural solutions of spatial areas for which the projects have been made, levelling - regulatory data, arrangement of the environment, preliminary designs of public utility infrastructure and conceptual designs of architectural structures.

By urban design projects, detailed and special urban and technical conditions are being determined for designing and construction of structures and spatial arrangement.

Article 52

Aimed at obtainment of optimal solutions, preparation of urban design project may be subject of public contest.

Article 53

Urban design project and project program are passed by the municipality assembly.

6. Preparation, making and adoption of the plan

Article 54

Preparation and making of the plans, as well as their adoption, is being carried out in accordance with this Act and other regulations passed on the basis of the Act.

The procedure and mode of preparation and making of the plans will be closely prescribed by the Minister, according to need.

Article 55

Preparation of the plan is being started on the basis of the decision of the assembly which is competent for adoption of the plan.

If it is about making of the physical plan of the area that comprises the territory of two or more municipalities, or parts of their territories, the decision from paragraph 1 of this Article is being passed by mutual consent of the assemblies of those municipalities.

The decision of making of plan contains especially:

- type of the plan
- area of planning
- time period for which the planning parameters are determined, evaluated or calculated
- deadline of making of the plan
- provision of funds
- holder of preparation and holder of making of the plan

- provision on adoption of the plan.

Holder of the preparation of the physical plan of the area, ie. municipality, as well as urban development plan is obligated, within 15 days since the issuing of the decision on making of the plan, to deliver it to the Ministry, with basic graphic survey of the planning area.

The Minister may issue compulsory instruction for making of plan in order to provide the coordination of physical and urban development plans.

Article 56

Holder of the preparation of the plan is the assembly body competent for the urbanism duties or other body or organization determined by the assembly by decision on making of the plan.

Making of the plan is being entrusted to the companies, ie. other legal entities which are, in accordance with this Act, registered for making of appropriate types of plans.

Article 57

Holder of the preparation of the plan is obligated, during making of the plan, to provide cooperation and coordination of positions with Chamber of Commerce and all interested parties, bodies and organizations competent for duties of planning and programming of development, water management, traffic, health, culture, housing and public utility economy, geodetic, geological, geophysical, seismic, and hydro-meteorological duties, duties of statistics, agriculture, forestry, tourism, protection of natural and cultural - historical heritage, environment protection and defense and other subjects, to the extent required by the level of the plan, and to obtain their opinion on planning solutions which fall within their professional scope.

Bodies and organizations from paragraph 1 give consent to appropriate planning solutions when this is determined by this Act or Acts by which the appropriate activity has been determined. Giving or failing to give this consent does not bind the assembly that adopts the plan, except in case if the consent or failing to give consent are based on the plan of higher rank or on other documents adopted by the competent state authority (plans, programs, development strategies etc.) which bind the assembly that adopts the plan.

Bodies and organizations from paragraph 1 of this Article are obligated, with reimbursement of real costs, to give available data and other information necessary for making of the plan.

Article 58

Assemblies which are competent for adoption of appropriate plans can appoint the council for making of the plan.

Council for making of the plan monitors making of the plan and takes professional stands on issues of general, economical, and spatial development of territorial unit, ie.

area for which the plan is adopted, as well as professional positions with respect to rationality and quality of suggested planning solutions, coordination of plans with plans that present the base for their making, ie. with respect to coordination of the plan with provisions of this Act and other provisions based upon the Act.

Article 59

Physical and urban development plans are subject to professional control which checks the conformity of these plans with the plans that present the base for their making, justification of planning solutions, conformity of the plan with the law and other provisions passed on the basis of the law, as well as conformity of the plan with urban design standards and norms.

Monitoring from paragraph 1 of this Article is carried out by the Committee of experts formed by the Minister, and its opinion must be followed before submission of the plan to the body competent for its issuing.

Article 60

Holder of the plan preparation determines the plan draft and puts it at public availability in duration of at least 30 days for declaration and submission of oral complaints to the plan draft within deadline.

At the same time, along with presentation of plan draft, the discussion of experts is being realized and is available to the public.

The public will be informed about place, duration and way of public presentation of the plan draft at least 8 days before.

Article 61

Holder of the plan making and Council of the plan, if nominated, are considering the received written remarks to the plan draft and deliver to the holder of the plan preparation the explained opinion about the remarks that could not have been accepted.

Holder of the plan preparation and body that is, according to the provisions, authorized for submission of proposals to the assembly which adopts the plan, mutually determine the plan proposal and submit it to the assembly.

Along with the plan proposal, holder of the plan preparation is obliged to deliver to the competent assembly the explanation of opinions about the remarks to the plan draft which could not be accepted.

Article 62

Before adoption of the plan, the Minister gives his consent to proposal of physical and urban development plans, as well as to the proposal of regulatory plans from Article 35 paragraph 1 item d) of this Act.

Minister may refuse to give his consent to the plans from previous paragraph when he determines that the procedure of its adoption and its contents are not in accordance with the law and provisions passed on the basis of the law, ie. when he determines that the plans are not in accordance with the plans that present the base for their making.

If the Minister, within 30 days, does not give his consent or does not inform the assembly competent for adoption of the plan about determined irregularities, it will be considered that the consent to the proposal has been given.

Article 63

Aimed at creation of planning base for restoration and construction of settlements for urgent care of the population from destroyed, flooded or other area, urban development plan and regulatory plan may be made and adopted according to the summary procedure, in the way prescribed by the minister.

Article 64

The decision on adoption of the plan is published in Official Gazette.

Plan is a public document, if not otherwise determined for its specific parts.

Plan is presented to permanent public insight at the administrative body competent for urbanism duties.

Article 65

Realization of physical and urban development plans, ie. regulatory plans and urban design projects is being carried out in accordance with their staged plans and according to the dynamics coordinated with realization of plans and programs and development of territorial units.

Staged plan of physical and urban development plan, ie regulatory plan and urban design project, is a part of that plan by which its realization is being determined within specified time period. Staged plan especially contains the area and dynamics of construction of structures and execution of works according to the purposes of the areas determined in the plans from paragraph 1 of this Article and coordinated with the needs and possibilities of development in the field of traffic, energy supply, public utility infrastructure, residential construction, construction of structures of economical and social activities, development of building land, use of agricultural and forest land and in other fields. By staged plan, the measures of protection and improvement of natural values as well as the work-created values of environment, as well as sources of financing for realization of staged plan are being determined.

Article 66

Staged plan from the previous Article is passed by competent assembly in accordance with appropriate plan, ie. program of development.

Article 67

Amendments to the plan are being carried out according to the procedure for adoption of the plan.

Article 68

Inspection of the plan is being initiated by the holder of the preparation of the plan.

Inspection of the plan can be initiated by the Minister.

Inspection of the plan is being carried out in a way and according to the procedure prescribed for adoption of the plan.

Compulsory inspection of spatial and urban development plans is carried out at least every 10 years.

Compulsory inspection of regulatory plans and urban design projects is carried out at the latest a year before expiry of time period from Article 55 paragraph 3 part third.

V – CONSTRUCTION OF STRUCTURES

1. Urban design approval

Article 69

Construction of structure, execution of construction and other works on the surface or below the surface of the land, as well as change of purpose of building land or construction, can be approved if, previously, by the **decision on urban design approval** (hereinafter referred to as: **urban design approval**) it has been determined that the structures, construction and other works and changes are in accordance with appropriate plan and prescribed conditions.

In addition to the works or change of purpose from previous paragraph, issuing of **urban design approval** is necessary also for:

- use of land for setting of structures or installation for the purpose of camping, recreation etc.
- change of purpose of forest land or agricultural land of intensive cultivation into other land
- cutting of trees which have been as an avenue of trees, group of trees, park or forest grown into the settlement, on recreational areas, along with the roads or on the viewpoints
- setting of poles or independent advertising facilities.

Municipality assembly, may by its decision, extend the type of structures, works or purposes for which the issuing of **urban design approval** is compulsory.

Article 70

Urban design approval is being given on the urban areas on the basis of:

- regulatory plan, ie. urban design project, on those part of settlements, ie. spatial entities, for which the obligation of adoption of these plans ie. projects is determined
- urban development plan and parcellation on spatial entities and parts of settlement for which obligation of passing of regulatory plan ie. urban design project has not been determined, and such plans have not been passed either
- physical plan and parcellation plan on spatial entities and parts of settlements for which urban development plan, ie. regulatory plan has not been adopted and the obligation for their adoption does not exist.

Exceptionally, for reconstruction, extension and superstructure of building, **urban design approval** may be issued in accordance with the provisions from part 2 and 3 of the previous paragraph without parcellation plan, if the works are executed on the structure to which the lot has been allocated that serves for its use.

Urban design approval out of urban areas determined by the physical plan of the municipality may be issued on the basis of the physical plan and professional opinion of the company or other legal entity which, in a sense of this law, fulfills the conditions for making of the plans, ie. committee of experts nominated by the administrative body competent for urban development duties, which will in each concrete case evaluate the justification, ie. conditions and possibilities of construction, extension, reconstruction or change of purpose of structure aimed at creation and improvement of conditions for living and work.

In the committee of experts from paragraph 3 at least one bachelor of architecture or civil engineering must be nominated and one bachelor of geodesy or land surveyor.

Administrative body competent for urban development duties may, in the procedure of issuing of **urban design approval**, and in other cases, to ask for professional opinion of company or other legal entity, ie. committee from previous paragraph.

Article 71

Urban design approval contains the following:

- a) data on purpose, location, function and shaping of structure, ie. works and change of purpose
- b) extract from the plan on the basis of which the **urban design approval** has been issued with the limits of the belonging **land**
- c) prescribed approvals, ie. conditions for construction, which on the basis of special laws and provisions are issued by the competent bodies and services (water management, traffic, energetics, defense, etc.)
- d) urban development and technical conditions
- e) conditions of environment protection
- f) special conditions for cases prescribed by the law or on the basis of the law
- g) possible obligations in relation to neighbours or rights of other persons.

Urban design approval contains the conditions for development of building land, if the structure is built on undeveloped or partially developed building land, amount of the fee for development or partial development of building land, as well as other obligations of the users originated from use of respective land.

Urban design approval contains the conditions obligatory for structure, works ie. purposes, in construction and in exploitation.

Urban design and technical and other conditions that are not determined by appropriate plans and decision on their implementation, and are prescribed by the law or provision issued on the basis of the law are being determined by competent administrative body.

Article 72

The conditions for construction and use of structure and land are determined concretely, elaborated and within the appropriate plan amended, by urban development - technical conditions.

By urban development - technical conditions, especially is determined the following:

- construction and regulatory line
- spot level of floor of ground floor of the building in relation to the public road
- conditions of land development, especially the obligations, mode and conditions of connection to the public road and installation network, and if installation network has not been constructed – minimal scope of development of land prescribed by the municipality
- coefficient of completeness, ie. ratio of total construction area of the building according to the appropriate area of the building land, which for residential unit cannot be larger than 1, as a rule.
- number of floors and height of the structure
- conditions for architectural shaping
- conditions for construction of auxiliary structures, fences and conditions for yards development
- development of green areas
- conditions for parking ie. garaging of vehicles
- conditions for protection from natural disasters and war activities, according to need.

Urban development - and technical conditions are the professional document by which real rights on appropriate land are not established directly, but which, as integral part of **urban design approval**, presents the urban development base for constitution of these rights in accordance with provisions by which these rights have been regulated.

Article 73

Urban design approval is being issued for entire area which has been intended by the plan for construction of structure.

Article 74

Urban design approval has been issued, as a rule, for construction of permanent structures, ie. structures for which the time of use of land necessary for construction and regular use of structure is not limited in advance.

By regulatory plan, **urban design project** or plan of parcellation it can be determined that the specific areas may, at the latest till bringing of it to permanent use, be used for temporary purposes, including the setting of temporary structures.

By **urban design approval**, determined is the duration of temporary purpose and obligations of the users to, after expiry of that time, bring the land into appropriate state, including removal of temporary structures.

Duration of temporary purpose is being determined by the number of years since the day of finality of the **decision on approval for construction**, ie. on approval for execution of other works or for temporary purpose.

The right to use the land for temporary purpose ends with the date of finality of the decision of **urban design approval** for construction of structures, ie. for the works by which the land is being brought to planning purpose, independently from the deadline determined according to paragraph 4.

Article 75

Urban design approval for construction, civil engineering and other works, as well as change of purpose, is issued by the municipal administrative body competent for duties of urban development.

Exceptionally from provisions from previous paragraph, the Ministry issues the **urban design approval** for the structures and works which have been located on the territory of two or more municipalities, as well as for:

1. structures of high dams for which technical surveillance has been prescribed
2. nuclear structures
3. structures for production and processing of oil and gas, main oil pipelines and gas pipelines, and oil pipelines for international transport
4. structures of base and processing chemical industry, black and coloured metallurgy, structures for production, processing and enrichment of ores, structures for production of cellulose and paper and structures for processing of leather and fur.
5. hydro electric power plants of power of 10 MVA and more, thermal power plants of power of 10 MVA and more, and transmission lines and power substations of voltage of 110 kV and more,
6. inter-regional and regional structures of water supply
7. devices for cleaning of waste waters for settlements having over 50.000 inhabitants
8. main and regional roads with structures
9. airports for public air traffic
10. railways for public traffic, with structures

11. international and main capacities in the field of system of links, inclusive of automatic plant
12. regulatory works on floating ways
13. navigable channels, freight mechanized and public passenger ports
14. speed rail systems
15. stadiums for more than 10 000 spectators, bins of capacity of 10.000 and more m³, and structures of constructive range of 30 meters and more, covered structures for public use in which more than 2000 people gathers, industrial productive halls whose area is larger than 5000 m², structures that are high 50 meters and more.
16. depots of dangerous matters and structures for recycling of secondary raw materials
17. hydro-melioration systems for irrigation of area of 50 ha and more and for drainage of more than 300 ha
18. fishponds area of more than 50 ha
19. reconstruction and revitalization of immovable cultural - historical values of large and exceptional significance, construction and reconstruction of structures in their surroundings in the zone of I and II degree of protection of natural values
20. structures in the complex of border crossings or on inter-entity division line and national monuments determined by the decisions of the Committee for preservation of national monuments established by Annex 8 of the General Peace Agreement for BiH.

Urban design and technical conditions for structures, civil engineering and other works as well as change of purpose from previous paragraph, is prepared by the company ie. other legal entity authorized for making of the plans determined by the Ministry.

Article 76

Request for issuing of **urban design approval** is submitted to municipal administrative body competent for urban development duties.

Request for issuing of **urban design approval** for structures and works from article 75 paragraph 2 of this Act is submitted to this Ministry through competent municipal administrative body. Ministry will decide upon the request for issuing of **urban design approval** according to previously obtained opinion of interested municipalities, ie. municipality.

In addition to the opinion from previous Article, the municipality ie. municipal administrative body competent for duties of urban development is also delivering the certified extract from the plan, on the basis of which **the urban design approval is** being issued, as well as other documentation and conditions prescribed by appropriate municipal decisions, according to need .

If **the urban design approval** is not necessary for specific land, in that case the issuer of the approval is obliged to suggest the possible locations to the party.

Article 77

In the procedure of issuing of **urban design approval**, the municipal administrative body competent for duties of urban development prepares the urban development documentation. The municipality may entrust the preparation of urban development documentation also to the authorized organization.

Urban development documentation contains, as a rule, the data, the approval and conditions from Article 71 of this Act.

All prescribed approvals in the procedure of preparation of urban development documentation are obtained ex officio by the municipal administrative body competent for duties of urban development, ie. authorized organization.

Approvals and proofs obtained during the process of issuing of **urban design approval** are considered to be obtained also for the procedure of issuing of building approval.

For structures and works from article 75 paragraph 2 of this Act, the prescribed approvals, conditions for construction and special conditions from article 71 are obtained by the investor of the structure.

Article 78

For preparation of urban development documentation, the investor of the structures pays the fee to the municipality, ie. to the authorized organization.

Fee from previous paragraph comprises real costs of preparation of documentation.

Closer provisions on payment of the fee, as well as the way of using of these funds, are issued by the municipality assembly on their session.

Article 79

In the procedure of issuing of **urban design approval**, the Act on General Administrative Procedure is applied, if not otherwise determined by provisions of this Act.

Urban design approval cannot be issued to the citizens and legal entities if, according to regulations, they cannot be the owners of the structures.

Article 80

Urban approval stops to be valid if, within determined time period which is not longer than one year, the building approval has not been requested.

Validity of **urban approval** can be extended exceptionally, but not more than for one year.

2. Technical documentation

Article 81

Under the technical documentation, in a sense of this Act, we imply the production design of the structures and facilities, ie. other works on the surface or below the surface of the land.

Technical documentation is being carried out in accordance with the conditions given in the **urban design approval**.

On the basis of the technical documentation and other documentation, from Article 90 paragraph 1, building approval is being obtained.

Article 82

Depending on the type of structure, technical documentation is comprised of one or more projects, ie. parts of project for execution – project of technological process, project of construction, ie. architectural –construction part, project of installations, project of assembly and other that must be mutually coordinated.

- a) technical description with possible special conditions for execution of the structure
- b) location plan of the terrain with drawn structure and adjacent structures made on the geodetic base
- c) graphical surveys of the design solutions with necessary details for execution of works
- d) calculation of stability and safety of the structure, protection of the structure - thermal, sound and other, and appropriate calculation of installation and other calculation,
- e) estimated bill of quantities of works, with description of works

Ministry will issue a rulebook on contents and the way of preparation of technical documentation.

Technical solutions in the project must be in accordance with technical measures and provisions, norms and obligatory standards, results of the exploratory works, examinations and other studies, as well as with the purpose and technological ie. exploitative and economical conception of the structure.

Projects for executions of structures from article 7 paragraph 2 of the Act on geological research are being made on the basis of and in accordance with detailed geological explorations of the soil. The report on exploration of soil (article 39 of the same Act), is an integral part for execution of structure.

Detailed geological exploration of soil, in the limits of article 39, items 1 and 2 of the same Act, are obligated for designing of structures from the article 75 paragraph 2 of this Act and structures whose gross construction area exceeds 400 m².

By **urban design approval**, the obligation of detailed geological research of soil can be determined and for designing of other structures, when this is necessary due to characteristics of the structure or soil.

The making of the production design and especially for complex structures in technical and functional sense as well as for structures that can endanger the environment, natural values and cultural - historical values, can be preceded by making of preliminary, conceptual or the main design , by which the basic technical and technological conception of the structure is determined, functionality and rationality of design and shaping of the structure are perceived.

Aimed at obtaining of optimal design solutions, preliminary design or conceptual design from previous article can be a subject of public contest.

Article 83

If the structure is constructed by building-in of elements and parts which have been industrially manufactured, the production design may not contain a part of technical documentation on the basis of which these elements ie. parts have been produced.

In case from previous article it is necessary to mark the type of element or a part, with attest by which the characteristics are confirmed with respect to solidness, thermal and sound insulation and other.

If more structures are constructed according to same production design, in addition to technical documentation, the documentation from which it is visible that production design is adjusted to the specific location is being enclosed.

If only building-in of equipment is carried out, the documentation by which the mode of building-in of the equipment is used as technical documentation.

Article 84

Technical documentation can be made by a company or other legal entity (hereinafter referred to as Designing Organization) who, in accordance with provision of this Act, are registered for making of appropriate technical documentation.

In making of technical documentation, professional entities that participated in making of **urban design approval cannot** participate, or the persons that monitor the implementation of this Act.

Technical documentation made according to provisions of other countries is subject to procedure of validation, in which the conformity of that documentation is being controlled with the provisions that apply for construction of structure determined by this Act.

Minister will closely prescribe the conditions and the way of validation of technical documentation from previous paragraph.

Article 85

Technical documentation, as well as its integral parts, ie. production design, must be signed by the persons who, in a sense of this Act, as responsible designers managed their making.

Responsible designer, in a sense of paragraph 1 of this Article, who manages the making of technical documentation as a whole, can be a person that has university level degree of appropriate major, and authorization for designing. Responsible designer that manages the making of specific part of technical documentation can be a person with college level qualifications of appropriate major and authorization for designing of that part of technical documentation.

Exceptionally from the provisions of paragraph 2 of this article, responsible designer of family residential buildings, less complex internal installations, internal development of the structure and development of the field, except for the structures for which the building approval is issued by the Ministry, can be a person that has secondary school or college qualifications of appropriate major and authorization for designing.

Article 86

Responsible designers are responsible for correctness of technical solutions, calculation accuracy and completeness of technical documentation ie. its parts, as well as coordination of it with the provisions of this Act.

Article 87

Technical documentation is subject to technical control (hereinafter referred to as : control).

Control of technical documentation comprises check of their conformity with conditions given in **urban design approval**, check of correctness and accuracy of technical and technological solutions of the structure, functionality and rationality of design solutions, stability and safety, quality of architectural shaping, influence on environment and adjacent structures, conformity with the law and other provisions, technical norms, standards and norms of quality, as well as mutual conformity of all parts of technical documentation.

Control of technical documentation, in a sense of the provisions from the previous paragraph, is carried out by the administrative body that issued the **urban design approval**, ie. building approval, through designing organization registered for making of appropriate technical documentation, ie. committee of experts it has nominated.

In control of technical documentation, only persons that fulfill the conditions for making of such type of documentation can take part.

Control of technical documentation cannot be carried out by the company that made the project, or the company being the investor, or the persons employed with these companies.

The report has to be made on the control of technical documentation executed. Correctness of the technical documentation is confirmed on every its part. Costs of control of technical documentation fall into the burden of the investor.

Article 88

Technical documentation with all its amendments, is being permanently kept by the administrative body competent for duties of construction as well as the investor, ie. beneficiary of structure.

Competent body, as well as the investor, ie. beneficiary of the structure, are obligated to enter in the technical documentation all additionally incurred changes on the structure.

2. Building approval

Article 89

Construction of structure, performance of construction and other works on the surface or below the surface of land, as well as change of purpose of construction land or structure is being started according to previously obtained decision on building approval (hereinafter referred to as: building approval).

In cases of direct danger from natural disasters, war activities, and other dangers, aimed at prevention of their activity and direct removal of detrimental consequences, the construction of structures, execution of works and change of purpose may start without previously obtained building approval.

Structures and works from previous paragraph may be permanently retained, the **urban design approval** has been obtained and building approval within six months after the end of circumstances that caused their construction.

Article 90

Building approval is being issued on the basis of:

- a) **urban design approval**
- b) technical documentation, ie. production design – two copies, with proof on control of technical documentation carried out, and its conformity with conditions given in **urban design approval**.
- c) Proof on property right ie. right to use of construction land for the purpose of construction of structure, ie. for reconstruction.
- d) Conditions with respect to the site
- e) Special conditions and approvals for cases determined by other provisions

Municipalities may prescribe other conditions for issuing of building approval.

Article 91

Building approval is issued for the entire structure, ie. part of structure if that part presents technical or functional entity.

Preparatory works are executed on the basis of the building approval from paragraph 1 of this article, and exceptionally for the works of larger scale or whose execution lasts for a longer period, on the basis of special building approval.

Article 92

The structures built or started without building approval cannot be connected to the installations of public utility and other infrastructure (water supply system, sewage system, electricity supply lines, heating supply lines, gas pipelines, TT lines, public road etc.) and the owners of these structures do not have the right to reimbursement in case of removal of structure on the basis of decision of competent authority.

Municipal assembly may prescribe other limitations in cases of illegal construction. For illegally built structures, **the urban design approval** may be additionally given as well as the building approval, if the structure by its purpose, size, position, function and other fulfills, in a sense of this Act, conditions for obtaining of **urban design approval, ie.** building approval.

Municipality will, by its decision, regulate the status of illegally built structures that do not fulfill the conditions from paragraph 3.

Article 93

Building approval is issued by the municipal administrative body competent for construction works, except for structures and works from article 75 paragraph 2 of this Act, when the building approval is issued by the Ministry.

Ministry that issued the building approval is obligated to give the copy of it to the competent municipal body on whose territory the structure is located.

One copy of building approval is delivered to the competent urban development - construction inspector.

Article 94

The investor is obligated to ask for change of building approval if, after issuing of approval, he carries out the amendments in technical documentation, ie. production design, the ones that influence the purpose, structure, equipment, protection of environment or stability, functionality, dimensions, ie. external appearance of the structure.

If the amendments from the previous paragraph are related to the change of purpose, environment protection, dimensions or external appearance of the structure, the investor is previously issued the addition ie. change of **urban design approval**, provided that mentioned changes may be coordinated with planning deed on the basis of which the necessary **urban design approval** has been issued previously.

Article 95

In the procedure of issuing of building approval, the General Administrative Procedure Act is being applied, if not otherwise stipulated by the provisions of this Act.

Building approval cannot be issued to the citizens and legal entities if they cannot be the owners of these structures.

Article 96

Building approval stops to be valid if the construction or works did not commence within the deadline determined in the building approval.

The deadline from the previous article cannot be shorter than six months or longer than two years.

Article 97

In the cities, settlements of city character and other settlements, the municipality assembly will prescribe conditions and the way of issuing of building approval for temporary structures or for temporary purposes, for use of land for setting of structures for the purpose of camping and recreation, cutting of trees, arrangement of facades, setting of fences, change of existing roofs and setting of poles and independent advertising facilities.

4. Construction

Article 98

Under the construction, in a sense of this Act, we imply construction, reconstruction, extension, superstructure of structures, as well as construction for the purpose of change of purpose.

Under the construction of structures we imply the following:

- structures, ie. buildings of all kinds with or without installations and equipment built-in
- traffic, water supply and energy supply structures and areas with belonging installations, PTT structures and installations, structures and installations of public utility infrastructure.
- Productive and other economical complexes, structures and plants, warehouses, fair grounds and similar structures,
- Public green areas, playgrounds, sports structures, cemeteries, shelters and other structures.

Under the reconstruction of a structure we imply the works by which the constructive elements are being changed, and which can be of influence to the stability of structure or their parts, by which new installations are being introduced, and new equipment built-in in the structure, the purpose or external appearance of the structure are changed, as well as by which the conditions under which the structure, on the basis of the building approval has been built, are changed.

Change of installations and equipment, if executed according to conditions determined in building approval, are not considered to be the reconstruction.

Under the extension, in a sense of this Act, we imply every extension of existing structure on the basis of which the land is occupied or the space in relation to the structure, if the extended part makes the construction and functional entity with the structure that is being extended.

Under the superstructure, in a sense of this Act, we imply construction of one or more floors, as well as renovation of the roof, ie. attic on existing buildings, by which new residential or business space is obtained.

Under the construction for the purpose of change of purpose, we imply converting of residential into business space, ie. business into residential space, as well as change of activities, if such change causes reconstruction of business space.

Article 99

Construction of structures, ie. execution of works, can be carried out by a company, ie. other legal entity (hereinafter referred to as: contractor), which in accordance with the provisions of this Act is registered for execution of these works.

Provisions from previous paragraph do not apply in case when family residential structure is built directly by an investor for his personal needs and the needs of members of his family household.

Execution of works is being assigned by direct agreement, collection of offers or public contest, in accordance with provisions.

Article 100

By written deed, the contractor nominates the expert that, in a sense of provisions of this Act, being the responsible manager of the construction, manages the execution of works.

For the structures for which the building approval is issued by the Ministry, the responsible manager of the construction is the person that has university level degree of appropriate major, and authorization for construction, and for other structures the person that has college level qualifications of appropriate major and authorization for construction.

The construction of family residential building and auxiliary structures, as well as execution of specific construction – trade and installation works and works on internal development of the structure and development of field may be managed by the person with secondary school qualifications of appropriate major and authorization for construction.

Article 101

The contractor is obligated to:

- a) execute the works according to the technical documentation on the basis of which the building approval has been issued, and in accordance with provisions of this Act, technical measures, provisions, norms and standards that are valid for construction of respective type of structures
- b) builds-in the material and elements that correspond to standards, ie. that must have the attest on quality of material issued by the professional organization registered for examining of that material, and, upon the request of supervisory board of construction and competent inspector he must present the documentation on quality of built-in material
- c) provides for the safety of the structure, persons on site, passers-by, adjacent structures and undisturbed development of traffic
- d) keeps the construction journal and book of inspections
- e) provides measurements and geodetic survey of soil behaviour and structures during construction
- f) without delay, to inform the competent service of protection, ie. municipal administrative body competent for construction works, when in the process of construction he finds the structures that can have the significance of natural or cultural - historical heritage and he takes measures of protection of the field
- g) warns the investor, the body that issued the building approval and competent inspection, in writing, on lacks in technical documentation and on start of unforeseen circumstances that are of influence for execution of works and application of technical documentation
- h) ensures the structures and surroundings in case of cessation of works.

Article 102

The contractor ie. the citizen that builds the building for personal use, must report to the municipal inspection competent for construction about the date of beginning of works on construction of buildings, ie. execution of preliminary works, at least 8 days before commencement of works.

In addition to the report from paragraph 1 of this Article, the contractor delivers to the competent institution the scheme of organization of site signed by the responsible construction manager.

Article 103

Before commencement of construction other structure, staking out of construction in accordance with provisions given in building approval ie. **urban design approval is** being carried out, on the basis of the production design.

Staking out of structures is being carried out by administrative body competent for duties of urban development and construction in presence of the contractor. The report on the staking out will be made and delivered to the competent institution.

Staking out of the roads, hydro-technical structures, transmission lines and similar structures are jointly carried out by the investor and contractor, and the report on line

handing over is made in the presence of the administrative body competent for issuing of building approval.

The authority that made the staking out is liable for the damage originated from wrong staking out, according to the general rules on reimbursement.

Competent administrative body is obligated to check whether the excavation of the foundation of the structure is carried out in accordance with the report on staking out and to approve the continuation of works.

Article 104

Professional supervision during the construction of structures ie. execution of works , is carried out by the supervisory board of construction determined by the investor by a written deed.

Professional supervision includes control of appropriate application of technical documentation, control and check of quality of execution of all types of works and application of provisions, standards, technical norms and norms of works quality, control of material quality, equipment and installations, which are built-in, giving of instructions to the contractor according to need, providing of details for execution of works.

Supervisory body of construction can be only a person who, in accordance with the provisions of this Act, has the authorization for making of appropriate technical documentation ie./ authorization for construction of this type of structures.

5. Approval for use

Article 105

Constructed structure for whose construction, according to the provisions of this Act, the building approval is obtained, ie. its part that presents the technical-technological and construction entity and can be used independently as such, as well as the structures of previous and preliminary works constructed on the basis of special building approval, may be used, ie. put into operation after the administrative body that issued the building approval has issued the decision on approval for use, and on the basis of previously executed technical inspection of structure or its part.

Article 106

Approval for use is issued on the request of the investor or contractor.

In addition to the request for issuing of approval for use, the investor ie. the contractor submits the technical documentation of the structure with all changes entered, copy of building approval, as well as licences and consents prescribed by special provisions.

Technical inspection of the structure or its part cannot be carried out, and use cannot be approved, if the structure ie. its part, has been built without building approval.

Article 107

Approval for use can be issued only when the technical inspection has determined that the structure ie. part of structure has been constructed in accordance with technical documentation on the basis of which the building approval has been issued, ie. that the building has been constructed in accordance with technical provisions, standards and norms whose application is compulsory in construction of structures of this kind.

Article 108

If , by technical inspection it is determined that lacks of constructed structure cannot be removed, or that there is irremovable danger for stability of structure, life or health of people, traffic or adjacent structures, the body competent for issuing of approval for use will make the decision to remove or demolish the structure.

Article 109

If, during technical inspection, it is determined that the structure has not been constructed according to the technical documentation on the basis of which the building approval has been given, the body competent for issuing the approval for use of the structure will ask the investor to submit the request for issuing of building approval within the specific period according to the changed condition during construction.

If the investor fails to obtain the building approval according to the changed state, the body competent for issuing of approval for use will make the decision by which the demolition of all parts or entire structure which are not in accordance with technical documentation on the basis of which construction approval has been determined, is ordered.

Article 110

Technical inspection is carried out by committee of experts containing at least three members who, within eight days since the date of acceptance of request for issuing of approval for use, will be appointed by the decision of the administrative body that issued the building approval.

In the committee of experts from the previous paragraph, the competent body will nominate the professionals that have the authorization for making of appropriate technical documentation, ie. authorization for construction of appropriate types of structures in accordance with this Act.

Competent administrative body can entrust the technical inspection to the company or other legal entity that has the authorization for making of technical documentation or for construction of that type od structure.

In case from paragraph 3 of this Act, the competent body of the company ie. of other legal entity determined by the decision, appoints the committee of experts in accordance with provisions of paragraph 1 and 2.

The committee keeps the journal on technical inspection.

The representative of the investor, contractor, and competent inspectors as a rule take part in the work of the committee for technical inspection.

Competent inspectors can also write their opinion and suggestion regarding technical correctness of the structure in the journal.

The persons that participated in the making of urban development - technical conditions, designing, and technical control of the project, responsible manager of construction, supervisory body of the construction, workers of the administrative body that conducted the procedure of issuing of **urban design approval** and building approval, worker of that authority who conducts the procedure for issuing of approval for use and competent urban development - construction inspectors cannot be appointed into the committee of experts from paragraphs 1, 2 and 4.

The investor bears the costs of technical inspection.

Article 111

The investor and the contractor are obliged to make available to the Committee for technical inspection the following:

- building approval ie. approval for execution of works
- technical documentation with all amendments, on the basis of which the structure has been built ie. the works have been executed
- book on construction ie. execution of works
- proof on the quality of the material built-in, construction, equipment and facilities
- documentation on examinations of works carried out, constructions and other with respect to carrying capacity, technical correctness, stability and safety, if this is required by the nature of the structure and special regulations
- proofs that the measures stipulated for construction on the areas susceptible to earthquakes have been applied, if the structure has been built on such area
- proof that specially stipulated conditions determined by the urban design approval, building approval, and specially prescribed approvals of bodies and organizations have been fulfilled

Investor and organization that execute the works will make the documentation from previous paragraph available to the Committee for technical inspection on the date stipulated for start of work of the Committee.

Article 112

After technical inspection carried out, the committee for technical inspection is obliged to, not later than 8 days, compose the written report on the results of the technical inspection of the constructed structure or the structure ie. works executed.

Article 113

The report of the results of technical inspection must contain professional opinion of the committee about whether the constructed structure may be used, ie. put into operation; may be used ie. put into operation only after remedy of the defects; or must be removed ie. demolished due to the defects from articles 108 and 109 of this Act.

Also the possible separate opinions of specific members of the committee must be entered in the report, with reasons why their opinion have been different.

The report on the results of the technical inspection must be signed by the president and the members of the committee.

Article 114

The body competent for performance of technical inspection is obliged, within 8 days since the receipt of the report on technical inspection, to issue a decision that the constructed structure can be used ie. put into operation, or the decision that determined defects are to be removed within the specific period ie. the decision that the constructed structure is to be demolished ie. removed.

If the competent authority decides that the determined defects must be removed, they will determine the deadline for the removal, This body will make a decision that constructed structure may be used ie. put into operation only when it determines that these defects are removed.

Article 115

The Ministry is authorized, according to need, to issue closer regulations on carrying out of technical inspections of the structure and on issuing the approval for their use.

6. Demolition of structures

Article 116

Administrative body competent for works of construction, acting ex officio or upon the request of the interested party, determines by the decision the demolition of the structure or a part of the structure for which it has been determined that due to physical worn-out state, natural disasters, war activities and larger damages cannot be further used for its purpose, or that present the danger to life or health of the people, surrounding structures and traffic, as well as the measures and conditions necessary to be implemented, ie. to provided when demolishing the structure or part of the structure.

A complaint against the decision from previous paragraph does not delay the execution of the decision.

Article 117

If, in the procedure of making the decision on demolition of the structure or part of the structure, it is determined that the danger for life or health of the people, surrounding structures and traffic can be removed by reconstruction of structures or its part, the reconstruction of the structure may be approved upon the request of the owner and according to the provisions of this Act, provided that it must be realized within the deadline determined by the administrative body competent for duties of construction.

VI - Companies and services

1. Companies

Article 118

This Act prescribes the conditions for the work of companies and other legal entities with respect to performance of the activities within the domain of planning, ie. making of plans, designing, ie. making of technical documentation and construction.

Article 119

Making of the plans from article 33 of this Act can be carried out by the company, ie. other legal entity (hereinafter referred to as: holder of the plan making) if it is entered in the court registry, if it has appropriate professional results on the works of making of the plans, ie. physical – planning documentation, and if it has employed on a full time basis (in a sense of the Labour relations Act) at least 2 bachelors of architecture out of which one has authorization for making of physical – planning documentation, and the other one has the authorization for making of technical documentation, 2 bachelors of civil engineering – one for the domain of traffic and one for the domain of water management with authorization for making of technical documentation, and bachelor of economics and bachelor of laws.

Making of the regulatory plans, urban design projects, parcellation plans and preparation of urban - technical conditions for construction, construction and other works as well as change of purpose, for which the **urban design approval** is issued by the competent municipal administrative body, can be carried out by the company, ie. other legal entity (holder of the plan making) if it is entered in the court registry, and if it has appropriate professional results on the works of preparation of urban – planning documentation and if it has employed on a full time basis (in a sense of the Labour relations Act) at least 2 bachelors of architecture, of which one has the authorization for making of physical - planning documentation and the other one has the authorization for making of technical documentation and one bachelor of civil engineering for the domain of traffic with authorization for making of technical documentation.

Professional results, in a sense of paragraph 1 of this article, are considered to be the results on making of at least three out of 5 groups of works:

- a) one physical or urban development plan
- b) two regulatory plans ie. urban design projects

- c) ten plans of parcellation
- d) five specialist projects within the scope of making of physical or urban development plan
- e) three placings of professional team of the holder of the plan making among the awards or purchases on public urban development contests

Professional results, in a sense of paragraph 2 of this article, are the results on making of at least two groups of jobs from paragraph 3 of this article.

Professional results of the holder of plan making, in a sense of paragraph 1 and 2 of this article, are the professional results of the persons full-time employed with the holder of the plan making , in a sense of the Labour relations Act.

Upon the proposal of the committee of experts, the Minister issues a decision on fulfillment of conditions from paragraphs 1 and 2 of this article, without which the holder of the plan making cannot start or perform the activity for which it has been registered.

The Minister will issue a licence on the basis of the final decision from paragraph 6 of this Article.

The decision from paragraph 6 of this article will be published in Official Gazette of the Republic of Srpska.

Article 120

Making of the technical documentation, with all its parts, ie. production designs – architectural, civil engineering, electrical, mechanical and other projects, can be carried out by the company, ie. other legal entity (designing organization) if it has been entered in the court registry and if it has appropriate professional results on the duties of making of appropriate technical documentation and if, for the structures for which the building approval is issued by the Ministry, has employed on a full time basis (in a sense of the Labour relations Act) at least two ie. for the structures for which the building approval is issued the competent municipal administrative body, at least one graduate engineer of appropriate major, with authorization for designing of every part of technical documentation he makes.

Under the professional results from previous article, it is implied that the designing organization, or the persons full time employed with it (in a sense of the Labor relations Act), prepared ie. participated in preparation of technical documentation according to the structures of that type and purpose have been built.

Professional results from paragraph 1 of this article are also at least three placings of work team of the designing organization, or the persons that are full time employed with it (in a sense of the Labor relations Act), among the awards on public architectural contests.

Upon the proposal of the committee of experts, the Minister issues the decision on fulfillment of the conditions from paragraph 1 of this Act, without which the

designing organization cannot start or perform activities for which it has been registered.

On the basis of the final decision from paragraph 4 of this article, the minister will issue a license.

The decision from paragraph 4 of this article will be published in Official Gazette of the Republic of Srpska.

Article 121

Making of the part of technical documentation can be carried out by the company, ie. other legal entity (designing organization) if it has been entered in the court registry and if it has appropriate professional results from the previous article and if it has employed at least one graduate engineer of appropriate major having the authorization for designing of the part of technical documentation he makes, as well as decision of the Minister on fulfillment of these conditions, without which it cannot start or to perform the activity it has been registered for .

For making of a part of technical documentation for which the designing organization is not authorized, the contract must be entered with one or more authorized organizations.

In case from paragraph 2, the designer in charge of the entire project (article 85), will be:

- a) for residential, business - residential and business buildings – responsible designer in the organization that made the architectural - constructional part of the project
- b) for other structures, responsible designer in the organization in which basic activity is designing of such structures.

Designing organizations from article 2 have joint and several liability for technical correctness and mutual coordination of the project as an entity.

Article 122

The Deed on registration of designing organizations from articles 120 and 121 of this Act determines the type and part of technical documentation which may be made by the designing organization.

Article 123

Construction of the structure. ie. execution of works can be carried out by the company or other legal entity (contractor) if has been entered in the court registry, if it has appropriate professional results in construction of the structures of that type and purpose, appropriate technical - technological equipment and if for the structures for which the building approval is issued by the Ministry, has employed on a full time basis (in a sense of the labour relations Act) at least at least two ie. for the structures for which the building approval is issued the competent municipal administrative body, at least one graduate engineer of appropriate major having the authorization for

designing of structures of that type and purpose and appropriate number of qualified workers.

Construction of smaller structures with standard structure, gross construction area of 1500 m², and total floors up to five, except for the structures for which the Ministry issues the building approval, can be carried out by the company or other legal entity (contractor), if it has been entered in the court registry, if it has appropriate professional results in construction of structures of that type and purpose, appropriate technical – technological equipment and if it has employed at least one graduate engineer of appropriate major having the authorization for construction of structures of that type and purpose and appropriate number of qualified workers.

Under the professional results from paragraphs 1 and 2 of this article, we imply that the contractor, or the persons full time employed with it (in a sense of Labour relations Act) constructed ie. participated in construction of structures of that type and purpose.

Upon the proposal of the committee of experts, the Minister issues the decision on fulfillment of the conditions from paragraph 1 of this Act, without which the contractor cannot start or perform activities for which it has been registered.

On the basis of the final decision from paragraph 4 of this article, the Minister will issue a license.

By the Procedural rules of the Ministry, minimal conditions will be stipulated for technical - technological equipment and necessary number of the workers employed.

The decision from paragraph 4 of this article will be published in Official Gazette of the Republic of Srpska.

Article 124

Decisions on fulfillment of conditions and licenses from articles 119, 120, 121, and 123 are valid for four years since the date of issuing.

After expiry the deadline from paragraph 1, the company and other legal entities that had the license can be issued new decisions and licenses in accordance with the provisions of this Act.

In case from paragraph 2, the submitter of the request must submit, in addition to the request, the proof on professional results achieved in the period of validity of the previous decision and licence.

Legal entity that was issued a decision ie. licence from paragraph 1 of this Act must inform the Ministry in writing about every change of conditions determined in these decisions and licences, within 8 days since the date of change occurred.

Ministry may, at any time, ex officio, on the initiative of inspection or other national bodies, organizations or citizens, control the fulfillment of conditions determined in

the decisions and licences issued, and if determines that the conditions are not fulfilled, to cancel the decision or the licence.

The decision from paragraph 5 is final and executable on the date of delivery to the legal entity it relates to, and is to be published in Official Gazette of the Republic of Srpska. This decision is to be delivered to the urban development - construction inspector in the head office of the legal entity.

Article 125

Decision on authorizations for making of physical-planning documentation, technical documentation, as well as the decision on authorization for construction are issued by the Minister.

The decision from the previous paragraph can be issued only to the person that has appropriate vocation, professional examination passed, and at least five years of practice at the duties of making of physical - planning documentation, technical documentation, ie. on the duties of construction of structures of appropriate type and purpose.

Professional exams from previous paragraph are taken according to the programs and in the way determined by the Ministry.

Doctors of sciences and master of sciences of appropriate technical majors are exempted from taking of the special part of exam.

Ministry is to appoint the board of examiners.

2. SERVICES

Article 126

For rational use of the data that are significant for planning, organization, development, use and protection of space, the Republic, ie. municipality provides keeping of informational-documentational base on the space, through the official documentation.

Documentation service in the Republic is organized in the company ie. other legal entity determined by the Ministry, and if it is organized in the municipality it will be in the municipal administrative body competent for duties of urbanism and construction.

The Ministry coordinates the work on gathering, processing and using the data ie. documentation in the Republic.

Documentation must be updated.

Article 127

Documentation service in the Republic gathers and processes especially the following data and documentation:

- updated layered maps for the territory of the Republic in appropriate scale, as well as for the settlements for which the making of the plan is compulsory
- physical plan of the Republic, documentation and the data for continual work on the physical plan
- physical and urban development plans, ie. their synthesis review
- normative deeds of municipalities and other communities from the domain of physical planning
- data and extracts from the cadastre of real estates, waters, forest, exploitation fields etc.
- cadastre of sources of drinking water, qualitative and quantities markings,
- data on traffic, roads and other infrastructural systems
- registries of protected areas,
- register of the building land fund
- systemic records on illegal construction, pollution of waters, soil, air, substandard residing and other phenomena of endangering the environment
- technical documentation for constructing of structures and structure entities for which the Ministry issues the building approval,
- data of the interest for defence and protection from natural disasters
- engineering – geological, seismic and similar maps
- statistical, cartographic, analytical, planning and other information necessary for physical planning, construction and protection of the areas of the republic

Article 128

Documentation service in the municipality gathers and processes especially the following data and documentation:

- geodetically (location) plan
- physical, urban development, regulatory and other plans
- normative deeds from the field of physical planning
- data from cadastre of the land ie. of real estate; buildings, roads, overhead and underground installations,
- registry of municipal fund of building land,
- cadastre of sources of waters with qualitative and quantitative markings
- register of protected areas, monuments of culture and natural rarities
- systemic records on the phenomenon of endangering the environment
- register of settlements, purposes of areas and space, streets and street numbers, statistical circles and so on,
- appropriate bases and plans or their extracts
- technical documentation for construction of structures and structure entities
- engineering – geological map with the data on examining the soil and micro seismic regioning
- data on the danger from natural disasters
- statistical, cartographical, analytical, planning and other information of significance for physical planning

Article 129

Competent administrative body, geodetic, statistical, planning, hydro-meteorological service, as well as other organizations that possess gather, make, or process the documentation and the data from article 127 and 128 of this Act, are obliged to deliver the data and documentation regularly to the appropriate Documentation service.

Upon the request of the documentation service, the investors, companies and other organizations, are obligated to deliver the documentation and data from articles 127 and 128 of this Act.

Article 130

Documentation service may perform preparation and processing of data and documentation from articles 127 and 128 of this Act, as well as issue the extract, ie. copy of the plan, part of the plan or other documentation for other municipalities and other users, with compensation of costs.

Keeping and use of the data and documentation, as well as degree of their confidentiality, is prescribed by the Minister with respect to the character of the data and documentation.

Article 131

Documentation from articles 127 and 128 of this Act, and other documentation made for the needs of the Republic, ie. municipality, has the character of the documentation of general interest, and holder of the documentation making has not special right to that documentation.

The Republic, ie. Municipality can, according to need, or if the holder of documentation changed the status, transfer this documentation to appropriate documentation service.

VII – MANAGING SUPERVISION

Article 132

Managing supervision over implementation of this Act and its provisions issued on the basis of this Act will be carried out by the Ministry .

VIII - INSPECTIONS AND SUPERVISION

Article 133

Supervision of implementation of provisions of this law and other regulations in accordance with the Act is made by municipal and republic administrative organs, authorized for urban planning and constructions, each within its own jurisdiction.

Article 134

Supervision in the fields of urban planning and constructions is governed by municipal administrative organs and made by municipal inspector for urban planning and constructions, unless certain works are under the jurisdiction of other inspectors in accordance with the Act.

Ministry supervision is conducted by a republic inspector for urban planning and constructions.

Inspectors for urban planning and constructions in charge of the supervision have the rights and duties specified by the Act on Republic Administration and this Act.

Article 135

Republic inspector for urban planning and constructions also supervises:

1. construction of structures for which the urban design approval ie. building approval are issued by the Ministry,
2. realization and implementation of Republic physical planning,
3. implementation of regulations on environment protection in protected areas and structures for which the urban design approval and building approval are issued by the Ministry.

It is the jurisdiction of the Municipality to perform supervision of building of structures and constructions for which the municipality granted approval.

Article 136

A bachelor of civil engineering or architecture having the authorization for making of physical plans and technical documentation ie. authorization for construction ie. execution of works in accordance with this law can be appointed to be Republic urban planning – construction inspector.

A bachelor of civil engineering or architecture or a person with college degree in the major of civil engineering or architecture having one of the authorizations from the previous paragraph can be appointed as a municipal inspector for physical planning and constructions.

Municipal inspector for urban planning and constructions is appointed with the consent of the Ministry.

Article 137

Inspectors supervise especially:

1. that a plan, or a regulation which refers to organization, planning and use of space is made in accordance with laws and other legal regulations;

2. that organization which makes plans and technical documentation or performs constructions, e.g. persons who are in charge of particular aspects of implementation of the law, meet the necessary conditions;
3. that urban design approval is issued in accordance with the plan and other regulations;
4. that building approval is issued in accordance with the law;
5. whether the structure is built with the building approval;
6. that projection is made in accordance with urban planning and technical conditions;
7. that a structure is built in accordance with technical documentation based on which the building approval has been issued and that the documentation is made in accordance with regulations;
8. that the works executed on the structure, i.e. material, equipment and installations which are built-in are in accordance with prescribed standards, technical and quality norms;
9. whether the contractor took precautions for the purpose of safety of the structure, nearby structures, traffic, environment and environment protection, i.e. whether there are defects on the structure that would endanger its use and environment;
10. that the contractor keeps book of inspections and civil engineering records in the appropriate manner;
11. that prescribed supervision and maintenance is made during the constructions and use of object;
12. that approval for use of structure is issued in the prescribed manner;
13. that the structure can be used for its purpose in case of dilapidation, natural catastrophes or war damages and that for those reasons there is a danger to life and health of people, traffic and nearby structures.

Article 138

For the purpose of supervision, inspector has the following rights and duties:

1. to order correction of irregularities made by implementation of this Act and other regulations within a certain period of time;
2. to order suspension of plans, in case the plans are not implemented in accordance with this Act and other regulations; and in case specific plans are not coordinated with broader plans, also to determine deadlines for correction of the irregularities and to notify assembly in charge of making of the plan;

3. to order the assembly in charge, in case it is determined that a plan or regulation referring to organization, use and physical planning is not made in accordance with the Act, to correct the irregularities within the specified period of time, and in case they are not corrected, to initiate evaluation of legitimacy of these acts;
4. to order the organ in charge, in case it is determined that decision on planning approval is not issued in accordance with the law, to coordinate this decision with regulations in the specified period of time, and in case that this organ fails to correct the irregularities, to start a procedure for the purpose of annulment of decision on planning approval;
5. to initiate the procedure of annulment of approvals, by the power vested in them, in case the approval is not issued in accordance with the Act, i.e. other regulations prescribed by this Act;
6. to order the cease of further constructions conducted in accordance with technical documentation, based on which the approval was issued, until the determined irregularities are corrected in the specified period of time;
7. to order demolition of all parts of structures, i.e. its parts constructed after the time of issuing the decision on cease of constructions;
8. to order demolition of a structure or its parts, and other structures, or removal of structures and establishing the original state, at the cost of investor in case it is determined that constructions are conducted without approval, or not in accordance with it, and the building approval cannot be obtained in the period of 60 days;
9. to order demolition of structures built without the building approval in case: purpose of the structure is contrary to the purpose of the space, i.e. space determined by plan; in case it is built in the area determined by the law as an area under protection in accordance with the law or regulations within the law; it is built for the determined purpose, i.e. the purpose of the space but contrary to technical and planning conditions, unless the organ in charge of determining such conditions does not state that the conditions can be adapted to the space;
10. to order cease of works that are contrary to regulations on environment protection, especially those referring to areas under protection, protected soil, water, air and urban standards;
11. to cease works if it is determined that there are irregularities in technical documentation or in constructions that can cause danger to stability of the structure, the nearby structures, danger to life and health of people and danger to environment;
12. to cease works in case works are conducted by contractor that, in accordance with this law, is not registered for that type of constructions, i.e. in case works are conducted by a person who does not meet the prescribed conditions;

13. to order cease of further constructions in case it is determined that material, installations and equipment, or constructions are not in accordance with regulations, standards, technical and quality norms, and in case the contractor does not correct the said irregularities in the specified period of time, i.e. does not order demolition of a structure or a part of it in case it is determined that the said irregularities are danger to workers and environment;
14. to order cease of constructions under the threat of forced execution at the cost of investor, i.e. contractor, in case it is determined that no precautions are taken during the constructions for the safety of structures, traffic and environment, and the contractor made no attempt to correct the irregularities;
15. to order the investor, contractor, i.e. user of a structure, to correct all noticed irregularities, in case it is determined that no proper supervision and analyses are made during construction; and can take other measures for which they are authorised;
16. to cease or ban the use of a structure or its part in case no approval is issued for its use;
17. to ban the use of a structure or its part in case it is determined that no approval for use is issued for it and investor or contractor does not acquire the approval in the specified period of time;
18. to demand from the organ in charge to annul approval for use in case it is determined that the approval is issued contrary to regulations and plans;
19. to propose to the Ministry to annul the approval for use of a structure or its part for construction for which no building approval was issued;
20. to order necessary constructions, or to ban the use of a structure or its part in case it is determined that the use of a structure or its part is a danger to life and health of people and environment;
21. to ban the activities and to initiate deletion from court registry of activities for which the companies or other legal entities from Articles 119, 120, 121 and 123 of this Act are registered, in case it is determined that prescribed conditions are not fulfilled.

By law and other regulations in accordance with the law, inspectors can be authorised for other activities in the field of urban planning, civil engineering and environment protection.

Article 139

Inspector has a duty to inform manager of the administrative body about every decision, or order issued in accordance with Article 138 of this Act, and can propose other necessary actions.

A complaint against decisions of inspector for urban planning and civil engineering can be submitted to the Ministry.

The complaint does not postpone a decision of the inspector.

Administrative body, the inspector of which issued a decision can, after an explained proposition of a claimant, postpone the decision in case the claimant proves that the decision would cause considerable material damage which could not be repaired, unless the postponement is contrary to the public interest.

Article 140

Procedure of cease of activities that can cause danger to environment or realization of a plan, and correction of already made damage, must be initiated by the competent administrative body ex officio, as well as protection service, as soon as possible.

Article 141

Supervision of implementation of regulations of this Act referring to making and establishing of plans, and regulations referring to plan makers is the field of jurisdiction of the Ministry.

IX – REGULATIONS ON PENALTIES

1. Criminal acts

Article 142

An employee with an administrative body that issued the building approval without previously obtained urban design approval or controlled technical documentation, or on the basis of the technical documentation made by a company or any other legal entity not owing appropriate authorization, or without previously settled legal-property matters, shall be charged with committing a criminal act and sentenced to a maximum prison sentence of two years.

Article 143

A physical entity being the investor, or person in charge at a company, or other legal entity acting as investor of a structure under construction but without the necessary building approval shall be charged with committing a criminal act and sentenced to a maximum prison sentence of two years.

A person in charge at a company or other legal entity that conducts constructions without the necessary authorization or previously obtained building approval shall be charged with committing a criminal act and sentenced to a maximum prison sentence of one year.

A company or other legal entity from item 2 of this Article shall be pronounced a protective measure of ban of activities for the period of one to three years.

Article 144

A physical entity being an investor, or person in charge at a company or other legal entity acting as investor, who, self-willingly connected completed structure or structure under construction to installations of public utility or other infrastructures (pipelines, sewage, electric lines, heating, gas lines, phone lines, public roads, et.) shall be sentenced to a maximum prison sentence of one year.

A person in charge at a company or other legal entity who allows connecting a completed structure or structure under construction to installations of public utility or other infrastructure (pipelines, sewage, electric lines, heating, gas lines, phone lines, public roads, et.) shall be sentenced to a maximum prison sentence of one year.

2. Violations

Article 145

A person in charge at an administrative body shall be fined 500 to 1500 Bosnian Marks for a violation in case they:

1. allow making of physical planning documentation for a company or other legal entity that do not fulfill the necessary conditions (Article 119);
2. issue urban design approval, building approval or approval for use contrary to the regulations (Articles 31, 71 and 107);
3. do not deliver the necessary information it possesses (and which are necessary for making of the plan) to a plan maker, at their request, with compensation of costs (Article 57);
4. allow a company or other legal entity that does not fulfill the necessary conditions to control the technical documentation (Article 87);
5. do not keep technical documentation (Article 88);
6. do not collect, organize, or process documentation in accordance with regulations (Articles 127 and 128);
7. do not deliver documentation and information to the relevant documentation department (Article 129);
8. do not issue urban design approval, i.e. building approval or approval for use, within the specified period of time.

Article 146

A company or other legal entity being the investor shall be fined 10.000 to 15.000 Bosnian Marks for a violation in case they:

1. allow making of technical documentation to a company or other legal entity that do not fulfill the necessary conditions (Article 120);
2. allow a company or other legal entity that does not fulfill the necessary conditions to conduct constructions (Article 123);
3. do not provide expert supervision of constructions (Article 104);
4. start using a structure, i.e. allow its use, without having the necessary approval for use (Article 105);
5. continue using a structure after a decision on prohibition of its use is issued (Article 138);
6. continue or allow constructions after a decision on cease of constructions is issued (Article 138).

A person in charge at a company or other legal entity shall be fined 500 -1500 Bosnian Marks for a violation stated in Item 1 of this Article.

Article 147

A company or other legal entity shall be fined 10.000 - 15.000 Bosnian Marks for making of physical plans, i.e. technical documentation in case they:

1. do not fulfill the necessary conditions (Articles 119, 120 and 121);
2. allow making of technical documentation by a person who participated in drafting of the urban design approval or a person who supervises implementation of regulations of this Act (Article 84);
3. make physical planning documentation contrary to the law and other regulations;
4. make technical documentation contrary to prescribed urban development and technical conditions and other regulations;
5. allow a person who does not fulfill the necessary conditions to act as an architect in charge (Article 85);
6. control technical documentation without fulfilling the necessary conditions (Article 87);

Against a company or other legal entity shall be pronounced a protective measure of prohibition of activities for the period of six months to three years, including a fine for a violation stated in Item 1 of this Article.

A person in charge in a company or other legal entity shall be fined 500 -1500 Bosnian Marks for a violation stated in Item 1 of this Article.

Article 148

A company or other legal entity being the contractor shall be fined 10.000 to 15.000 Bosnian Marks for a violation in case they:

1. do not conduct constructions in accordance with technical documentation based on which building approval was issued, technical measures, regulations, norms and standards relevant to constructions of this type (Article 101, Paragraph a);
2. do not use material and elements that are in accordance with standards, or in case they do not present all documentation concerning quality of performed constructions, used material, installations, equipment, etc. to investor, supervisor or authorised inspector (Article 101, Paragraph b);
3. do not provide safety of a structure, i.e. construction site, for persons on the construction site, passers-by, nearby structures and traffic (Article 101, Paragraph c.);
4. do not keep records on constructions and book of inspections (Article 101, Paragraph d);
5. do not provide measuring and geodesic observation of soil and structure during the constructions (Article 101, Paragraph e);
6. do not inform a department of protection in charge, or administrative body in case of finding structures of natural or cultural-historical heritage, or rarities during constructions, and not taking prescribed protective measures for the site (Article 101, Paragraph f);
7. do not send a written notification to investor, body that issued the building approval and inspector in charge, of irregularities in technical documentation and unpredicted circumstances having an influence on constructions and realization of technical documentation (Article 101, Paragraph g).
8. do not provide safety of a structure, or construction site and surrounding area in case of cease of works (Article 101, Paragraph h);
9. conduct constructions without the necessary approval (Article 123);
10. continue constructions after a decision on cease of constructions is issued (Article 138);
11. conducts preparatory construction works without the necessary building approval (Article 91);

12. conducts constructions without having appointed a construction manager in charge, or appoint a construction manager without the necessary authorization (Article 100);
13. do not report in the prescribed period of time the date of start of constructions, or conduction of preparatory works (Article 102);
14. do not stake out the structure prior to beginning of constructions (Article 103);
15. use the surrounding area and/or public areas with no proper legal grounds;
16. do not clear the construction site and direct surrounding area upon finishing of constructions;
17. have no necessary documentation at the construction site.

Against a company or other legal entity shall be pronounced a protective measure of prohibition of activities for the period of six months to three years, for a violation specified in Item 1 of this Article.

A person in charge in a company or other legal entity shall be fined 500 -1500 Bosnian Marks for a violation specified in Item 1 of this Article, except a person responsible for a criminal act specified in Article 143, Paragraph 2.

Article 149

A person shall be fined 500 -1500 Bosnian marks or sentenced to prison for the period of maximum 30 days for a violation in case they:

1. allow or continue conduction of constructions after a decision on cease of construction works is issued (Article 138);
2. allow or continue using a structure after a decision on prohibition of its use is issued (Article 138);
3. do not stake out the structure prior to beginning of constructions (Article 103, Paragraph 1);
4. do not inform a department of protection in charge, or administrative body in case of finding of structures of natural or cultural-historical heritage, or rarities during constructions, and not taking prescribed protective measures of the site (Article 101, Paragraph f);
5. use the surrounding area and/or public areas as construction sites with no proper legal grounds;

TRANSITIONAL AND FINAL REGULATIONS

Article 150

The Republic is obliged to issue physical plans described in Article 35 of this Act by 2004, cities and municipalities are obliged to issue physical and urban plans by 2005.

As exceptional circumstances referring to regulations from the previous paragraph, plans described in Article 35, Paragraph f, are to be issued on the request of the Minister in charge of urban planning and constructions or municipal assembly in charge.

Article 151

Physical plans, except the Physical plan of the Republic of Srpska, and urban development plans, issued prior to issuing of this Act, are considered to be physical, or urban development plans as described in this Act, assuming that there are no special circumstances that would require their basic changing or amending and coordinating with the regulations of this Act.

Urban development works, issued prior to issuing of this Act shall be considered to be urban or regulation plans in accordance with this Act, in case they are coordinated with the law.

Regulation plans and urban design projects issued prior to issuing of this Act are considered to be regulatory plans, or urban design projects in accordance with this Act.

Article 152

Preparation and issuing of plans and other general acts referring to physical planning commenced prior to putting this Act into effect shall be in accordance with regulations of this Act.

Article 153

Until physical and urban development plans are issued, municipal assemblies shall regulate constructions and physical planning by a special decision in accordance with the law.

Until physical and urban development plans are coordinated, constructions and physical planning shall be conducted in accordance with those plans, in cases when the plans are the basis for issuing of urban development approval.

Article 154

The Ministry shall issue sub-legal acts within six months from the date of putting this law into effect on:

1. content of plans (Article 34);

2. content, manner of preparation and control of technical documentation (Article 82, Paragraph 3 and Article 87);
3. validation of technical documentation (Article 84);
4. taking expert examination (Article 125, Paragraph 3);
5. authorisation of inspector for urban planning and constructions;
6. keeping of book of inspections and records of constructions (Article 101);
7. conducting of professional supervision during constructions (Article 104);
8. conducting of technical inspections of structures and issuing of approvals for use (Article 115);
9. general rules of urban planning regulation and parcelling;
10. keeping and using of data and documentation (Article 130);
11. conditions of planning and designing of structures for the purpose of free passage of children and people with physical disabilities;
12. conditions of building gas stations by regional roads, main roads and highways;
13. forms of administrative deeds issued in accordance with this Act;
14. technical norms for foundations of structures;
15. technical measures and conditions for research works on structures within jurisdiction of the Ministry;
16. technical and technological equipment and necessary number of workers for the purpose of gaining Building approval (Article 123);
17. content and making of decision on construction of structures and physical planning (Article 153, Paragraph 1);

The Ministry or other state organs shall issue other regulations from the field of physical planning if necessary.

Until regulations described in Paragraph 1 of this Article are issued, regulations issued in accordance with Act on physical planning shall be applied ("Official Gazette of SR BH", No. 9/87-revised text).

Municipalities and cities are obliged to reach the decision from Article 92, Paragraph 4, within six months from the date of putting into effect of the Act of amendments of Act of physical planning ("Official Gazette of Republic of Srpska", No. 53/02).

Decision from Paragraph 1 shall specify deadlines for submitting requests for subsequent issuing of decision on building approval, or decision on temporary keeping of structures without building approvals, which cannot be longer than six months from the date of putting this decision into effect.

Decision from Paragraph 1 shall specify that existence of illegally built structures shall be determined only by aerophotogrametric shooting, which a municipality or city authorities are obliged to provide prior to reaching a decision stated in Paragraph 1.

Decision on temporary keeping of illegally built structures, as described in Paragraph 2, shall specify that illegally built structures can be temporarily kept, until putting into effect of decision on urban design approval for constructions for the purpose of realisation of planning documents.

Decision from the previous Paragraph shall specify cease of limitations described in Article 92, Paragraph 1, for the temporarily kept structures, except limitations referring to compensation in case of removal of structures.

Decision from Paragraph 1 shall specify the conditions for constructions of structures, commenced without building approval, until the date of aerophotogrametric shooting from Paragraph 3, for the purpose of finishing constructions and keeping of structures as described in Paragraph 4.

A decision on demolition of a structure shall be made in accordance with Article 138, Item 8 and 9 of this law in case of illegally built structures or structures on which constructions started, for which owners do not submit request for issuing of decision on building approval, or temporary keeping by the deadline stated in decision from Paragraphs 1 and 2 and in case the request is denied in accordance with the law, as well as for structures without building approval, after the date of aerophotogrametric shooting from Paragraph 3.

Decision from Paragraph 1 shall specify the amount, deadlines and means of payment of charges regarding the process of legalization, or temporary keeping of structures for the purpose of acquiring and use of construction sites.

Article 156

Companies and other legal entities registered for making of physical planning documentation, technical documentation and constructions are obliged to, within six months from the date of coming into effect of the Act of physical planning ("Official Gazette of the Republic of Srpska, NO. 19/96), contact the Ministry for the purpose of obtaining decision on fulfillment of conditions for the activities for which they are registered.

Article 157

Companies and other legal entities that do not meet the necessary conditions in accordance with the Act on physical planning, are obliged to, within 60 days from the date of Act of amendments of the Act on physical planning (“Official Gazette of the Republic of Srpska”, No. 19/96), submit a request to the Ministry, for the purpose of coordination of issued decisions.

After expiration period from Paragraph 1, the Minister shall cancel decisions that are not coordinated with the Act of physical planning.

Article 158

Companies and other legal entities that possess decisions of non-fulfillment of conditions for making of plans (Article 119), making of technical documentation (Articles 120 and 121), and building of structures and constructions (Article 123) and necessary licences, are obliged to, within 6 months from coming into effect of the Act on amendments of the Act of physical planning (“Official Gazette of the Republic of Srpska”, No. 53/02) submit to the Ministry the evidence of fulfillment of conditions specified in Articles 119, 120, 121 and 123 and request for issuing of new decisions and licences.

Earlier decisions and licences shall be terminated on the next day from the date of issuing of expiration of deadline specified in Paragraph 1 by the decision of the Ministry as a repercussion of non-submitting of evidence and requests specified in Paragraph 1 by companies and other legal entities.

Earlier decisions and licences shall be terminated on the date of issuing of decision on rejection of request by the Ministry as a repercussion of rejection of requests based on non-fulfillment of the necessary conditions by companies and other legal entities.

Article 159

A procedure commenced at the authorised organ by the date of putting into effect of the Act of urban development (‘Official Gazette of the Republic of Srpska’, No. 19/96) shall be terminated in accordance with legal provisions in effect at the time of commencing of the procedure.

Article 160

On the date of putting into effect of the Act of Urban development (‘Official Gazette of the Republic of Srpska’, No. 19/96), the effect of the Act of Physical development (“Official Gazette of SR BH”, No. 9/87, 23/88, 24/89, 10/90, 14/90, 15/90 and 14/91) shall be terminated.

