

# **LAW ON SPATIAL DEVELOPMENT AND CONSTRUCTION OF STRUCTURES**

## **I BASIC PROVISIONS**

### **Scope of the Law**

#### **Article 1**

The present Law governs the system of spatial development of Montenegro, the manner and requirements for construction of structures, as well as other matters of importance for the spatial development and construction of structures.

### **Objective of Spatial Development and Construction of Structures**

#### **Article 2**

Spatial development shall ensure conditions for spatial development of Montenegro. The arrangement of construction of structures shall create conditions for structures to be built in accordance with law and other regulations, standards, engineering and quality norms in the field of construction of structures.

### **Spatial Development**

#### **Article 3**

Spatial development is the monitoring of the status of space; establishing intended-use, conditions and manner of use of space through development and adoption of planning documents; implementation of planning documents and development of construction land.

### **Construction of Structures**

#### **Article 4**

Construction of structures means a set of actions that include development of engineering documents, issuance of building permits, construction of structures and issuance of exploitation permits.

### **Principles**

#### **Article 5**

Spatial development shall be conducted on the basis of the principles of: coherent economic, social, ecologic, energy, cultural spatial development of Montenegro; sustainable development; incentives for balanced economic spatial development of Montenegro; economically efficient use and protection of space and natural resources; compliance with European norms and standards; protection of integral values of space; polycentricism; competitiveness and cohesion; decentralization; protection and enhancement of the status of environment; protection of cultural heritage; reconciliation of interests of users of space and priorities for interventions in space; public interest; private interest but not at the disadvantage of public interest; presence of the public in the spatial development proceeding; establishment of space related information system aimed to ensure more efficient spatial development; aseismic planning.

Construction of structures shall be conducted on the basis of the principles of: protection of public interest, immovables and property; compliance with European norms and standards; stability and life cycle of structures, aseismic designing and construction of structures; health protection, environmental and spatial protection; protection against natural and technical-technological hazards; protection against fires, explosions and industrial incidents; thermal

protection; economically efficient energy use and energy efficiency; protection against noise and vibrations.

## **Public Participation**

### **Article 6**

Every person shall have the right, in accordance with law, to be informed on affairs pertaining to spatial development and construction of structures, to propose initiatives, give opinions or otherwise participate in affairs related to spatial development and construction of structures.

The provision of paragraph 1 of the present Article shall not refer to structures of special importance for defence of Montenegro and those within military grounds.

## **Structures of General Interest**

### **Article 7**

Structures of general interest shall be state-owned structures of general interest and local structures of general interest.

State-owned structures of general interest are deemed to be: roads (motorways, artery roads and regional roads) and the accessory structures thereof; airports and the accessory infrastructure thereof; railroad infrastructure for public traffic and accessory structures thereof; sea ports and breakwaters; infrastructural structures of significance for Montenegro (arterial gas pipelines and oil pipelines; inter-regional and regional water supply structures, inter-regional and regional sewerage systems); hydro-power plants and thermal-power plants and accessory structures thereof; structures for the production of electricity from renewable sources; structures for education, science, healthcare, sports, culture and social welfare; manufacturing systems employing at least 50 workers; four- and five-star hotels (except apart hotels, condo hotels and garni hotels), hotel resorts, small hotels, boutique hotels, holiday villages and wild beauty resorts; eco lodges and ethno villages; structures of transmission and distribution network at voltage of 35kW and above and telecommunication structures representing a part of communication systems of international and national importance and telecommunication structures being constructed on the territories of two or more municipalities; radio broadcasting structures, cable cars connecting the territories of two or more local self-governments, structures serving rural development purposes (agricultural, rural housing and tourism, livestock breeding, grape growing, fruit-growing) that are on the territory of two or more local self-governments and shelters under state ownership.

Local structures of general interest are deemed to be: water supply, telecommunication and sewage infrastructure, hot water systems; municipal roads (local and non-classified roads) and accessory structures; streets within settlements and squares; parking spaces, markets; town cemeteries; underground and overhead passageways; public garages; structures of distribution network at voltage of less than 35kW, public lighting; public and green areas and town parks, ski lifts, cable cars built on the territory of one local self-government, structures serving rural development purposes (agricultural, rural housing and tourism, livestock breeding, grape growing, fruit-growing) and others.

## **State Licence Exam**

### **Article 8**

State licence exam which is prescribed as the requirement for performance of activities defined under the present Law shall test the knowledge of regulations in the area of spatial development and construction of structures, as well as other regulations of importance for its application.

Ministry competent for affairs of spatial development and construction of structures (hereinafter referred to as: the Ministry) shall lay down the programme and manner of taking the state licence exam.

## **Meaning of Terms**

### **Article 9**

As used in the present Law, specific terms shall have the following meanings:

- *space* means the composition of physical structures above and under the Earth's surface, which are within the reach of direct impact of human activity;
- *spatial development* means transformation of space by human activity aimed at its protection, enhancement, use and governance;
- *intended-use of surfaces* means the purpose for which space can be developed, constructed or used in a manner designated by the planning document;
- *public surface* means a space established by the planning document for structures whereat the use or construction represents a general interest;
- *Floor Area Ratio* means the ratio of building gross floor area of the structure and of the lot (location, block, zone) area, expressed in same measurement units;
- *Lot Coverage Ratio* means ratio of impervious surface on a given lot (location, block, zone) and of the total lot area, expressed in same measurement units;
- *grading plan* means establishment of grading technical requirements for spatial development on the basis of the planning document or on the basis of rules of urban planning profession;
- *boundary line* means a line which separates public surface from surfaces intended for other uses;
- *building line* means a line on, above and below the Earth's surface and water surface, defined both graphically and numerically;
- *urbanization* means directing and providing impetus for construction in a given area in accordance with the natural features of space, distribution of population, direction of economic activities, construction of infrastructural systems and network of welfare standard structures;
- *protective (buffer) zones* means land surfaces, water surfaces or air space which are defined under planning documents and intended for the protection of life and health of people, protection of environment, safety and functions of buildings, surfaces or space, in accordance with special regulations;
- *construction land* means a land designated under the planning document for the construction of structures;
- *construction of structures* means execution of works (preliminary works, earthworks, works on fabrication of structural building elements, construction fitting works, works on installation of construction products, installation of plants and equipment and other works) for the purpose of construction of the new structure, reconstruction or for remodelling of the status of space;
- *structure* means spatial, functional, structural, architectural, aesthetic, technical-technological or biotechnical whole with installations, plants and equipment or very installations, plants and equipment being fitted into structure or executed independently (buildings of all types; traffic, water resource management, telecommunication and energy structures; internal and external network and installations; structures of public utility infrastructure; industrial, agricultural and other economic structures; public green areas; structures for sport and recreation; cemeteries; shelters and other);
- *investor* means person on whose behalf a building permit is issued;

- *preliminary works* means works preceding construction of the structure: fencing of the building site; works on removal of existing structures; rerouting of traffic routes and installations, diversion of water streams and other; construction and erecting structures and installations of temporary character to serve the needs of execution of works; providing space for delivery and storage of construction material and other works which enable security of adjoining structures, terrain reclamation and provision for undisturbed movement of traffic and use of the adjoining space; earthworks;
- *reconstruction* means execution of construction and other works on the existing structure, which are used to perform: additions; extensions; replacements of installations, devices, plants and equipment thus the existing capacity is altered; impact on the stability and safety of the structure; significant changes of structural elements; remodelling of the technological process; changes of external appearance which has been determined under the spatial development requirements; which are having impact on the safety of adjoining structures, traffic and environment, and are changing water regime; changes of the conditions for protection of natural and immovable cultural heritage, well that are under previously established protection and protection of their protected surrounding;
- *remodelling* means execution of works related to maintenance of structure and works not having impact on the stability of the structure or its specific parts, which are not deemed as construction of the structure;
- *maintenance of structure* means technical monitoring of the structure during exploitation and provision of adequate use of the structure during its exploitation; replacement of installations, devices, plants and equipment which does not alter existing capacity; as well as regular maintenance of road and railroad infrastructure structures;
- *construction products* means construction materials and construction elements fabricated therefrom, as well as other products and semi-products intended for permanent incorporation in structures;
- *building site* means space on which the structure is built on or removed from, as well as space required for the application of construction technology;
- *family residential dwelling* means building intended for dwelling having floor area of up to 500m<sup>2</sup> with no more than four separate residential units;
- *energy efficiency* means relation between achieved services, goods or energy output and energy input;
- *improvement of energy efficiency* means increase of energy end-use efficiency as a result of technological, behavioural and/or economic changes.

## **II SPATIAL DEVELOPMENT**

### **1. Special Provisions**

#### **Planning Document Article 10**

Planning document shall lay down the organisation, use and intended-use of space, as well as measures and guidelines for development, protection and improvement of space.

The planning document shall have a character of a public document.

#### **Mutual Compliance of Planning Documents Article 11**

Planning documents must be mutually compliant, in such manner that planning documents of smaller territorial units shall be harmonized with planning documents of larger territorial units in terms of intended-use of space and spatial development concept.

## **Compliance with Specific Regulations**

### **Article 12**

Spatial development and construction of structures must be compliant with special regulations in the area of environmental protection, protection of cultural and natural heritage, economically efficient energy use and energy efficiency, cultural-historical development, man-made and natural heritage, soil, air, forests, water, health; as well as for protection of energy, mining and industrial structures; prevention and protection against natural and technical-technological hazards; infrastructural structures and networks; sport, tourism and special purposes structures and infrastructure thereof.

## **2. Monitoring the Situation of Space (Monitoring)**

### **Article 13**

Monitoring the situation of space shall be deemed to be preparation and keeping of the Spatial Documentary Basis Paper, preparation of reports on spatial development, preparation and adoption of spatial development programmes and the set up and keeping of the information system.

## **Spatial Documentary Basis Paper**

### **Article 14**

Administrative body competent for affairs of spatial development and construction of structures (hereinafter referred to as: administrative body) or local government body competent for affairs of spatial development and construction of structures (hereinafter referred to as: local government body) shall keep the Spatial Documentary Basis Paper, to serve the needs of monitoring of the status of space and development of the planning documents.

The Government of Montenegro (hereinafter referred to as: the Government) shall lay down the contents of and manner of keeping the Spatial Documentary Basis Paper.

## **Report on the Status of Spatial Development**

### **Article 15**

Ministry or local government body shall submit, once a year, to the Government or parliament of the local self-government respectively, report on the status of spatial development.

The report referred to in paragraph 1 of the present Article shall specifically contain: analysis of the implementation of planning documents; evaluation of implemented measures and their impact on spatial governance; evaluation of the protection of space; data on constructed structures also including structures constructed contrary to law; evaluation of stated needs of the users of space; as well as other elements of importance for space for which the report is being developed.

Local government body shall submit the report on the status of spatial development to the Ministry and administrative body within 15 days from the day of adoption.

The report on the status of the spatial development shall be published in the “Official Gazette of Montenegro”, one printed daily media outlet being distributed on the territory of Montenegro as well as on the website of the Ministry or local government body.

## **Spatial Development Programme**

### **Article 16**

Government or parliament of the local self-government shall adopted one-year spatial development programme (hereinafter referred to as: the Programme).

The Programme shall be adopted on the basis of the report referred to in Article 15 of the present Law.

The Programme shall contain assessment of the need for development of new or amendments and additions of existing planning documents and measures of significance for the development and adoption of those documents.

The Programme shall lay down the time schedule of the spatial development, financing sources, development deadlines, operational measures for implementation of the planning document, and in particular measures for provision of utility infrastructure to construction land referred to in Article 65 of the present Law, as well as other measures for the implementation of spatial development policy.

The Programme shall also contain, as needed, measures regarding the structures constructed contrary to law, in accordance with the undertaken international obligations.

Public participation shall be realized in preparation and adoption of the Programme.

The Programme shall be published in the Official Gazette of Montenegro, one printed daily media outlet being distributed on the territory of Montenegro as well as on the website of the Ministry or local government body.

### **Keeping Information System**

#### **Article 17**

Administrative body and local government body shall establish and keep integral space related information system.

The Government shall lay down the contents and manner of keeping of the information system referred to in paragraph 1 of the present Article.

## **3. Types and Contents of Planning Documents**

### **1) Types of Planning Documents**

#### **Article 18**

Planning documents shall be:

- a) State planning documents;
- b) Local planning documents.

#### **a) State Planning Documents**

#### **Article 19**

State planning documents shall be:

- 1) Spatial Plan of Montenegro;
- 2) Special Purpose Spatial Plan;
- 3) Detailed spatial plan;
- 4) Location study at state level.

Adoption of the Spatial Plan of Montenegro and of the Special Purpose Spatial Plan shall be mandatory.

### **Spatial Plan of Montenegro**

#### **Article 20**

The Spatial Plan of Montenegro shall be the strategic document and general basis for the spatial organisation and development of Montenegro.

The Spatial Plan of Montenegro shall stipulate objectives of the state and measures of the spatial development, in accordance with the overall economic, social, ecological and cultural-historical development of Montenegro.

The Spatial Plan of Montenegro shall specifically contain: space-use policy and development of functions and activities in Montenegro; basis of long-term spatial organisation policy; basic infrastructure systems and basic technical system and manner of their connection with surrounding infrastructural systems; guidelines for increase of energy efficiency and use of renewable energy sources; economic demographic analysis; basis for protection of natural and landscape values and cultural heritage; guidelines for environmental protection; basis of protections of interest for the defence of the country; basis of prevention and protection against natural and technical-technological hazards; areas and modalities of transboundary and international cooperation; prerequisites for development of planning documents for smaller territorial units; identification of regions of special significance for Montenegro; concession regions; economic-market projection; engineering specifications or guidelines for construction of state-owned structures of general interest; guidelines, measures, phases and time schedule for the Plan's implementation.

### **Special Purpose Spatial Plan**

#### **Article 21**

Special Purpose Spatial Plan shall be developed and adopted for the territory or parts of territories of one or more local self-governments with common natural, regional or other features, of special significance for Montenegro and which require a special development and use regime (national park, coastal area, marine zone, nature reserve, recreational-tourism region, cultural-historical region, exploitation field used for the surface exploitation of mineral resources and similar).

The Special Purpose Spatial Plan shall specifically contain: boundaries of the territory for which the plan is being adopted; extracts from the Spatial Plan of Montenegro; evaluation of the existing status of the spatial development; position and directions of the development in respect of the surrounding; regime for space-use and spatial development and boundaries of zones in respect of this regime; economic-demographic analysis; guidelines for development of the location study at state level; regime for cultural heritage protection; measures for protection of landscape values; landscape planning; measures for environmental protection; concept of use of renewable energy sources and application of energy efficiency measures; engineering specifications or guidelines for construction of structures, development, use and protection for space for which adoption of the location study at state level is not planned; other measures and requirements which correspond to needs and characteristics of the intended-use of the region for which the Plan is being adopted; guidelines and measures for the Plan's implementation; regions, zones, locations and state-owned structures of general interest; concession regions; economic-market projection; manner, phases and time schedule for the Plan's implementation.

### **Detailed Spatial Plan**

#### **Article 22**

Detailed Spatial Plan shall be adopted for regions where structures which are of interest for Montenegro or regional significance (territories of one or more local self-governments) should be constructed.

The Detailed Spatial Plan shall be adopted for, including but not limited to: State-owned structures of general interest; industrial, warehousing and free zones; concession regions; spaces for construction of tourism settlements and complexes; recreational, healthcare and similar structures; shore belt along lakes, rivers and other water streams.

The Detailed Spatial Plan shall specifically contain: boundaries of the region for which the plan is adopted marked on maps or topographic-cadastral plans; extracts from the Spatial Plan of Montenegro; evaluation of the present status of the spatial development; concept for intended-use of surfaces, development, construction and use of space; economic-demographic analysis; protective (buffer) zones; concept for infrastructural systems and manner of their connection with the surrounding infrastructural systems; requirements, phases and time schedule of the realization of infrastructural networks and structures; engineering specifications or guidelines for construction of structures; concept for the construction of structures for energy generation, transmission and distribution in accordance with the energy efficiency principles and with incentives for participation of renewable energy sources; regime of cultural and natural heritage protection; measures for protection of landscape values; environmental protection measures; basis for protection against natural and technical-technological hazards; guidelines and measures for the Plan's implementation; allotment plan; regions, zones, locations and structures of general interest; economic-market projection; manner, phases and time schedule for the Plan's implementation.

### **Location Study at State Level**

#### **Article 23**

Location study at state level may be adopted for the regions which are within the scope of the Special Purpose Spatial Plan and which are not elaborated in details by such plan.

The location study at state level shall determine requirements for construction and execution of works within the region of the Special Purpose Spatial Plan.

The location study at state level shall specifically contain: extract from the Special Purpose Spatial Plan; boundaries of the region for which the plan is being adopted; detailed intended-use of surfaces; economic-demographic analysis; allotment plan; engineering specifications for construction of structures; building lines and boundary lines; alignments of infrastructural networks and traffic routes and guidelines for construction of infrastructural and public utility structures; grading plans and boundary plans; access points and conditions for connection to traffic routes, infrastructural network and public utility structures; guidelines for urban planning and architectural shaping of space with guidelines for application of energy efficiency and renewable energy sources; regime for cultural heritage protection; environmental protection measures; measures for protection of landscape values and guidelines for realization of landscape architecture projects precisely terrain development; economic-market projection; manner, phases and time schedule for the Plan's implementation.

### **b) Local Planning Documents**

#### **Article 24**

Local planning documents shall be:

- 1) town-planning scheme passed by the local self-government;
- 2) detailed urban development plan;
- 3) urban development design;
- 4) location study at local level.

Adoption of the town-planning scheme passed by the local self-government shall be mandatory.

### **Town-Planning Scheme Passed by the Local Self-Government**

#### **Article 25**



The town-planning scheme passed by the local self-government shall define objectives and measures of spatial and urban planning development of the local self-government, in accordance with the planned economic, social, ecological and cultural-historical development.

The town-planning scheme passed by the local self-government shall be developed and adopted for the territory of the local self-government.

Town-planning schemes passed by the local self-governments shall contain: an extract from the Spatial Plan of Montenegro; evaluation of the current physical planning status; the position and pathways of the local self-government development in respect to the neighbouring local self-governments in the entire Montenegro; the basic concepts of intended-use of surfaces, development, construction and use of space; basics of spatial organisation in respect of position and connection of infrastructural structures with inhabited places; more detailed elaboration of the networks of settlements; intended-use of surfaces with adequate graphical presentations; concession regions; zone areas, locations for structures of general interest.

The town-planning scheme passed by the local self-government shall specifically contain: projection of spatial organisation and development with approximate needs and possibilities for use and intended-use of surfaces, mandatory for the centre of local self-government and as needed also for other settlements within the territory of the local self-government; guidelines and basis for zoning and grouping of village settlements; guidelines for development of and territorial organisation and guidelines for the development of detailed urban development plans and urban planning projects; guidelines for development of local location studies; guidelines for construction in regions for which the adoption of detailed urban development plan, urban planning project or location study at local level is not planned; networks of infrastructural systems with requirements for connections thereat (traffic routes, energy, hydro-technical and public utility structures); basis for the network of public functions structures (educational, scientific, healthcare, cultural, social welfare and other structures); engineering specifications or guidelines for construction of infrastructural and public utility structures of special interest for the local self-government; economic demographic analysis; guidelines for landscaping of space; environmental protection guidelines; regime for cultural heritage protection; plan of landscapes with guidelines for landscaping of space; plan for development of green surfaces; plan of reconstruction or rehabilitation of old parts of settlements; plan of seismic micro zoning; measures for protection against natural and technical-technological hazards; regime of protection of cultural and natural heritage; protection measures of importance for the defence of the country within the area of settlements; base for the concept and parameters for the residential construction; measures for increase of energy efficiency and use of renewable energy sources; economic-market projection; requirements, manner, phases and time schedule for the Plan's implementation.

### **Detailed Urban Development Plan**

#### **Article 26**

Detailed urban development plan shall define requirements for the construction of structures within the settlements in the region covered by the town-planning scheme passed by the local self-government, in a manner which enables implementation of those plans.

The detailed urban development plan shall have to be adopted for all settlements or parts of settlements for which it has so been determined under the town-planning scheme passed by the local self-government.

Detailed urban development plan shall specifically contain: boundaries of the region for which is being adopted; updated cadastre plans in digital or analogue form; extracts from the

town-planning scheme passed by the local self-government with the intended-use of surfaces, prerequisites and guidelines for the reference region; detailed intended-use of surfaces; economic-demographic analysis; allotment plan; floor area ratio and lot coverage ratio; engineering specifications for construction of structures and spatial development; criteria for application of energy efficiency and use of renewable energy sources; size of building plots, types of structures, height and orientation of structures, maximum number of stories, number of apartments, gross extended building floor area and other; building line and boundary line; alignments of infrastructural networks and traffic routes and guidelines and requirements for construction of infrastructural and public utility structures; grading plan and boundary plan; access points and conditions for connection to traffic routes, infrastructural networks and public utility structures; environmental protection guidelines; measures for urban planning and architectural shaping of space; measures for protection of landscape values and realization of landscape architecture projects precisely terrain development; regime of cultural heritage protection; economic-market projection; manner, phases and time schedule for the Plan's implementation.

### **Urban Development Design**

#### **Article 27**

Urban development design may be adopted for smaller areas which are about to undergo significant and complex construction, or represent particularly characteristic segments.

Urban development design shall have to be adopted for settlements, parts of settlements as well as for other areas which are entered in the register of cultural goods of Montenegro.

Urban development design shall contain all elements of the detailed urban development plan and conceptual designs of the structure.

### **Location Study at Local Level**

#### **Article 28**

Location study at local level may be adopted for areas which are within the scope of the town-planning scheme passed by the local self-government and for which is not planned development of detailed urban development plan and urban development design.

The location study at local level shall determine requirements for construction of structures within the area of the town-planning scheme passed by the local self-government in accordance with guidelines and criteria planned under such plan.

Location study at local level for the area of the town-planning scheme passed by the local self-government shall contain elements of the location study at state level referred to in Article 23, paragraph 3 of the present Law.

### **More Detailed Contents of the Planning Document**

#### **Article 29**

More detailed contents and the form of the planning document, criteria for the intended use of surfaces, especially for marking of tourism, industry, agriculture, housing construction zones and the like, zoning regulation elements, unique graphical symbols and the remaining necessary contents shall be laid down by the Ministry.

The planning document shall contain an offprint with engineering specifications (hereinafter: the offprint) which is necessary for the development of engineering documents.

### **Open Competition**

#### **Article 30**

An announcement of open competition for urban development-architectural conceptual design may be planned under the planning document for particularly complex and attractive

parts of urban units and other spaces and sites, in accordance with guidelines or engineering specifications from the planning document.

Urban development-architectural conceptual design adopted through the open competition referred to in paragraph 1 of the present Article shall represent constituent part of the planning document.

The Ministry or the local government body shall perform implementation of the open competition referred to in paragraph 1 of the present Article.

The manner and the procedure for conducting the open competition referred to in paragraph 3 of the present Article shall be stipulated by the Ministry.

#### **4. Development and Adoption of Planning Documents**

##### **Decision to Develop a Planning Document**

###### **Article 31**

Development of the Spatial Plan of Montenegro shall be taken up on the basis of the decision on development adopted by the Parliament of Montenegro and development of the Special Purpose Spatial Plan, Detailed Spatial Plan and location study at state level on the basis of the decision adopted by the Government.

Development of the local planning document shall be taken up on the basis of the decision adopted by the executive authority of the local self-government.

Decision to develop the planning document shall be adopted in accordance with the Programme referred to in Article 16 of the present Law.

Decision to develop the planning document shall specifically set forth the following: type of the planning document; territory or region for which is being developed; manner of financing; period for which is being adopted; deadlines for development; basic guidelines from planning documents of broader territorial units and other.

Terms of reference, which determine starting prerequisites of the planning document, requirements and needs of the users of space stated in Article 15 of the present Law shall be a constituent part of the decision to develop the planning document.

The decision to develop the planning document with the terms of reference, which is being adopted by the parliament of the local self-government shall be submitted to the Ministry and the administrative body.

Provided that the strategic environmental impact assessment is developed for the planning document, in accordance with special regulations, decision thereon shall be adopted at the same time with the adoption of the decision to develop the planning document.

##### **Publication of Decision on Development**

###### **Article 32**

Decision to develop the planning document shall be published in the “Official Gazette of Montenegro”, one printed daily media outlet which is being distributed on the territory of Montenegro as well as on the website of the Ministry or local government body.

##### **Responsible Party for Preparatory Tasks and Preparatory Tasks**

###### **Article 33**

The Ministry or the local government body shall be a responsible party for preparatory tasks on the development and adoption of planning document.

Preparatory tasks, within the meaning of paragraph 1 of the present Article, shall be deemed to be, including but not limited to: preparation of the decision to develop the planning document; preparation of the terms of reference; preparation of the documentation required for the development of planning document; performance of tasks related to ceding of the

planning document development; tasks on organisation of the planning document development; preparation of the statement referred to in Article 39, paragraph 2 of the present Law; acquiring prescribed assents and cooperation with authorized entities; activities relating to the carrying out of the public debate; preparation of the decision on the adoption of the planning document; as well as other tasks regarding the development and adoption of the planning document.

### **Building Prohibition**

#### **Article 34**

Decision to develop the planning document shall also contain, as needed, a decision on prohibition of construction on space or part of space for which such plan is being developed.

The building prohibition referred to in paragraph 1 of the present Article shall not apply to structures for which the documents and proofs referred to in Article 93, paragraph 1 of the present Law were obtained and filed.

The decision on prohibition of construction may also be adopted upon the adoption of the decision to develop the planning document.

The decision referred to in paragraphs 1 and 2 of the present Article shall be applied until the adoption of the planning document, but not exceeding period of one year.

### **Authorization to Develop a Planning Document**

#### **Article 35**

Planning documents may be developed by business organisations, legal entities or entrepreneurs registered in the Central Registry of Business Entities for the performance of activities of planning documents development and meeting the conditions stipulated in the present Law.

Business organisations, legal entities and entrepreneurs referred to in paragraph 1 of the present Article shall have an employee who is the responsible planning engineer.

Business organisations, legal entities and entrepreneurs referred to in paragraph 1 of the present Article shall conclude a contract for the development of specific parts or phases of the planning document, as defined in the terms of reference, with another business organisation, legal entity or entrepreneur having an employed planning engineer.

### **Responsible Planning Engineers and Planning Engineers**

#### **Article 36**

The responsible planning engineer may be a person with a university degree (four-year programme of study) with at least five years' work experience in the preparation, development and implementation of at least four planning documents, with a passed state licence exam and who is a member of the Chamber.

Notwithstanding paragraph 1 of the present Article, the responsible planning engineer for location studies at state level, detailed urban development plans, location studies at local level and urban development designs may be exclusively holders of degrees of Bachelor of Science in Architectural Engineering, specialist graduate vocational study programme degree in architecture, Bachelor of Science in spatial planning or specialist graduate vocational study programme degree in spatial planning or a town planning engineer, with at least five years of work experience in the preparation, development and implementation of at least four planning documents, with a passed state licence exam and who is a member of the Chamber.

Responsible planning engineer shall manage development of the planning document and be responsible for the harmonization of its parts or phases of the planning document as defined by the terms of reference.

Planning engineers may also hold a university degree (four-year programme of study), with three years of work experience in the preparation, development or implementation of at least two planning documents, with a passed state licence exam and who are members of the Chamber.

### **Authorization for Foreign Person to Develop a Planning Document**

#### **Article 37**

Planning document may also be developed by a foreign person providing that it meets the requirements prescribed under Articles 35 and 36 of the present Law.

### **Submission of Data, Proposals and Opinions**

#### **Article 38**

Bodies, business organisations, institutions and other legal entities competent for affairs of: forecasts of development; water management; electric power industry; transport; telecommunications; radio broadcasting; healthcare; defence of country; culture; residential and public utility; geodetic, geologic, geophysics, seismic and hydro-meteorological affairs; statistics affairs; agriculture, forestry, tourism, nature protection, protection of cultural and natural heritage; environmental protection, sports, education, finance, real estate register et al., shall submit available data within 15 days, upon request of the responsible party for preparatory tasks, in analogue and digital form, as well as their own proposals and opinions which are necessary for the development of the planning document.

### **Submission of Local Planning Documents in view of Opinion Giving**

#### **Article 39**

Responsible party for preparatory tasks shall submit draft of the local planning document to the Ministry for opinion, in order to verify compliance with the decision on development; verify compliance with prescribed standards and norms; verify justification of the planning design; verify need to undertake open competition referred to in paragraph 30 of the present Article, as well as to evaluate the harmonization with the planning document of broader territorial units and compliance with the present Law.

Responsible party for preparatory tasks shall submit, along with the draft of the planning document, opinions of competent bodies, institutions and public service enterprises of the local self-government, as well as statement that the planning document is developed in accordance with the present Law.

The Ministry shall submit the opinion referred to in paragraph 1 of the present Article to the responsible party for preparatory tasks within 30 days of the receipt of the draft local planning document.

During the procedure of giving an opinion, the Ministry shall submit for opinion the draft local planning document in digital form to public administrative bodies, business organisations and other legal entities competent for affairs of: environmental protection, protection of cultural and natural heritage; agriculture, water management and forestry; healthcare; power supply, mining and industry; tourism; prevention and protection against industrial accidents; transport; maritime affairs; telecommunications; radio broadcasting; defence; sports; education; finance; real estate register; forecasts of development; seismology.

The opinion referred to in paragraph 4 of the present Article shall be submitted to the Ministry within 15 days from the day of receipt of the draft planning document.

Provided that the opinion is not submitted within the deadline referred to in paragraph 5 of the present Article, it shall be deemed to be there are no remarks on the draft planning document.

The opinion referred to in paragraph 1 of the present Article shall be made public on the website of the Ministry within seven days from the day of its issuance.

### **Submission of State Planning Document in view of Opinion Giving**

#### **Article 40**

Responsible party for preparatory tasks shall submit draft of the State planning document for opinion to the public administrative bodies, business organisations, institutions and other legal entities referred to in Article 39, paragraph 4 of the present Law.

The opinion referred to in paragraph 1 of the present Article shall be submitted in the manner provided for in Article 39, paragraphs 5 and 6 of the present Law.

The opinion referred to in paragraph 1 of the present Article shall be made public on the website of the Ministry within seven days from the day of its delivery.

### **Submission of Planning Document to the Government or Local Self-government**

#### **Executive Authority**

#### **Article 41**

Responsible party for preparatory tasks shall submit the planning document with embedded opinion referred to in Article 39 or Article 40 of the present Law to the Government or local self-government executive authority respectively, in order for the draft planning document to be adopted.

A programme for organisation of public debate shall be submitted along with the planning document referred to in paragraph 1 of the present Article.

#### **Public Debate**

#### **Article 42**

The Government or local self-government executive authority shall place draft planning document for public debate.

Public debate referred to in paragraph 1 of the present Article shall be announced in one daily printed media outlet being distributed on the territory of Montenegro, on the website of the Responsible party for preparatory tasks and shall last from 15 to 30 days from the day of publication.

Responsible party for preparatory tasks shall compile a report on public debate and to submit to the drafter who will embed remarks and suggestions in the planning document in an appropriate manner.

Report on strategic environmental impact assessment shall be placed for public debate along with the placement of the planning document for public debate.

### **Repeated Public Debate**

#### **Article 43**

A repeated public debate may be carried out, provided that upon conducted public debate the planning document defers significantly from the original draft planning document.

Responsible party for preparatory tasks shall determine the degree of differences within the meaning of paragraph 1 of the present Article.

Repeated public debate referred to in paragraph 1 of the present Article shall be carried out in respect of the entire planning document or its part, in the manner prescribed under Article 42 of the present Law, provided that its duration shall be 15 days from the day of publication.

### **Examination of the Report**

#### **Article 44**

Responsible party for preparatory tasks shall enable examination of the report on public debate, which is being published on the website, to all interested parties.

### **Submission of the Proposal of Planning Document**

#### **Article 45**

Responsible party for preparatory tasks shall submit to the Government or to the local self-government executive authority proposal of the planning document with the report on public debate.

### **Submission to the Ministry for Assent**

#### **Article 46**

Local self-government executive authority shall submit the proposal of the local planning document after its adoption to the Ministry for assent.

In the proceeding of issuance of the assent referred to in paragraph 1 of the present Article, it shall be verified if the proposal of the local planning document is compliant with the opinion of the Ministry on the draft local planning document as well as with the present Law.

The assent within the meaning of paragraph 2 of the present Article shall be given within 20 days of the receipt of the proposal for the local planning document.

In the event that the proposal for the local planning document is not harmonized with the opinion of the Ministry and the present Law, the Ministry shall send back, within 20 days, the planning document to the executive body of the local self-government for modification.

The proposal for the local planning document and the assent, or the act on necessary modifications referred to in paras. 3 and 4 of the present Article shall be published on the website of the Ministry, within seven days after the date of delivery, or after the date of issuance.

### **Competence for Adoption**

#### **Article 47**

The Parliament of Montenegro shall adopt the Spatial Plan of Montenegro and the Special Purpose Spatial Plan.

The Government shall adopt the detailed spatial plan and location study at state level. Parliaments of local self-governments shall adopt the local planning document.

### **Adoption of Local Planning Documents by the Government**

#### **Article 48**

Notwithstanding provision of the Article 47, paragraph 3 of the present Law, the Government may adopt local planning document if:

- 1) Local self-government has not adopted or is not implementing local planning document, which may cause adverse consequences for environment and space or if the failure to carry out legally prescribed obligations in the field of spatial development has occurred or would so slowed down economic development of Montenegro;
- 2) An agreement thereabout is reached with the local self-government.

In the event of paragraph 1 of the present Article, the local planning document shall be adopted in a manner and with the proceeding prescribed for the state planning document under the present Law.

### **Decision on Adoption**

#### **Article 49**

Decision on adoption of the planning document shall specifically contain: boundaries of the region covered therewith; period for which is adopted, global contents and provisions of importance for the implementation of the planning document; provision of utility infrastructure to construction land and other.

### **Production Scales**

#### **Article 50**

The Spatial Plan of Montenegro shall be produced on maps at scales say 1:100,000; 1:50,000 and topographic-cadastral plans say 1:25,000; 1:10,000 and 1:5,000.

The Special Purpose Spatial Plan shall be produced on maps at scales say 1:25,000 and topographic-cadastral plans say 1:2,500 and 1:1,000 for zones where detailed elaboration is done.

The detailed spatial plan shall be produced on maps at scales say 1:25,000; 1:10,000 and 1:5,000 and topographic-cadastral plans say 1:2,500 and 1:1,000.

The location study at state level shall be produced on maps at scales say 10,000 and 1:5,000 and topographic-cadastral plans say 1:2,500 and 1:1,000.

The town-planning scheme passed by the local self-government shall be produced on maps at scales say 1:25,000; 1:10,000 and 1:5,000 and topographic-cadastral plans say 1:2,500.

Detailed urban development plan shall be produced on topographic-cadastral plans at scales say 1:1,000 and 1:500.

Urban development design shall be produced on topographic-cadastral plans at scales say 1:1,000, 1:500 and 1:250.

Location study at local level shall be produced on maps at scales say 10,000 and 1:5,000 and topographic-cadastral plans say 1:2,500 and 1:1,000.

State and local planning documents shall be produced on maps and topographic cadastral plans in digital form (CD) and shall be presented on maps and topographic-cadastral plans in analogue form produced on paper base and must be updated and identical in contents.

Analogue and digital forms of geodetic-cadastral plans must be certified by the state administrative body competent for cadastral affairs.

Competent authority shall, upon the request of responsible party for preparatory tasks, deliver maps and plans referred to in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of the present Article free of charge.

Responsible party for preparatory tasks shall use maps and plans referred to in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of the present Article only for the purpose of the development of planning document.

### **Publication of the Decision on Adoption**

#### **Article 51**

Decision on adoption of planning document, along with the planning document, shall be published in the Official Gazette of Montenegro, one printed daily media outlet being distributed on the territory of Montenegro, as well as on the website of the responsible party for preparatory tasks.

The planning document referred to in paragraph 1 of the present Article shall be published in electronic form.



## **Determining Public Interest**

### **Article 52**

Public interest for expropriation of immovables for the construction of planned structures and spatial planning shall be set forth by virtue of adoption of the planning document.

## **Amendments and Additions**

### **Article 53**

Amendments and additions of the planning document shall be performed in a manner and in accordance with the proceeding set under the present Law for the development and adoption of the planning document.

## **Summary Procedure**

### **Article 53a**

Notwithstanding Article 53 of the present Law, amendments of the planning document may be made under a summary procedure, in virtue of the agreement concluded between the entity in charge of preparatory tasks and interested user of space, with the assent of the Government.

The agreement referred to in paragraph 1 of the present Article shall be concluded under conditions that:

- 1) the planning document or part of the planning document cover an area of at least 10 hectares;
- 2) there is assent of the interested space users in terms of property rights;
- 3) the amendments are in line with the planning document of the broader territorial unit;
- 4) the parameters of the existing planning document do not change significantly;
- 5) the capacities of structures of general interest are maintained or increased.

The procedure for the development and adoption of the planning document under a summary procedure shall be stipulated by the Government.

## **Manner of Examination and Proceedings**

### **Article 54**

The Ministry shall lay down the manner of examination, certification, signing, delivery, archiving, copying and keeping of the planning document.

## **Issuing of Extracts**

### **Article 55**

Upon the request of an interested person, the administrative body for structures planned by the State planning document or local government body for structures plan by the local planning document shall issue an extract from the planning document.

## **Funds for the Development**

### **Article 56**

Funds for the development of planning document shall be provided from the Budget of Montenegro or from the budgets of local self-governments.

Funds for the development of detailed spatial plans, location studies at state level, detailed urban development plans, urban development designs and location studies at local level may also be provided by interested users of space.

Funds for the development of the planning document referred to in Art. 48 of the present Law shall be provided from the Budget of Montenegro.

Funds for the development of planning documents referred to in Article 53a of the present Law shall be provided by interested users of space.

## **5. Implementation of Planning Documents**

### **Allotment Plan**

#### **Article 57**

Responsible party for preparatory tasks shall submit a planning document to the administrative body competent for cadastral affairs, for the purpose of implementation of the planning document, within 15 days from the day of adoption.

The planning document shall be submitted in digital and analogue form and in the format prescribed by the administrative body competent for cadastral affairs.

The administrative body competent for cadastral affairs shall transfer allotment plan, as determined by the planning document, into cadastral plans within 30 days from the day of its submission.

### **Building Plot**

#### **Article 58**

A building plot shall be the part of space which is formed on the basis of the allotment plan or requirements and guidelines which are determined by the planning document and which cover one or more cadastral plots or their parts and which meets construction requirements prescribed by the planning document.

Access must be provided from city traffic route or public road to the building plot.

The building plot shall be stated graphically in the copy of the allotment plan.

### **Obligation of Owner of Cadastral Plot**

#### **Article 59**

An owner of the cadastral plot shall sustain the changes of the building plot boundaries in accordance with the allotment plan.

### **Location**

#### **Article 60**

A location shall be a place on which are executed works by which the use conformance of space is being performed in accordance with the engineering specifications and guidelines set by the planning document.

The location may be one building plot, several building plots or part of the one building plot.

If the location is part of one building plot, or if the location is used for staged construction defined in the plan, it shall be necessary to make a conceptual design for the entire building plot and define the stages of construction in accordance with the engineering specifications.

The development of the conceptual design referred to in paragraph 3 of the present Article shall require the assent of all owners of land that makes the building plot.

The conceptual design referred to in paragraph 3 of the present Article is subject to a review of engineering documents in accordance with Article 86 of the present Law.

The conceptual design referred to in paragraph 3 of the present Article is a condition for obtaining a building permit for the staged construction of the building on a part of the building plot.

## **Determining the Location in Special Cases**

### **Article 60a**

Notwithstanding Article 60, paragraph 1 of the present Law, as regards the structures of general interest, the Government or the executive body of Local self-government may determine the location in accordance with the guidelines laid down in plans of the broader territorial unit.

The Government or the executive body of the local self-government unit shall issue the decision with the terms of reference for inviting an open competition.

Open competitions for urban development designs and urban development-architectural designs shall be announced and implemented by the Ministry or the local government body, with the prior assent of the Government.

The Government or the executive body of the local self-government shall issue a decision stipulating that the adopted urban development design or urban development-architectural design, after the open competition, is an integral part of the planning document. It shall serve as the basis for issuing engineering specifications for the development of engineering documents.

The costs of implementing an open competition for urban development designs and urban development-architectural designs shall be borne by the party that applied for the issuance of engineering specifications.

The manner and procedure of conducting a public competition referred to in paragraph 2 of the present Article shall be stipulated by the Ministry.

## **Offprint with Engineering Specifications**

### **Article 61**

(Deleted)

## **Website for Engineering Specifications**

### **Article 62**

Administrative body or local government body shall create a website, within seven days following that of planning documents' publication, whereby interested parties will have access to engineering specifications.

Depending on the type of the structure, the engineering specifications shall contain:

- 1) Geodetic-cadastral surveys;
- 2) Intended-use of the structure;
- 3) Type, category and major technological segments of the structure with basic characteristics of the structure and spatial layout;
- 4) Numbers of stories of the structure or maximum height elevation point of the structure;
- 5) Maximum authorized capacity of the structured (number of apartments or useful floor area);
- 6) Situation plan with boundaries of the building plot and relations with adjoining lots or places where works are executed by which use conformance of space, as planned by the planning document, is performed;
- 7) Building line and boundary line;
- 8) Grading elevation points of the structure;
- 9) Type of façade materials;
- 10) Type of roof covering materials and its pitch;
- 11) Orientation of the structure in respect of cardinal directions;

- 12) Meteorological data (wind rose, insolation, amount of atmospheric precipitations, temperature extremes and other);
- 13) Data on soil bearing capacity and groundwater level;
- 14) Parameters for aseismic designing, as well as other requirements for reduction of impact and protection against earthquakes;
- 15) Requirements and measures for environmental protection;
- 16) Requirements for location landscaping;
- 17) Requirements for parking or garaging of vehicles;
- 18) Place and manner of connection of structures to the town traffic route or the public road;
- 19) Place, manner and requirements of connection of structures to electrical, water supply, sewage, storm water and other infrastructural network;
- 20) Cable distribution systems of RTV programmes;
- 21) Requirements for protection against natural and technical-technological hazards;
- 22) Requirements for development of the building plot or appurtenant location of the structure;
- 23) Requirements for designing of structures entered in the register of cultural goods of Montenegro;
- 24) Requirements for energy efficiency;
- 25) Requirements for structures that may permanently, occasionally or temporarily impact on changes of the water regime or water requirements;
- 26) Requirements for structures that may impact air traffic safety;
- 27) Needs for geological, hydrological, geodetic and other explorations;
- 28) Possibility for phased construction of the structure;
- 29) Conditions for unimpeded access, movement, residence and work of persons with reduced mobility and persons with disabilities.

### **Issuance of Engineering Specifications**

#### **Article 62a**

The engineering specifications shall be issued by the local government body within 30 days following the date of submitting the application by the legal or physical entity.

Notwithstanding paragraph 1 of the present Article, the engineering specifications for the structures referred to in Article 91, paragraph 2 of the present Law shall be issued by the administrative body, within 30 days following the date of submitting the application.

In addition to the data provided by the law governing general administrative procedure, the application referred to in paras. 1 and 2 of the present Article shall include the identification data of the cadastral plot.

Notwithstanding paragraph 3 of the present Article, as regards the transmission lines, cable cars, ski lifts, roads, railways, water supply lines, sewerage lines, telecommunication cables, fibre optic cables, gas pipelines, heating pipelines and oil pipelines, as well as all the other lines, data about the situation of the route may be indicted instead of the identification data for the cadastral plot.

The specifications issued by the competent authorities and other legal entities under special regulations and which are necessary for the development of engineering documents, as well as the property deed and a copy of the cadastral plan, shall be obtained by the administrative body or local government body ex officio from the competent authorities and legal entities.

Fees, compensations or other costs of issuance shall not be paid for the issuance of specifications referred to in paras. 1, 2 and 5 of the present Article and for the issuance of a property deed and a copy of the cadastral plan.

If the competent authorities or legal entities do not deliver the specifications referred to in paragraph 5 of the present Article within ten days of the receipt of the application for their delivery, it shall be deemed to be consistent with the engineering specifications laid down in the planning document.

The application for the issuance of engineering specifications and engineering specifications issued in writing shall be published on the website of the administrative body or local self-government body, within seven days after the date of filing or issuance.

## **6. Development of Construction Land**

### **Elements of Development**

#### **Article 63**

Development of a construction land shall be deemed to be equipping of the land in a manner which enables implementation of the planning document.

Development of the construction land shall include preparation of the construction land for provision of utility infrastructure and provision of utility infrastructure.

Local self-government shall ensure development of the construction land in accordance with the Programme.

Local self-government shall not be required to ensure the development of construction land for structures of general interest for which the investor does not pay the fee for provision of utility infrastructure, if these structures are not included in the Programme referred to in Article 16 of the present Law.

Relation between the Government and local self-government in respect of development of construction land covered by the State planning document shall be regulated by an agreement.

### **Preparation for Provision of Utility Infrastructure**

#### **Article 64**

Preparation of construction land for provision of utility infrastructure shall cover, including but not limited to:

- 1) Resolution of proprietary-legal relations, development of planning, technical and other documentation;
- 2) Undertaking of measures for protection of cultural monuments and protection of natural monuments which could be endangered by the works on land preparation;
- 3) Demolition of existing structures and devices and removal of materials as well as displacement of existing aboveground and underground installations.

### **Provision of Utility Infrastructure**

#### **Article 65**

The provision of utility infrastructure to construction land shall include construction of utilities structures and devices, especially of:

- 1) Public utility structures and installations up to the connection point to the building plot including the connection point to the water supply system, sewage system and storm sewer system and public lighting;
- 2) Roads and streets within the settlement, overpasses, underpasses, and bridges, pedestrian walkways, sidewalks, squares, plazas and public parking lots within the settlement;
- 3) Green areas within the settlement, inner-block greenery, recreation grounds, children playgrounds, parks, pedestrian paths and lawns, bicycle paths, town public utility structures and cemeteries;

- 4) Landfills and structures for processing and disposal of waste materials;
- 5) Connections of public utility installations whose function may be of significance in the event of occurrence of an emergency situation, natural disasters or for the defence of the State.

### **Payment of a Fee**

#### **Article 66**

Investors shall pay a fee for the provision of utility infrastructure to construction land. Notwithstanding paragraph 1 of the present Article, investors shall not pay a fee for:

- structures of general interest;
- renovation of structures and plants that are risky to the environment and human health due to their contents, with the prior opinion of the authority responsible for environmental protection;
- structures referred to in Article 117 para. 1 items 1 and 3 of the present Law.

In addition to the cases referred to in paragraph 2 of the present Article, local self-government may stipulate other cases in which the investor does not pay a fee for provision of utility infrastructure to construction land.

The conditions, manner, time-limits and procedures for payment of the fee referred to in paragraph 1 of the present Article shall be stipulated by the local self-government, depending on the level of utility infrastructure already provided to construction land, participation of investors in provision of utility infrastructure, etc., with the prior assent of the Government.

Funds from the fee referred to in paragraph 1 of the present Article shall be paid into a special account of the budget of the local self-government unit and may only be used for the preparation and provision of utility infrastructure to construction land in the area where the structure is being built.

Notwithstanding paragraph 5 of the present Article, funds from fees for provision of utility infrastructure to construction land may also be used for the preparation and provision of utility infrastructure to construction land in other areas, if the area in which the structure is built is fully provided with utility infrastructure.

The provision of paragraph 2 of the present Article shall not apply to structures built without a building permit.

### **Provision of Utility Infrastructure by the Investor**

#### **Article 67**

Investors may also perform provision of utility infrastructure to construction land, in accordance with the planning document.

Mutual relations between the investor and local self-governments, within the meaning of the paragraph 1 of the present Article, shall be regulated by the contract.

### **Funds for Provision of Utility Infrastructure**

#### **Article 67a**

Funds for provision of utility infrastructure to construction land shall be provided from:

- fees for provision of utility infrastructure to construction land paid by investors;
- other sources in accordance with law.

## **III CONSTRUCTION OF STRUCTURES**

### **1. Special Provisions**

## **Building Operations Requirement**

### **Article 68**

Building operations of a structure may only be performed in accordance with law and other regulations, engineering and quality norms.

## **Construction Requirement**

### **Article 69**

A structure may be constructed only on the basis of the building permit and engineering documents.

## **Exploitation Requirement**

### **Article 70**

Use of the structure may only be allowed upon obtaining an exploitation permit.

## **Liability for Damage and Liability Insurance**

### **Article 71**

Parties to the construction of structures (investor, business organisations, legal entities or entrepreneurs that develop engineering documents, review engineering documents, build the structure, perform technical supervision of the building of structures) shall be liable for direct damage to third parties arising from their work and contracted obligations.

Parties referred to in paragraph 1 of the present Article must be insured, before the commencement of performance of the activity, and must over the entire duration of operation have their liability insured for damage that may occur to investors or third parties in respect of performance of their activity.

The level of annual insurance amount in accordance with regulations on insurance for individual case of insurance or for all insurance cases in a single year shall be agreed between the insurance firm and parties to the construction of structure.

The level of annual insurance amount which is determined in the insurance contract cannot be lower than 5,000€.

Notwithstanding provision of paragraphs 1, 2, 3 and 4 of the present Article, designer and contractor shall be liable for direct damage to the investor of family residential dwelling, as well as to third parties, arising from their work and contracted obligations.

## **Basic Requirements for the Structure**

### **Article 71a**

The basic requirements for the structure shall be the requirements that the structure, depending on its intended use, must fulfil during construction and use, and which ensure its overall safety and the safety of each of its separate parts.

The basic requirements for the structure referred to in paragraph 1 of the present Article are:

1) mechanical resistivity and stability, according to which the structure must be designed and constructed so that the load acting during construction and use does not result in:

- a) fall of the entire or a part of the built structure;
- b) significant deformations to the extent that is not allowed;
- c) damage to other parts of the structure or installations or installed equipment that may arise as a result of a significant deformation of the structure that carries the load;
- d) damage with consequences which are disproportionate to their cause;

2) protection in case of fire, according to which the structure must be designed and constructed so that in the event of a fire:

- a) the bearing structure can withstand the load over a certain period of time;

- b) the outbreak and spread of fire and smoke within the structure are limited;
  - c) the spread of fire to adjacent structures is limited;
  - d) users can leave the structure or be rescued by other means;
  - e) the safety of rescue teams is provided;
- 3) hygiene, public health and environmental protection according to which the structure must be designed and constructed in a way that does not jeopardize the hygiene or health and safety of employees, customers and neighbours, nor to cause the exceeding of allowable limits for environmental or climate impact, during construction, use and demolition, during the lifetime, and which can occur by:
- a) releasing toxic gases;
  - b) emitting dangerous substances, volatile organic compounds (VOC), greenhouse gases or dangerous particles into the air within the building or into the surrounding air;
  - c) transmitting dangerous radiation;
  - d) releasing dangerous substances into groundwater, sea, surface water or soil;
  - e) releasing dangerous substances into drinking water or substances that have other negative effects on drinking water;
  - f) erroneous discharge of waste water, emission of flue gases or incorrect disposal of solid or liquid waste; or
  - g) the presence of moisture in parts of the structure or on surfaces within the structure;
- 4) safety and accessibility in use under which the structure must be designed and constructed in a manner that does not present unacceptable risks of accidents or damage in service or work such as slipping, falling, collision, burns, electric shocks, injuries from explosions and burglaries and especially so as to take into account the accessibility and use by persons with reduced mobility and persons with disabilities;
- 5) noise protection under which the structure must be designed and constructed so that the noise users or neighbours hear is at a level that does not threaten their health and enables them to sleep, rest and work in satisfactory conditions;
- 6) cost-effective use of energy and saving heat under which the heating, cooling and ventilation installations and lighting must be designed and constructed in such a way that the amount of energy used is small, taking into account the users and climatic conditions of the location and that the structure is energy efficient (to use the minimum amounts of energy during its construction, or removal);
- 7) sustainable use of natural resources, according to which the structure must be designed, constructed and demolished in such a way that natural resources are used in a sustainable manner, and in particular to ensure:
- a) reuse or recyclability of the structure, its materials and parts after demolition;
  - b) durability of the structure;
  - c) use of secondary raw materials for the structure that are acceptable from the standpoint of the environment.

### **Derogation from the Essential Requirements for the Structure Article 71b**

The basic requirements for the structure may be waived in cases governed by special regulations.

### **Construction Products Article 72**



Construction and other products that are installed into the structure shall meet the requirements stipulated by law.

### **Access and Movement Requirements for Persons with Reduced Mobility**

#### **Article 73**

Construction of structures in public use shall be performed in a manner which will provide undisturbed access, movement, stay and work to persons with reduced mobility and persons with disabilities.

Construction of residential and residential-business structures shall be performed in a manner to provide undisturbed access and movement in common premises to persons referred to in paragraph 1 of the present Article.

Residential and residential-business structures with 10 and more apartments must be constructed in a manner which enables easy adjustment of structures, at least one dwelling unit for every 10 apartments for the undisturbed access, movement stay and work of persons with reduced mobility.

Detailed requirements and manner of adjustment referred to in paragraphs 1, 2 and 3 of the present Article shall be set forth by a regulation of the Ministry.

### **Technical Regulations**

#### **Article 74**

Technical regulations, standards, engineering and quality norms in the area of construction of structures shall, in accordance with principle of European legislation, elaborate or prescribe requirements for: stability and life cycle of structures, aseismic design and construction of structures; health protection, environmental and spatial protection; protection against natural and technical technological hazards; protection against fires, explosions and industrial incidents; thermal protection; economically efficient energy use and energy efficiency; protection against noise and vibrations.

The Ministry or a ministry competent for affairs for which the technical regulation is being adopted shall adopt technical regulations referred to in paragraph 1 of the present Article.

### **Prohibition to Connect to the Technical Infrastructure**

#### **Article 75**

Building site, or structure where works are executed without building permit and a master design or structure which is constructed without building permit and master design, cannot be connected to the technical infrastructure (electrical energy, water supply, sewage, road and other).

## **2. Engineering Documents**

### **1) Development of Engineering Documents**

#### **Concept and Requirements for Preparation**

##### **Article 76**

Engineering documents means a set of written, numeric and graphical documentation which establishes the concept, requirements and manner of construction of structures.

Business organisations, legal entities or entrepreneurs or foreign persons shall develop engineering documents on the basis of engineering specifications.

Principles of construction of structures established under Article 5 of the present Law must be observed while developing engineering documents.

## **Types of Engineering Documents**

### **Article 77**

Depending on the type of structure and level of elaboration, engineering documents shall be developed as:

- 1) Conceptual design;
- 2) Preliminary design;
- 3) Master design with details for execution of works (hereinafter referred to as: the master design);
- 4) Structure's maintenance design.

Engineering documents referred to in paragraph 1 of the present Article shall consist of:

- 1) Project of structure's architecture and project of interior architecture;
- 2) Structural building project and other building project;
- 3) Projects of electrical installations for electricity supply and telecommunications;
- 4) Projects of thermal-technical installations, mechanical plants, devices and installations;
- 5) Project for development of terrain and landscape architecture;
- 6) Other projects and detailed studies: geomechanics, seismic, technology, impact of interventions on environment, fire prevention, safety at work, thermal and sound protection of structures, energy efficiency and other in accordance with the intended-use of the structure.

The Ministry shall lay down manner of development, scale and detailed contents of engineering documents referred to in paragraphs 1 and 2 of the present Article.

### **Conceptual Design**

#### **Article 78**

The conceptual design is the project that determines: general concept; technical technological and economic characteristics and justifiability for construction of the structure.

The conceptual design shall contain data about: macro-location of the structure; manner of securing infrastructure (electrical, hydro-technical, telecommunication and other); possible alternatives for spatial and architectural designs; functionality and economic efficiency of the Design.

The conceptual design shall be developed to serve the needs of the investor, as well as to serve needs of verification of interesting locations in the planning documentation through the form of open competition.

### **Preliminary Design**

#### **Article 79**

A preliminary design shall be the project that determines: position, capacity, architectural, technical, technological and functional characteristics of the structure; organisational elements for the construction of structure; elements of maintenance of the structure; estimated value of works for the construction of structure.

The preliminary design shall specifically contain, data on: micro location of the structure; technical-technological and exploitation characteristics of structure; indicative calculation of stability and safety of structure; technical technological and organisational elements for the construction of structure; analysis of alternatives for energy systems of structures/buildings with an estimate of energy efficiency of structures/buildings; design of infrastructure; analysis of alternative, structural and construction designs for structures referred to in Article 7 of the present Law; indicative value of works for the construction of structure.

The preliminary design shall also contain data on the environmental impact assessment in accordance with special regulations.

The preliminary design may also define phasing (technical-technological and functional units) for the construction of structure.

The preliminary design shall be developed to serve the needs of issuance of building permit.

### **Master Design**

#### **Article 80**

A master design shall be the project that determines technological, architectural construction, technical and exploitation characteristics of the structure with equipment and installations, along with elaboration of all necessary details for the construction of structure and value of works for the construction of structure.

The master design shall specifically contain:

- 1) Architectural or construction solutions, calculation of stability and safety of structure and calculations in the field of construction physics and energy efficiency;
- 2) Elaboration of technical-technological and exploitation characteristics of the structure with equipment and installations, including also energy characteristics of structures/buildings;
- 3) Elaboration of details for execution of works covered by the master design, as well as technical-technological and organisational designs for the construction of structure;
- 4) Elaboration of connections of the structure to appropriate traffic routes and other infrastructure and development of free surfaces;
- 5) Technical solutions for protection of the structure and adjoining structures against fires and explosions and other technical protection solutions;
- 6) Elaboration of measures for prevention or reduction of adverse impacts of interventions on the environment;
- 7) Costs of construction and maintenance of structure;
- 8) Other projects and detailed studies, in accordance with intended-use of the structure.

Provided that installation of parts, elements and equipment which are industrially manufactured is planned under the master design for construction of the structure, the master design does not have to contain such part which is used as a base for manufacturing of relevant parts, elements and equipment, but proofs must be submitted on existence of such documentation, certificates of compliance and warranties of their functionality.

The master design shall be developed to serve needs of building permit as well as for the construction of structures.

### **Structure's Maintenance Design**

#### **Article 81**

A structure's maintenance design shall be developed for structures whereby regular maintenance is of particular significance for undisturbed and safe use, especially for structures of general interest.

The structure's maintenance design shall especially determine technical monitoring of soil and structure during exploitation, intended-use of structure along with measures necessary to be undertaken for stability of the structure, environmental protection, energy efficiency of structure, as well as other measures necessary for use of the structure.

### **Keeping of Documents**

#### **Article 82**

Administrative body or local government body shall permanently keep two copies of engineering documents pursuant to which a building permit was issued, and thus one copy in paper form and another in protected digital form.

Investor shall permanently keep one copy of engineering documents referred to in Article 77 of the present Law.

## **Authorization for Development of Engineering Documents**

### **Article 83**

Engineering documents may be developed by business organisations, legal entities or entrepreneurs registered with the Central Registry of Business Entities for performance of activities of engineering documents development and meeting the requirements provided for under the present Law.

Business organisations, legal entities or entrepreneurs referred to in paragraph 1 of the present Article must have an employee who is the responsible design engineer.

To create individual parts of engineering documents the business organisation, legal entity or entrepreneur referred to in paragraph 1 of the present Article shall conclude a contract with another business organisation, legal entity or entrepreneur employing a responsible design engineer.

## **Lead Design Engineer and Responsible Design Engineer**

### **Article 84**

Lead design engineer and responsible design engineer shall manage development of the engineering documents.

Lead design engineer shall be a physical person who manages development of engineering documents as a whole and shall be responsible for harmonization of all phases of the design.

Responsible design engineer shall be a physical person who manages development of specific parts of engineering documents.

Lead design engineer may be a responsible design engineer at the same time.

Persons referred to in paragraph 1 of the present Article shall sign engineering documents, as well as their constituents, i.e. designs.

Only graduated engineer or adequate technical specialist for development of specific parts of engineering documents, having three years of work experience on development, revision, supervision, review or evaluation of engineering documents with passed state licence exam and who is a member of the Chamber may be a lead design engineer.

Person with higher educational qualifications (bachelor) of adequate technical specialty, having three years of work experience on affairs of development of engineering documents with passed state licence exam and who is a member of the Chamber may be a lead design engineer and responsible design engineer for the family residential dwelling.

## **Authorization for a Foreign Person to Develop Engineering Documents**

### **Article 85**

A foreign person may also develop engineering documents under requirements prescribed under Articles 83 and 84 of the present Law.

## **2) Review of Engineering Documents**

### **Review of Preliminary Design and Master Design**

#### **Article 86**

Preliminary design and master design shall be subject to review.

The review referred to in paragraph 1 of the present Article shall include the following: verification of compliance of the project with urban-development and technical requirements; evaluation of special purpose sub-bases for founding of the structure; verification of regularity and accuracy of technical-technological solutions of the structure; architectural solutions for construction of a structure; verification of stability and safety; economic efficiency of projected material; compliance with law and other regulations, technical norms,

standards and norms of quality; mutual compliance of all parts of engineering documents, as well as verification of priced bill of quantities of all works for construction of the structure. The investor shall appoint the performer of the review. The investor shall bear costs of the review of the preliminary design and the master design. The Ministry shall lay down the manner of conduct of the review of the preliminary design and the master design. The provisions of paragraphs 1, 2, 3, 4 and 5 of the present Article shall not relate to family residential dwellings.

### **Repeated Review** **Article 87**

In case that, after the review of preliminary design and master design, and prior to submission of the application for issuance of the building permit, i.e. commencement of the construction, technical regulations, standards and norms of quality are altered, the preliminary design and the master design must be adjusted with such remodelling and shall be subject to a repeated review.

### **Authorization for Conducting Review** **Article 88**

The review of preliminary design and master design may be conducted by a business organisation, legal entity or entrepreneur (hereinafter: the reviewer), which meets the conditions referred to in Articles 83, 84 and 85 of the present Law. The review of the preliminary design and the master design must not be performed by a person who participated in producing such projects.

### **Review of Engineering Documents Produced According to Regulations of Other Countries** **Article 89**

Engineering documents produced according to regulations of other countries shall be subject to review for the purpose of verification of its compliance with the law, standards, engineering and quality norms. In case that the proposed solution uses the regulations of countries which are stricter than national, it may be accepted as regular. Engineering documents produced according to regulations of other countries referred to in paragraph 1 of the present Article must be translated into Montenegrin by an authorized court interpreter.

### **Review Report and Certification of Engineering Documents** **Article 90**

With regard to conducted review of the preliminary design and the master design a report shall be produced, which shall be verified and signed by the reviewer. The reviewer shall indicate correct and true statements with regard to compliance with conditions referred to in Article 62 of the present Law in the report on conducted review of the project referred to in paragraph 1 of the present Article. The certification of the preliminary design and the master design shall be performed on each part of engineering documents by a stamp with the number, date and signature of the reviewer written in, as well as by seal on each sheet of the engineering documents. The report and the project referred to in paragraph 1 of the present Article shall be submitted to the investor.

### **3) Building Permit**

#### **Competence for Issuance of Building Permits**

##### **Article 91**

The building permit for a structure to be built shall be issued by the local government body. By way of derogation from the paragraph 1 of the present Article, the administrative body shall issue building permits for:

- 1) state-owned structures of general interest;
- 2) structures of basic chemical and chemical industry; ferrous and non-ferrous metallurgy; structures for production of cellulose and paper; structures for processing of leather and fur; structures where hazardous matters are produced and stored and similar structures and plants whose work might endanger the environment;
- 3) plants using liquid and oil gas;
- 4) high dams and reservoirs filled with water, tailing dump or ash which is subject to technical monitoring;
- 5) structures of special significance for defence of Montenegro;
- 6) hotels, religious structures, theatre, cinema, sports, exhibition and similar halls, with over 1,000m<sup>2</sup>;
- 7) silos with the capacity over 3,000 m<sup>3</sup>;
- 8) halls with a bay over 30m, of shell structure, of pre-stressed and composite structure and beehive structure;
- 9) bridges with a span over 30m;
- 10) sanitary landfills and plants for treatment of solid and hazardous waste;
- 11) systems and structures built at the territory of two or more local self-government units;
- 12) concessions causing spatial alterations;
- 13) stations and plants for storing and decanting of fuel;
- 14) stadiums with the capacity for over 3,000 visitors;
- 15) tunnels over 200m in length.

#### **Application Submission**

##### **Article 92**

Application for issuance of a building permit shall be submitted by the investor. The application referred to in paragraph 1 of the present Article shall include the basic information about the structure and the investor, as well as the documentation referred to in Article 93 of the present Law.

The application for issuance of a building permit shall be published on the website of the administrative body or local government body within seven days from the day of submission of the application.

#### **Documents on the Basis of Which Building Permits Are Issued**

##### **Article 93**

Building permits shall be issued by means of a decision issued on the basis of the following documents:

- 1) the preliminary design or the master design, including a review report, produced in 10 copies, out of which seven are in the protected digital form;

- 2) proof of the ownership right or another right over the construction land or proof of the right to construct or another right related to the structure, in case of the renovation of the structure, and copies of the plan;
- 2a) assent of all owners of constructed land covered by the building plot, if the structure is constructed on a part of the building plot;
- 3) assents, opinions and other proofs laid down by special regulations if the building permit is issued on the basis of the master design;
- 4) proof of payment of the provision of utility infrastructure fee and proof of payment of the fee for the construction of the regional water supply system on the territories of municipalities on the Montenegrin coast;
- 5) proof of liability insurance of the investor and business organisation, legal person or entrepreneur that drafted or reviewed the preliminary or master design, in accordance with Art. 71 of the present Law.

The proofs referred to in para.1 items 2, 3 and 4 of this Article shall be obtained ex officio by the body competent for the issuance of building permits.

Fees, compensations or other costs of issuance shall not be paid for the issuance of proofs referred to in para. 1, items 2 and 3 of this Article.

In the event that the competent bodies or institutions fail to deliver proofs referred to in para.1 item 3 of this Article within 15 days of the receipt of application for their delivery, it shall be deemed that they are compliant with the reviewed conceptual or main design.

During the procedure of building permit issuance, each separate part of the conceptual and main design shall be certified with the stamp including the number, date and signature of the authorised person, as well as with a seal on each sheet of the design.

### **Issuance of a Building Permit**

#### **Article 94**

A building permit shall be issued within 30 days following the date of submitting the application.

Notwithstanding paragraph 1 of the present Article, building permits for structures that require a study on environmental impact assessment shall be issued within 60 days following the date of submitting the application.

A building permit shall include, but not be limited to: basic information related to the applicant; lead design engineer and reviewer; location; type and intended use of the structure; dimensions of the structure; staged construction of the structure; obligation to develop the master design, if the building permit is issued on the basis of the preliminary design.

Building permits shall be published on the website of the administrative body or local administrative body within seven days following the date of issuance.

### **Issuance of a Building Permit until the Use of the Location**

#### **Article 95**

At the existent structure whose location or other features do not match the conditions from the planning document, reconstruction may be approved within the current footprint, which is necessary for maintenance and use of the structure in accordance with its purpose, until the use conformance of such location in line with the corresponding planning document.

In the case referred to in paragraph 1 of the present Article the provisions of Article 93 of the present Law shall be accordingly applied.

### **Deciding Upon Appeal**

#### **Article 96**

The chief administrator shall decide upon appeal against the decision on building permit issued by the local government body, and the Ministry shall decide upon appeal against the decision issued by the administrative body.

### **Deadline for Commencement of Construction of the Structure**

#### **Article 97**

The investor shall commence the constructing of the structure within two years from the day of issuance of the building permit.

If the investor fails to commence the construction of the structure within the deadline referred to in paragraph 1 of the present Article, his/her right to build the structure with respect to the issued building permit shall cease.

### **Change of the Investor**

#### **Article 98**

If the investor changes during the construction of the structure, the new investor shall submit an application to the competent authority for remodelling of the building permit to the new investor within seven days from the day the remodelling arises.

Enclosed to the application referred to in paragraph 1 of the present Article the new investor shall provide the proof of the ownership right or other right to land for the purpose of the construction or proof of the ownership right or other right over the structure, for the purpose of the reconstruction of the structure.

The application for remodelling of the building permit referred to in paragraph 1 of the present Article may be submitted to the day of issuance of the exploitation permit.

The decision in respect of paragraph 1 of the present Article shall be adopted within 7 days from the day of submission of the application for remodelling of the building permit to the new investor.

### **Disclosure of the Building Permit to the Local Public**

#### **Article 99**

The investor shall post a board with information on the issued building permit (number and date of the decision, information related to the investor, the contractor, the person who produced engineering documents, the lead project engineer, the supervisory body, the deadline for completion of works and other) at the building site, within seven days from the day of issuance of the building permit.

The shape and appearance of the board referred to in paragraph 1 of the present Article shall be laid down by the Ministry.

### **Deadline for Completion of Works**

#### **Article 100**

The deadline for completion of works shall be set forth in the building permit as follows:

- 1) three years from the validity date of the building permit in case of a new structure;
- 2) two years from the validity date of the building permit in case of a structure being reconstructed.

The provision of paragraph 1 of the present Article shall not relate to the structures referred to in Articles 7 and 91 para. 2 of the present Law.

If the works on the structure are not completed within the deadline referred to in paragraph 1 of the present Article, the deadline may be extended if requested by the investor.

### **Building Permit Nullity**

#### **Article 101**



(Deleted)

### **Building Permit Delivery**

#### **Article 102**

The building permit shall be delivered to the building inspector within three days from the day of issuance.

### **Reporting of Works Not Considered as Reconstruction**

#### **Article 103**

If works that are not considered as reconstruction in terms of the present Law are performed on an existent structure, the investor shall report to the administrative body or local government body about such works, no later than seven days from the commencement of the works.

In addition to the report referred to in paragraph 1 of the present Article the investor shall submit the description of works.

If the authority referred to in paragraph 1 of the present Article establishes that the works indicated in the report are considered as the reconstruction of the structure, it shall, within seven days from the day of the receipt of the report, warn the investor of the requirement to obtain the building permit.

The investor shall notify the competent inspection authority about the report referred to in paragraph 1 of the present Article.

## **4. Construction of Structures**

### **1) Execution of Works**

#### **Preliminary Works**

##### **Article 104**

Investors may commence preliminary works upon the issuance of the building permit.

Preliminary works shall be executed on the basis of the study which includes the building site layout scheme, type of fence, site structures, site roads, spot for cranes, spot for delivery of materials, site connections (electric, traffic, water supply) and others, and also on the basis of the safety at work study and construction waste management plan, drawn up in accordance with special regulations.

The investor shall report the commencement of preliminary works to the competent inspection authority seven days prior to the commencement of such works.

The report on preliminary works shall be published on the website of the competent inspection authority.

Detailed contents of the studies referred to in paragraph 2 of the present Article shall be laid down by the Ministry.

### **Preliminary Works for Construction of Structures of General Interest**

#### **Article 104a**

Notwithstanding Article 104 of the present Law, large scale preliminary works for the construction of a structure of general interest, which is covered by the planning document for which a strategic environmental assessment has been developed and whose execution takes a long time, may also be executed on the basis of the assent of the Government.

The investor shall report the beginning of preliminary works referred to in paragraph 1 of the present Article to the competent inspection authority 15 days before the start of the works. In addition to the data provided by the law governing general administrative procedure, investors shall submit with the application referred to in paragraph 2 of the present Article, a proof of the right of ownership or another right over the construction land, the study referred to in Article 104, paragraph 2 of the present Law and the assent of the Government.

### **Construction of Structures** **Article 105**

The construction of a structure may commence on the basis of the building permit and reviewed master design.

The investor shall report the works to the competent inspection authority seven days prior to the commencement of the construction of the structure.

Investors shall, 15 days before the start of construction of the structure, provide to the building inspector a reviewed master design, if the building permit was issued on the basis of the preliminary design.

The report on the commencement of the construction of the structure shall be published on the website of the competent inspection authority.

### **Authorization to Construct** **Article 106**

The construction of structures, i.e. execution of specific works during the construction of structures may be performed by a business organisation, legal entity or an entrepreneur registered with the Central Register of Business Entities to perform construction activities i.e. to perform specific works, provided it fulfils the conditions provided for by the present Law.

Business organisations, legal entities or entrepreneurs referred to in paragraph 1 of the present Article shall have an employee who is the responsible project engineer.

For the execution of specific works during the construction of a structure the business organisation, legal entity or entrepreneur referred to in paragraph 1 of the present Article shall conclude a contract with another business organisation, legal entity or entrepreneur which has a responsible project engineer employed.

### **Lead Project Engineer and Responsible Project Engineer** **Article 107**

The contractor shall appoint the lead project engineer and the responsible project engineer for construction of a structure i.e. performance of specific works on a structure.

The lead project engineer and responsible project engineer shall manage the execution of works on the structure.

The lead project engineer shall be responsible for completeness, mutual compliance and coordination of works performed on the structure.

The lead project engineer may at the same time be the responsible project engineer.

The responsible project engineer shall manage the performance of specific types of works on the structure.

The lead project engineer and the responsible project engineer for structures for which the building permit is issued by the administrative body may only be a graduated engineer or specialist in corresponding technical vocation, with three years of work experience at positions of projecting, constructing, supervising or technical inspection of structures, with state licence exam passed, and membership with the Chamber.

The lead project engineer and the responsible project engineer for structures for which the building permit is issued by the local government body may be a person with Bachelor degree in corresponding technical vocation, with three years of work experience at positions of projecting, constructing, supervising or technical inspection of structures, with state licence exam passed, and membership with the Chamber.

If two or more contractors participate in the construction of a structure, the investor shall appoint one of the contractors to be responsible for mutual compliance of works and to appoint the lead project engineer of the building site.

### **Authorization of a Foreign Person to Construct** **Article 108**

A structure may be constructed by a foreign person too, under conditions prescribed in Articles 106 and 107 of the present Law.

### **Investor's Obligations** **Article 109**

Investor shall provide for marking of the location, boundary lines, grading lines and building lines prior to the commencement of the constructing of a structure.

If the structure is registered with the registry of monuments of culture of Montenegro, it must be marked that the subject structure is a monument of culture.

A building site covering large areas (railways, roads, electricity transmission lines and other parts of a building site that cannot be fenced) must be marked with specific traffic signs or marked otherwise, in accordance with a special regulation.

### **Contractor's Obligations** **Article 110**

The Contractor shall:

- 1) perform works in accordance with the building permit and the master design;
- 2) organize the building site in the manner to ensure the access to the location, undisturbed traffic and protection of environment during the construction period;
- 3) ensure the safety of the structure, persons at the building site and the surroundings (adjoining facilities and traffic routes);
- 4) perform works in accordance with standards, engineering and quality norms valid for specific types of works, installations and equipment and construct the structure, i.e. use building materials, products, devices, plants and equipment that satisfy the conditions from Articles 72 and 74 of the present Law;
- 5) provide for proof of the quality of performed works, i.e. built in materials, installations and equipment, issued by an authorized organisation;
- 6) take minutes on works which upon closing or covering may not be examined (the quality of soil at which the structure is founded, the reinforcement, the insulation, underground and closed installations and other);
- 7) keep a building log, a building book and an inspection book;
- 8) ensure measuring and geodetic survey of the soil behaviour during construction.

The manner of keeping and the contents of the building log and building book, referred to in paragraph 1 item 7 of the present Article shall be laid down by the Ministry.

### **Obligations of Contractors and Investors** **Article 111**

The contractor, i.e. investor shall notify the competent inspection authority, as well as the authority competent for cadastre activities about the commencement of execution of works, no less than seven days prior to the commencement of execution of works.

The administrative body competent for cadastre activities shall mark the structure i.e. mark the route on the terrain, according to the master design, within three days from the day of receipt of the notification referred to in paragraph 1 of the present Article and issue a written certificate thereof.

If the contractor notices deficiencies in the master design, it shall warn in writing the investor and the business organisation that developed the project.

If the investor or the business company which developed the master design fails to eliminate the deficiencies they were warned about immediately, the contractor must inform thereof the authority which issued the building permit, as well as the competent inspection authority.

If the deficiencies threaten life and health of people, safety of the structure, environment, traffic or adjoining structures, the contractor must immediately cease the execution of works and eliminate the deficiencies.

If the contractor, due to contingent circumstances (bearing capacity of stratum, level of underground waters, remodelling of parts of elements and precast equipment and installations and the like), may not perform works according to the reviewed master design, shall notify the investor and the competent inspection authority thereof.

In the case referred to in paragraph 6 of the present Article, the investor, or the business organisation, legal entity or entrepreneur which produced the master design, shall alter the master design in accordance with the present Law.

The contractor shall inform in writing the competent authority in case of encountering an archaeological site, fossils, active landslides, ground waters and the like.

## **Site Documents**

### **Article 112**

The contractor shall keep the following at the building site:

- decision on registration of the contractor with the Central Registry of Business Entities;
- licence for execution of works;
- decision on appointing of the chief construction field engineer;
- decision on appointing of the supervisory body;
- building log, building book and inspection book;
- building permit;
- preliminary design or master design pursuant to which the building permit has been issued;
- report on review of the preliminary design or the master design;
- approvals of the master design, prescribed by special regulations, if the building permit has been issued on the basis of the preliminary design;
- detailed study of the organisation of the building site;
- minutes on marking of the location and the staking of the structure;
- minutes of competent inspection authorities,
- other documentation which the contractor is obliged to collect and keep during the construction, necessary for technical inspection and issuance of exploitation permit.

## **Special Documents**

### **Article 113**

If the engineering documents plan building in of precast parts, elements and equipment in the construction of the structure, the supporting documentation, test certificates and warranty of functionality shall be enclosed to the master design.

## **2) Technical Supervision**

### **Conduct of Technical Supervision**

#### **Article 114**

During the construction of the structure, the investor shall provide for technical supervision. Investors may entrust technical supervision over the construction of the structure to a business organisation, legal entity or entrepreneur or perform supervision directly if it fulfils the conditions referred to in Art. 83, 84, 85, 106, 107 and 108 of the present Law.

The supervision referred to in paragraph 1 of the present Article shall include, but not be limited to the following: control of execution of works according to the engineering documents; verification of quality of execution of works and implementation of regulations, standards, engineering and quality norms; control of the quality of material built in; control of application of measures for environmental protection; observation of contracted deadlines; issue of instructions to the contractor; cooperation with the project engineer for providing for details of technological and organisational solutions for execution of works and solving of other issues with regard to the construction of the structure.

Technical supervision shall be conducted from the day of performance of preliminary works. The person conducting technical supervision shall, without delay, inform the investor about deficiencies in engineering documents, construction of the structure contrary to the engineering documents, regulations, standards and norms of quality and undertake suitable measures.

The manner of conduct of the technical supervision shall be laid down by the Ministry.

The provisions of paragraphs 1, 2, 3, 4, 5 and 6 of the present Article shall not relate to family residential dwellings.

## **3) Structures of Temporary Character in Special Purpose Spatial Plan**

#### **Article 115**

Structures of temporary character may be erected in the area of special purpose spatial plan in accordance with the present Law.

Locations and structures, in terms of paragraph 1 of the present Article, shall be set forth by the plan of structures of temporary character (hereinafter: the Plan).

The Plan shall be adopted for a three-year period.

The Plan shall be adopted by the Ministry, upon the obtained opinion from the Ministry competent for tourism and environmental activities, local self-government, as well as the enterprise founded to manage the special purpose areas for which the plan has been adopted.

The development of the Plan may be entrusted to the person referred to in Articles 35 and 37 of the present Law.

### **Competence for Structures of Temporary Character**

#### **Article 116**

The approval and engineering specifications for erecting of the structures referred to in Article 115 of the present Law shall be issued by the administrative body.

## **4) Structures whose Construction and Setting up Is Governed by the Local Self-Government**

### **Auxiliary Structures and Temporary Prefabricated Structures**

#### **Article 117**

Local government body shall issue an approval for the setting up and construction of:

- 1) ancillary structures that serve housing and other structures (underground and above-ground garages, swimming pools, store rooms, septic tanks, wells, fences, etc.);
- 2) prefabricated temporary structures that are placed in populated areas (kiosks selling various kinds of goods and services, summer gardens, movable stalls, smaller sports and parking structures, amusement parks, aqua parks, catering establishments, etc.);
- 3) approach ramps, elevators and similar structures for access and movement of persons with reduced mobility and persons with disabilities.

In addition to structures referred to in paragraph 1 of the present Article, the structures referred to in Article 7, paragraph 3 of the present Law may be considered as the structures whose setting up and construction approval is issued by local government body.

More detailed conditions for the setting up, construction and removal of structures referred to in paras. 1 and 2 of the present Article shall be governed by the local self-government.

## **5. Exploitation Permit**

### **Competence**

#### **Article 118**

Exploitation permit shall be issued in the form of a decision by the authority competent for issuance of building permits.

Exploitation permit shall be issued for a structure or a part of a structure for which the building permit determined phased construction.

A complaint may be filed against the decision referred to in paragraph 1 of the present Article in the manner prescribed by Article 96 of the present Law.

### **Trial Run**

#### **Article 119**

In case of structures with installations, equipment and plants built in, which serve for technological process of the business activity of the investor, not the structure itself, the investor shall organize a trial run after the completion of the installation and prior to technical inspection, with previously obtained approval by the competent inspection authority.

Upon having obtained the assent within the meaning of paragraph 1 of the present Article, the building inspector shall issue a decision on the trial run within 15 days.

The trial run shall examine the functioning of built installations, equipment and plants, determine the quality of performed works, material built in and fulfilment of technical process parameters planned by the project.

The conditions and duration of the trial run shall be set forth by engineering documents.

## **Application for Issuance of an Exploitation Permit**

### **Article 120**

The investor shall, prior to commencement of the structure, submit the application for issuance of a exploitation permit, no later than within seven days from the date of completion of works.

In addition to the application for issuance of the exploitation permit the investor shall enclose the following:

- 1) statement of the contractor that the structure has been constructed according to the building permit and reviewed master design;
- 2) statement of the supervising engineer that the structure has been constructed according to the building permit and the reviewed master design;

- 3) statement of the lead project engineer that the structure has been built according to the reviewed master design;
- 4) proof of fulfilled obligations, in accordance with special regulations;
- 5) (deleted)
- 6) reviewed master design, if the building permit has been issued on the basis of the preliminary design;
- 7) studies of original as built field data certified by a licenced surveying organisation.

The supervising engineer and the lead project engineer referred to in paragraph 2 of the present Article may be the same person.

The application for issuance of the exploitation permit shall be published on the website of the administrative body or local government body within seven days from the day of issuance.

### **Issuance of Exploitation Permits**

#### **Article 121**

Exploitation permit shall be issued within seven days from the day receipt of the report that the structure is suitable for use.

The structure shall be suitable for use:

- 1) if it has been constructed in accordance with the building permit and the reviewed master design;
- 2) if the proof of the quality of performed works, i.e. material built in, installation and equipment has been provided for, issued by the authorized organisation,
- 3) if the works have been performed in accordance with regulations, standards, engineering and quality norms valid for specific types of works i.e. material, equipment and installations.

Exploitation permit shall be published on the website of the administrative body or local government body within seven days from the day of issuance.

### **Technical Inspection**

#### **Article 122**

Suitability of a structure to be used shall be set forth through a technical inspection.

Technical inspection shall include the control of compliance of performed works with the master design, as well as with regulations, standards, engineering and quality norms valid for specific types of works or materials, equipment and installations.

Technical inspection of a structure or a part of a structure, may be conducted, i.e. the use may be approved only if the structure or a part of the structure has been constructed in accordance with the building permit and reviewed master design.

Competent inspector shall attend the technical inspection of a structure.

Investor shall bear the costs of the technical inspection.

### **Authorization for the Conduct of a Technical Inspection**

#### **Article 123**

Technical inspection may be conducted by a business organisation, legal entity or entrepreneur which fulfils the conditions referred to in Art. 83, 84, 106 and 107 of the present Law, or the commission whose members fulfil the conditions referred to in Art. 84 paras. 6 and 7 and Art. 107 paras. 6 and 7 of the present Law (hereinafter: performer of technical inspection).

Upon the proposal of the investor, the performer of technical inspection shall be appointed by the authority competent for issuance of exploitation permit within seven days after the date of submitting the application for issuance of an exploitation permit.

Persons employed in the business organisation, legal entity or with an entrepreneur which was the contractor, persons who conducted the technical supervision, as well as persons performing activities of inspection control may not participate during the conduct of a technical inspection.

Technical inspection performer shall submit the report on technical inspection to the authority competent for issuance of exploitation permits and the investor within seven days upon the completion of the technical inspection.

The manner of conducting of technical inspection shall be laid down by the Ministry.

### **Report on Technical Inspection of a Structure**

#### **Article 124**

Technical inspection performer shall propose the following in the report on completed technical inspection: use of the structure, elimination of identified deficiencies or prohibition of use of the structure.

### **Acting in Respect of the Report**

#### **Article 125**

The authority competent for issuance of exploitation permits, upon the receipt of the report on technical inspection shall:

- 1) issue the exploitation permit;
- 2) order the investor to eliminate the identified deficiencies within the determined time frame;
- 3) prohibit the use of the structure.

### **Repeated Technical Inspection**

#### **Article 126**

If the authority competent for issuance of exploitation permits orders the investor to eliminate the identified deficiencies within the determined time frame, the investor shall, after eliminating them, to request a repeated technical inspection.

In case of a repeated technical inspection, only the works that were supposed to be corrected or subsequently performed shall be examined.

On the basis of the report on repeated technical inspection, the authority competent for issuance of exploitation permits shall adopt the suitable decision.

### **Parallel Technical Inspection**

#### **Article 127**

For structures referred to in Article 91 paragraphs 1 and 4 of the present Law, technical inspection may also be conducted in parallel with the construction of the structure.

In case referred to in paragraph of the present Article, the technical inspection performer shall be set forth by the building permit.

The provision of Articles 122 to 126 of the present Law shall be accordingly applied to the technical inspection which is performed in parallel with the construction of the structure.

### **Investor's Special Obligations**

#### **Article 128**

Exploitation permit shall also include the investor's obligations to, within the specified time frame, depending on the characteristics of the structure and soil, perform suitable monitoring of the behaviour of the soil and the structure and environmental impact of the structure and inform the competent inspector about the results of such monitoring and measures undertaken.



## **Exploitation Permits for Family Residential Dwellings**

### **Article 129**

Exploitation permit for a family residential dwelling shall be issued in the manner prescribed in Article 120 of the present Law, provided that in addition to the application for issuance of the exploitation permit the following is enclosed:

- 1) the statement of the contractor that the building has been constructed in accordance with the building permit and the master design;
- 2) proof of fulfilled obligations in accordance with special regulations;
- 3) proof of regulation of relations in respect of payment of fees for provision of utility infrastructure referred to in Article 66 of the present Law.

### **Delivery of Exploitation Permit**

#### **Article 130**

The decision on issuance of exploitation permit adopted by the local government body shall be submitted to the building inspector.

The decision on issuance of the exploitation permit adopted by the administrative body shall be submitted to the local self-government authority and the building inspector.

### **Handover of the Constructed Structure**

#### **Article 131**

Investor and contractor who built the structure or performed specific works on it, must, within 60 days from the day of receipt of the exploitation permit, hand over the structure on a preliminary basis and make the final calculation of the value of performed works, unless otherwise provided by the contract.

The investor and contractor shall perform the final handover of the structure within 30 days from the expiry of the guarantee period, unless otherwise provided by the contract.

### **Restrictions with Regard to Application of the Law**

#### **Article 132**

The provisions of the present Law that are related to the construction of structures shall not be applied in the case when a structure is built due to threatening of natural or other disasters or extraordinary or state of war, for the purpose of preventing their effects or ensuring protection or recovering their direct detrimental consequences.

The structure referred to in paragraph 1 of the present Article may remain as a permanent structure after such circumstances cease, if it fulfils specific urban-planning, technical and other prescribed conditions and if the investor obtains the building permit within one year from the day when such circumstances cease.

The investor which fails to obtain the building permit for the structure referred to in paragraph 1 of the present Article within the prescribed deadline, shall remove such structure.

### **Website**

#### **Article 133**

The administrative body or local government body shall develop a website for the field of spatial development and construction of structures.

### **Forms**

#### **Article 133a**

Application forms referred to in Art. 62a, 92, 95, 98, 119, 120, 134, 142 and 143, applications referred to in Art. 103, 104 and 105 and the notifications referred to in Art. 111 and 128 of the present Law shall be laid down by a regulation of the Ministry.

## **IV LICENCE**

### **Licencing Article 134**

A licence is an act that confirms the fulfilment of the conditions for the performance of activities referred to in Art. 35, 36, 37, 83, 84, 85, 106, 107 and 108 of the present Law.

Licences shall be issued by means of a decision by an administrative body within eight days following the date of submitting the application.

Licences for business organisations, legal entities and entrepreneurs shall be issued for the period of five years.

Licence holders shall inform the administrative body about all changes in the business organisation, legal entity or entrepreneur that influence the fulfilment of conditions for acquiring the licence.

The administrative body shall keep a registry of licences.

Within the licensing process, administrative body shall obtain ex officio the data on which official records are kept.

A complaint may be filed with the Ministry against the decision referred to in paragraph 2 of the present Article.

### **Licence Revocation Article 135**

The administrative body shall revoke the licence if:

- 1) it is determined that the licence was issued on the basis of inaccurate data;
- 2) the licence holder ceases to fulfil conditions referred to in Articles 35, 36, 37, 83, 84, 85, 106, 107 and 108 of the present Law;
- 3) the licence holder performs operations contrary to the provisions of the present Law, which are related to activities for which the licence has been issued.

In cases referred to in paragraph 1 items 1 and 3 of the present Article, the licence shall be revoked for the period from one to five years.

The licence shall be revoked in the manner and according to the procedure applied for its issuance.

The administrative body shall inform the competent inspection authority about the licence revocation.

The licence revocation procedure shall be urgent.

### **Foreign Person's Licence Article 136**

The provisions of Article 134 paragraph 1 of the present Law shall not relate to licences issued by an authority of foreign person's country.

The licence referred to in paragraph 1 of the present Article shall be certified by the administrative body.

The administrative body shall keep the registry of certified licences.

The administrative body shall annul the certification of the foreign person's licence which performs activities for which the licence has been issued contrary to the provisions of the present Law.

The conditions and manner of certification and annulment of the licence certification in terms of paragraphs 2 and 3 of the present Article shall be laid down by the Ministry.

**By-law**  
**Article 137**

The manner and procedure of licence issuance and revocation, as well as the manner of keeping the licence registry shall be established in a regulation by the Ministry.

**Licence Publishing**  
**Article 138**

The decision referred to in Articles 134, 135 and 136 of the present Law shall be published on the website of the administrative body.

**V CHAMBER OF ENGINEERS OF MONTENEGRO**

**Establishment**  
**Article 139**

In order to guarantee expertise and protection of public interest, persons in charge of spatial development and construction of structures, provided for by the present Law, shall acquire membership in the Chamber of Engineers of Montenegro (hereinafter: the Chamber).

The Chamber has the capacity of a legal person with rights and responsibilities established by Law and the Articles of Incorporation of the Chamber.

The Articles of Incorporation of the Chamber regulate the organisation of the Chamber, work and functioning of the Chamber bodies, election manner and authorizations of bodies, manner of decision-making and implementation of decisions and other issued of significance for work of the Chamber.

The Ministry shall approve the general acts of the Chamber, which are related to public authorizations.

**Competences of the Chamber**  
**Article 140**

The Chamber shall perform the following activities:

- 1) keep the registry of the Chamber members;
- 2) ensure improvement and education of the members of the Chamber;
- 3) adopt the code of ethics and ensure its implementation;
- 4) conduct disciplinary proceedings against its members and impose measures;
- 5) determine minimum price for engineering documents, review, technical inspections and supervision for residential and residential-business structures;
- 6) control the application of the price referred to in item 5 of the present Article;
- 7) organize and enforce the taking of state licence exam according to the provisions of the present Law;
- 8) determine the amount of membership fee and registration fee of its members and
- 9) protect and represent the interests of its members;
- 10) perform other activities on the basis of Law and Articles of Incorporation of the Chamber.

The Chamber shall perform the activities referred to in paragraph 1 items 5, 6 and 7 of the present Article as a public authorization.

The manner of performance of the control referred to in item 6 paragraph 1 of the present Article shall be prescribed by the Chamber with the approval of the Ministry.  
The Ministry shall supervise the performance of affairs referred to in paragraph 1 items 5, 6 and 7 of the present Article.

### **Funding** **Article 141**

The operations of the Chamber shall be funded from:

- 1) membership fees;
- 2) fees with regard to costs for activities referred to in 140 paragraph 1 items 6 and 7 of the present Law;
- 3) fines for disciplinary offences and
- 4) other sources in accordance with the Law and the general act.

## **VI REMOVAL OF STRUCTURES**

### **Removal of Dilapidated Structures** **Article 142**

The administrative body or local government body shall approve by a decision, ex officio or at request of an interested party, the removal of the structure which it identifies to have stability threatened due to dilapidation or major damages, and as such represents direct threat to life and health of people, to adjoining structures and safety of traffic.

The decision on removal of a structure, within the meaning of paragraph 1 of the present Article, shall be issued by the competent inspection authority within 15 days following the date of issuing a decision.

The administrative body or local government body shall regulate and provide for conditions and measures to be undertaken and provided during the removal of the structure.

### **Removal of a Structure upon Owner's Request** **Article 143**

Administrative body or local government body may also approve by means of a decision and upon owner's request the removal of a structure within 15 days following the date of submitting the application.

In case referred to in paragraph 1 of the present Article the owner shall enclose proof of ownership over the structure and a study for the removal of the structure.

The study for removal of the structure shall be subject to review, in accordance with provisions of the present Law, if the manner of removal of the structure influences the threat of life and health of people, adjoining structures and safety of traffic.

The owner shall bear the costs of removal of the structure in terms of paragraph 1 of the present Article.

## **VII SUPERVISION**

### **Exercising Supervision** **Article 144**

Supervision over the application of the present Law and other regulations from the area of spatial development and construction of structures shall be performed by the Ministry and the administrative body competent for inspection affairs or the local self-government.

### **Inspection Control**

### **Article 145**

Inspection control affairs in the area of spatial development and construction of structures shall also be conducted within the limits of prescribed competences, by the administrative body competent for inspection affairs in accordance with the present Law.

Inspection control activities in the area of construction of structures shall also be conducted by competent inspections in accordance with special regulations.

Inspection authorities referred to in paragraphs 1 and 2 of the present Article shall inform each other on administrative measures and actions undertaken within the prescribed competencies.

## **1. Inspection control in the Area of Spatial Development**

### **Competences**

#### **Article 146**

The administrative body competent for inspection affairs shall conduct inspection control in the area of spatial development via urban development inspectors and spatial protection inspectors.

### **Authorizations of Urban Development Inspectors**

#### **Article 147**

Urban development inspector shall conduct the inspection control in relation to all planning documents, as well as structures referred to in Article 91 of the present Law.

Urban development inspector shall specifically check the following:

- 1) whether the planning document has been produced in accordance with the present Law;
- 2) whether the planning document has been adopted in accordance with the present Law;
- 3) whether the business organisation, legal entity or entrepreneur or a foreign legal entity fulfils the conditions for development of the planning document provided for by the present Law;
- 4) whether the offprint has been produced or whether the engineering specifications have been issued in accordance with the planning document;
- 5) whether the allotment transferred to the field by the administrative body competent for cadastral affairs is in accordance with the valid planning document;
- 6) whether the preliminary design or master design on the basis of which the building permit has been issued was developed or reviewed in accordance with the planning document and the engineering specifications;
- 7) whether the building and boundary lines, i.e. grading elevation points have been transferred to the field on the basis of the planning document i.e. engineering specifications, information from the building permit and the master design;
- 8) whether the approval and engineering specifications for the setting up of temporary structures were issued in accordance with the temporary structures plan and the prescribed conditions.

### **Administrative Measures and Actions of Urban Development Inspectors**

#### **Article 148**

Where the urban development inspector established that the Law or another regulation has been violated, he shall:

- 1) warn the authority competent for making decisions with regard to producing the planning document, if he/she identifies that planning document has been produced contrary to the present Law i.e. initiate the procedure for assessment of legality of such decision;

- 2) prohibit the development of the planning document, if he identifies that the business organisation, legal entity or entrepreneur or a foreign legal entity does not fulfil the conditions for development of planning documents provided for by the present Law;
- 3) propose to the administrative body to revoke the licence of the business organisation, legal entity or entrepreneur which does not fulfil the conditions provided for by the present Law for the development of planning document or performs affairs contrary to the provisions of the present Law which are related to affairs for which the licence has been issued;
- 4) propose to the administrative body to annul the certification of the foreign person's licence, if it performs activities contrary to the provisions of the present Law which are related to activities for which the licence has been certified;
- 5) order to the administrative body or local government body to harmonise the offprint or the engineering specifications with the planning document, prohibit their use and inform thereof the holder of engineering specifications;
- 6) warn the authority competent for adoption of the planning document that such document has not been adopted in accordance with the law;
- 7) propose the Ministry to initiate the procedure for assessment of legality of the planning document, if he/she identifies that it has not been adopted in accordance with law;
- 8) propose to the administrative body or local government body to cancel the decision issuing the building permit where it finds that the preliminary design or the master design on the basis of which the building permit has been issued were developed contrary to the planning document or engineering specifications;
- 9) propose to the administrative body to revoke a licence from a business organisation, legal entity, entrepreneur, lead or responsible design engineer who created or reviewed the design contrary to the planning document and/or engineering specifications;
- 9a) submit a request for initiation of misdemeanour proceedings against a legal entity and the responsible officer and the head of the body, or of the legal entity, if it finds that the engineering specifications for the development of engineering documents for the construction of a structure or approval and/or engineering specifications for setting up of a temporary structure have been issued contrary to the planning document, or the temporary structures plan;
- 9b) propose to the administrative body to revoke the licence from the business organisation, legal entity, entrepreneur, responsible planning engineer or planning engineer if it finds that the planning document is not being developed in accordance with the present Law;
- 10) temporarily prohibit the performance of activities if the business organisation, legal entity or entrepreneur or a foreign legal entity does not fulfil the conditions referred to in Art. 35, 36 and 37 of the present Law;
- 11) order to remove the irregularities found in the approval or engineering specifications on the set up of temporary structures referred to in Article 116 of the present Law;
- 12) prohibit a temporary structure to be set up if it is not done in accordance with the approval referred to in Article 116 of the present Law and the plan;
- 13) order the demolition or removal of a temporary structure, if its setting up is done regardless of the ban referred to in item 12 of the present Article.

### **Authorizations of Spatial Protection Inspectors**

#### **Article 149**

Spatial protection inspectors shall verify whether a building permit or an approval referred to in Art. 116 of the present Law were issued for the building of a structure or setting up of a temporary structure.

## **Administrative Measures and Actions of Spatial Protection Inspectors**

### **Article 150**

Where they find that the construction of a structure is performed without the building permit or that the temporary structure is being set up without an approval referred to in Article 116 of the present Law, spatial protection inspectors shall be obliged and authorized to:

- 1) order the demolition of the structure and restoring the space to its original state;
- 2) order the removal of the temporary structure and restoring the space to its original state;
- 3) seal the structure or the building site.

The administrative measure referred to in paragraph 1 item 3 of the present Article shall be taken by exhibiting on a visible place of the structure, or on the building-site the notice "SEALED BY ORDER OF THE SPATIAL PROTECTION INSPECTOR".

## **2. Inspection Control in the Area of Construction of Structures**

### **Article 151**

The administrative body competent for inspection affairs shall perform inspection control in the area of construction of structures via building inspectors.

### **Authorisations of Building Inspectors**

#### **Article 152**

Building inspectors shall conduct inspection control with regard to structures referred to in Article 91 of the present Law.

Building inspectors shall particularly check the following:

- 1) whether the investor commenced preliminary works for constructing the structure in accordance with the present Law (Art. 104 and 104a);
- 2) whether the investor reported the commencement of construction of the structure in accordance with Article 105 of the present Law;
- 3) whether the construction of the structure is done in accordance with the reviewed master design;
- 4) whether the reviewed master design has been produced in accordance with the preliminary design for which the building permit has been issued;
- 5) whether the conditions for construction of the structure or the performance of specific works on the structure referred to in Articles 106, 107, 108 and 114 of the present Law have been fulfilled;
- 6) whether all documentation is located on the building site in accordance with Article 112;
- 7) whether the structure is built according to regulations for construction of structures and valid regulations on technical measures, norms and standards in construction;
- 8) whether the building materials and prefabricated elements which are built in, correspond to regulations and standards, and whether the contractor and investor obtained the required certificate of test i.e. whether the prescribed examinations of material and elements are conducted;
- 9) whether the competent authority issued the exploitation permit for the constructed structure or performed works;
- 10) whether the existent structure, due to physical dilapidation or other reasons represents threat to life of people, safety of traffic, adjoining structures and environment.

### **Administrative Measures and Actions**

#### **Article 153**

If the building inspector identifies that the law or other regulation has been violated, he/she shall:

- 1) order the closure of the building site if preliminary works are not executed in accordance with Art. 104 para. 2 and Art. 104a para. 2 of the present Law;
- 2) prohibit the construction of the structure if it is not performed in accordance with the reviewed master design;
- 2a) prohibit the construction of the structure if the reviewed master design is not in line with the preliminary design on the basis of which the building permit has been issued and order harmonisations of the master design with the preliminary design;
- 3) order the demolition i.e. removal of the structure and restoring the land to its original state, if:
  - the construction of the structure is performed regardless of the ban referred to in items 2 and 2a of this paragraph;
  - he identifies deficiencies in the construction of the structure which represent danger to the stability of the structure, lives of people and the like and which cannot be eliminated.
- 4) prohibit the use of a structure for which exploitation permit has not been issued;
- 5) order removal of structures of temporary character, which investor did not remove within 30 days from the completion date of works;
- 6) order demolition i.e. removal of a structure which due to dilapidation or other reasons represents threat to life of people, safety of traffic, adjoining structures and environment, unless the structure is proclaimed to be a monument of culture;
- 7) propose to the administrative body or the local government body to annul the decision issuing the exploitation permit, if issued contrary to law;
- 8) temporarily prohibit the performance of activities if the business organisation, legal entity or entrepreneur does not fulfil the conditions referred to in Articles 106, 107 and 114 of the present Law or performs affairs contrary to the provisions of the present Law which relate to affairs for which the licence has been issued;
- 9) propose to the administrative body to revoke the licence of the business organisation, legal entity or entrepreneur which does not fulfil the conditions provided for by the present Law for development of engineering documents, construction of structures and performance of specific construction works or performs affairs contrary to the provisions of the present Law which are related to affairs for which the licence has been issued;
- 10) propose to the administrative body to annul the certification of the foreign person's licence, if it performs activities contrary to the provisions of the present Law which are not related to activities for which the licence has been certified.

The administrative measure referred to in paragraph 1 item 1 of the present Article shall be undertaken by sealing, i.e. by posting the notice "closed at the order by the building inspector" at a visible spot of the building site.

## **VIII PENAL PROVISIONS**

### **Article 154**

A fine ranging from EUR 2,000 to 40,000 shall be imposed for a misdemeanour on a legal entity, if it:

- 1) commences using the structure prior to obtaining the exploitation permit (Article 70 paragraph 1);
- 2) fails to provide for the conditions for access and movement of persons of reduced mobility and persons with disabilities in the structure (Article 73);
- 3) fails to appoint the reviewer of the preliminary and master design (Article 86 paragraph 3);



- 4) fails to submit the preliminary and master design for repeated review, if technical regulations are amended prior to submission of the application for issuance of the building permit (Article 87);
  - 5) fails to post a board with information about the issued building permit at the site of the construction of the structure (Article 99);
  - 6) fails to submit a report to the competent authority for works which are not considered as renovation (Article 103);
  - 7) executes preliminary works for construction without the building permit or fails to report the commencement of preliminary works to the competent inspection authority (Article 104 paras. 1 and 3 and Art. 104a para.2);
  - 8) fails to report the commencement of execution of works prior to the commencement of construction of the structure (Art. 105 para. 2 and Art. 111 para. 1);
  - 9) prior to the commencement of the construction of the structure fails to provide for marking of the location, boundary lines, grading lines and building lines or does not post the sign to indicate a monument of culture or fails to mark the building site covering large areas in the required manner (Art. 109 para. 1, 2 and 3);
  - 10) fails to amend the master design in accordance with the present Law without delay (Art. 111 para. 5);
  - 11) fails to provide technical supervision during the construction (Art.114 para. 1);
  - 12) builds or set ups an ancillary structure or prefabricated temporary structure, without approval or in contravention to the approval issued by the local government body (Art. 117);
  - 13) fails to submit an application for repeated technical inspection after the elimination of identified deficiencies (Art. 126);
  - 14) fails to inform the competent inspector about the results of monitoring of soil and structure behaviour, environmental impact of the structure and measures taken (Art. 128).
- The responsible person in the legal entity shall also be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 500.00 to 4,000.00.
- An entrepreneur shall be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 2,000.00 to 12,000.00.
- Physical entities shall be punished for the misdemeanour referred to in para.1 items 1, 5, 6 and 7 of the present Article with a fine ranging from EUR 500.00 to 4,000.00.

#### **Article 155**

A fine ranging from EUR 2,000 to 40,000 shall be imposed for a misdemeanour on a legal entity, if it:

- 1) (Deleted)
- 2) fails to develop the engineering documents on the basis of engineering specifications and to observe the principles of construction of structures (Art. 76 paras. 2 and 3);
- 3) it produces engineering documents and fails to fulfil the conditions referred to in Articles 83 and 85 of the present Law;
- 4) engineering documents and its constituent parts i.e. designs are not signed by the lead and the responsible design engineer (Art. 84 para. 5).

The responsible person in the legal entity shall also be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 500.00 to 4,000.00.

An entrepreneur shall be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 2,000.00 to 12,000.00.

A fine ranging from EUR 500.00 to 4,000.00 shall also be imposed on the physical entity – lead design engineer and responsible design engineer in the legal entity for the misdemeanour referred to in paragraph 1, items 1, 3 and 4 of the present Article.

### **Article 156**

A fine ranging from EUR 500 to 4,000.00 shall be imposed on a physical entity, if he manages the development of engineering documents and does not meet the requested conditions (Art. 84 paras. 6 and 7).

### **Article 157**

A fine ranging from EUR 2,000.00 to 40,000.00 shall be imposed for a misdemeanour on a legal entity conducting review, if:

- 1) it reviews the preliminary or master design without fulfilling conditions requested for conducting reviews (Art. 88);
- 2) indicates inaccurate and untrue statements in the review report and confirms its compliance contrary to Art. 86, 87, 89 and Art. 90 para. 2 of the present Law;
- 3) it conducted a review of the preliminary or master design in whose development it participated (Art. 88 para. 2);
- 4) it fails to certify the review report and the preliminary or master design in the requested manner (Art. 90 para. 1 and 3).

The responsible person in the legal entity shall also be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 500.00 to 4,000.00.

An entrepreneur shall be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 2,000.00 to 12,000.00.

### **Article 158**

A fine ranging from EUR 2,000 to 40,000 shall be imposed for a misdemeanour on a legal entity, if it:

- 1) constructs a structure or executes specific works while constructing the structure, without fulfilling the conditions for construction or execution of specific works referred to in Art. 106 of the present Law;
- 2) fails to appoint the lead engineer for managing the construction of the structure (Art. 107 para. 1);
- 3) fails to organize the building site in the manner which guarantees access to the location, undisturbed traffic and protection of environment during construction (Art. 110 para. 1 item 2);
- 4) fails to provide for safety of the structure, persons at the building site and surroundings (Art. 110 para. 1 item 3);
- 5) constructs the structure or executes works contrary to the standards, engineering and norms of quality valid for specific types of works, installations and equipment or contrary to the principles of construction of structures or uses building material, products, devices, plants and equipment which do not fulfil the prescribed conditions (Art. 110 para. 1 item 4);
- 6) fails to provide proof of the quality of executed works and built in material, installations and equipment issued by the authorized organisation (Art. 110 para. 1 item 5);
- 7) fails to keep the construction log, measurement book and inspection book (Art. 110 para. 1 item 7);
- 8) fails to provide for measuring and surveying of soil and structure behaviour during construction (Art. 110 para. 1 item 8);
- 9) fails to inform the competent authority about the commencement of works within the stipulated period (Art. 111 para. 1);
- 10) fails to warn in writing the investor or business organisation, legal person or entrepreneur that developed the design of the deficiencies in the master design (Art. 111 para. 3);

11) fails to immediately discontinue the execution of works in the case referred to in Art. 111 para. 5 of the present Law;

12) fails to inform in writing the competent authority in case of encountering archaeological sites, fossils, active landslides, ground waters and the like (Art. 111 para. 8);

13) does not have site documents at the building site (Art. 112).

The responsible person shall also be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 500.00 to 4,000.00.

A fine ranging from EUR 500.00 to 4,000.00 shall also be imposed for the misdemeanour referred to in paragraph 1 items 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of the present Article on the lead and the responsible project engineer in the legal entity who manages the construction of the structure or executes specific works.

An entrepreneur shall be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 2,000.00 to 12,000.00.

Physical entities building a family residential dwelling shall also be fined for the misdemeanour referred to in paragraph 1, items 9 and 12 of the present Article with a fine ranging from EUR 500.00 to 4,000.00.

#### **Article 159**

A fine ranging from EUR 2,000 to 40,000 shall be imposed for a misdemeanour on a legal entity, if it:

1) conducts technical supervision, without fulfilling the conditions stipulated for the performance of technical supervision (Art. 114 para. 2);

2) fails to inform the investor, without delay, about the deficiencies in engineering documents, construction of structures contrary to the engineering documents, regulations, standards, norms of quality (Art. 114 para. 5).

The responsible person in the legal entity shall also be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 500.00 to 4,000.00.

An entrepreneur shall be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 2,000.00 to 12,000.00.

#### **Article 160**

A fine ranging from EUR 2,000 to 40,000 shall be imposed for a misdemeanour on a legal entity, if it:

1) proposes in the technical inspection report to use a structure which has not been constructed in accordance with the building permit and master design and does not fulfil conditions provided for by the present Law, regulations, standards, engineering and quality norms for specific types of works, material and equipment (Art. 122 paras. 2 and 3);

2) conducts technical inspection of the structure, without fulfilling the conditions requested for conduct of technical inspection (Art. 123 para. 1);

3) fails to submit the report on technical inspection to the competent authority within the stipulated period (Art. 123 para. 4);

4) fails to compile the report on technical inspection in accordance with Article 124 of the present Law.

The responsible person in the legal entity shall also be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 500.00 to 4,000.00.

An entrepreneur shall be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 2,000.00 to 12,000.00.

A physical person conducting technical inspection of the structure shall be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 500.00 to 4,000.00.

### **Article 161**

A fine ranging from EUR 2,000 to 40,000 shall be imposed for a misdemeanour on a legal entity, if it:

- 1) fails to keep the Spatial Documentary Basis Paper (Art. 14 para.1);
- 2) fails to submit the spatial development situation report (Art. 15 paragraph 3);
- 3) fails to make public the decision to develop a planning document (Article 32);
- 4) fails to submit data from the records it keeps (Art. 38);
- 5) fails to enable the interested parties to examine the report on public debate and professional assessment of the planning document (Art. 44);
- 6) uses maps and plans contrary to Article 50 paragraph 12 of the present Law;
- 7) (Deleted)
- 8) does not develop a website displaying the engineering specifications (Art. 62, para.1);
- 8b) fails to take a decision on the application to issue engineering specifications within 30 days following the date of submitting the application (Art. 62a, para. 1);
- 8b) fails to take a decision on the application to issue a building permit within 30 or 60 days following the date of submitting the application (Art. 94, paras. 1 and 2);
- 8c) fails to take a decision on the application to issue an exploitation permit within seven days following the date of receipt of the report that the building is fit for use (Art. 121, para. 1);
- 8d) fails to publish an opinion on the website within seven days following the date of issuance or delivery (Art. 39, para. 7, and Art. 40, para. 3);
- 8e) fails to publish on the website the proposal for the local planning document and assent, or the act on necessary modifications of the planning document within seven days following the date of issuance or delivery (Art. 46, para. 5);
- 8f) fails to publish on the website the decision to adopt the planning document with the planning document (Art. 51 para. 1);
- 8g) fails to publish on the website the application to issue engineering specifications and issued engineering specifications within seven days following the date of filing or issuance (Art. 62a para. 8),
- 8h) fails to take a decision on the application to issue a licence within eight days following the date of submitting the application (Art. 134, para. 2);
- 9) fails to provide for the construction or fails to provide for adjustment of the structure in public use to access and movement of persons with reduced mobility and persons with disabilities (Art. 73, para 1 and Art. 165);
- 10) has issued the building permit contrary to the provisions of the present Law (Art. 93 and 94);
- 11) fails to publish the building permit and the application for issuance of exploitation permit and other administrative and other acts on the website (Art. 94 para. 3, Art. 120 para. 4 and Art. 133);
- 12) has granted an approval or issued engineering specifications to set up a temporary structure contrary to the temporary structures plan (Art. 116);
- 13) has issued the exploitation permit contrary to the provisions of the present Law (Art. 121 and 125).

Head of the authority and the responsible person in the administrative body, local government body and legal entity shall be punished for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 500.00 to 4,000.

An entrepreneur shall be fined for the misdemeanour referred to in paragraph 1 of the present Article with a fine ranging from EUR 2,000.00 to 12,000.00.

## **IX TRANSITIONAL AND FINAL PROVISIONS**

### **Harmonization of Local Planning Documents**

#### **Article 162**

Competent local self-government authorities shall harmonize the local planning documents with the present Law, within one year from the day the present Law enters into force.

### **Local Government Planning Documents**

#### **Article 162a**

The competent local self-government authority shall adopt the town-planning scheme passed by the local self-government no later than 31 December 2012.

Local self-government units may, until the expiry of the term referred to in paragraph 1 of the present Article, begin the drafting and adoption of amendments to the town-planning scheme passed by the local self-government and the master plan.

The local self-government unit spatial plan and the master plan shall cease to have effect upon the adoption of the town-planning scheme passed by the local self-government.

### **Application of Planning Documents**

#### **Article 162b**

Planning documents adopted before the entry into force of the present Law shall apply until the adoption of the planning documents in accordance with the provisions and under the authorisations from the present Law.

Engineering specifications for structures in zones serving tourism purposes for the planning documents adopted before the entry into force of the present Law shall be issued in accordance with the regulation governing in more details the contents and form of the planning document, criteria for intended use of surfaces, elements of zoning regulation and unique graphic symbols and intended use of space established in the planning document of the broader territorial unit.

### **Producing and Adopting of Initiated Planning Document**

#### **Article 163**

Producing and adopting of the planning document initiated prior the present Law enters into force shall be continued according to regulations which were valid at the time of the making of the decision on producing of the planning document i.e. in accordance with the provisions of the present Law.

The compiling of the report on the spatial development status and the programme of spatial development initiated before the present Law comes into force shall be continued according to the provisions of the present Law.

### **Discontinuation of the Planning Document Adoption**

#### **Article 163a**

With regard to planning documents for which the decision to develop them was passed before 1 January 2008, the procedure of their development shall be discontinued if the proposal for the planning document has not been adopted within six months from the date of entry into force of the present Law.

### **Deadline for Adjustment of Business Operations**

#### **Article 164**

Business organisations, legal entities and entrepreneurs performing the activity for which the present Law prescribes special conditions shall adjust its business operations with the present Law within six months following the date of entry into force of the present Law.

**Adjustment of Structures for Access and Movement of Persons with Reduced Mobility**  
**Article 165**

Structures in public use must be adjusted to the conditions referred to in Article 73 paragraph 1 of the present Law within five years from the day the present Law enters into force.

**Obtaining of Exploitation Permit**  
**Article 166**

The investor or owner of the structure constructed on the basis of the building permit, for which the exploitation permit has not been issued, shall obtain the exploitation permit within three years from the day the present Law enters into force or issuance of the building permit.

**Article 166a**

As regards the structures for which building permits were issued in the period from 29 August 2008 to 29 July 2010, in addition to proofs referred to in Art. 120, para. 2 of the present Law, proof of payment of the fee for provision of utility infrastructure to construction land referred to in Article 66 of the present Law shall be submitted together with the application for an exploitation permit.

**Article 166b**

As regards the structures for which building permits were issued in the period from 29 August 2008 until the entry into force of the present Law, in addition to proofs referred to in Art. 166a of the present Law, proof of payment of the fee for the construction of the regional waterworks for the municipalities on the Montenegrin coast shall be submitted together with the application for an exploitation permit.

**Structures Constructed Without Building Permits**  
**Article 167**

Structures built without building permits prior the day the present Law comes into force, which are not fitted into the planning document, shall be removed in accordance with the present Law.

**Structures Constructed without Building Permits**  
**Article 167a**

The structures constructed without a building permit until 29 August 2008, in the area where the valid planning document provides for the construction of structures of general interest, shall be removed in accordance with the present Law.

The structures referred to in paragraph 1 of the present Article and Article 167 of the present Law shall be removed by order of the spatial protection inspector.

**Vested Rights**  
**Article 168**

Persons who acquired authorizations to work on activities of development of planning documents or construction of structures, shall also fulfil the conditions for performance of such activities according to the provisions of the present Law.

The persons who passed the state licence exam for verification of the capability to work on activities provided for by the present Law, according to regulations which were effective at the time of their taking, shall also fulfil the conditions for performance of such activities according to the provisions of the present Law.

### **Deadline for Adoption of Regulations**

#### **Article 169**

Regulations on the basis of the authorizations from the present Law shall be adopted within six months from the day the present Law comes into force.

The regulations that were effective prior to entry into force of the present Law shall be applied until the regulations referred to in paragraph 1 of the present Article have been adopted.

### **Deadline for Harmonization of Local Self-Governments' Decisions**

#### **Article 169a**

Local self-governments shall harmonise their decisions on provision of utility infrastructure to construction land and water supply with the present Law within 60 days following the date of entry into force of the present Law.

### **Adoption of Secondary Legislation**

#### **Article 169b**

The regulations pursuant to authorisations from the present Law shall be passed within 90 days from the date of entry into force of the present Law.

### **Initiated Proceedings**

#### **Article 170**

The proceedings initiated prior the day of coming into effect of the present Law which were not subject to non-appealable decision, shall be completed in accordance with the provisions of the law which was valid at the time of imitating of the proceeding.

The provision of paragraph 1 of the present Article shall also relate to the procedure of issuance of licences and authorizations.

### **Issuance of Engineering Specifications**

#### **Article 171**

(Deleted)

### **Establishment of Administrative Body**

#### **Article 172**

The Government shall establish the administrative body in accordance with the present Law.

The Ministry shall perform the activities in accordance with the present Law until the day of establishment of the administrative body.

Inspection control in the area of spatial development and construction of structures shall be performed, by 1 October 2008, in accordance with the Law on Spatial Planning and Development, the Law on Construction of Structures and the Law on Urban Development and Building Inspection.

### **Organisation and Work of the Chamber**

#### **Article 173**

Organisation and work of the Chamber shall be adjusted with the provisions of the present Law within three months from the day when the present Law enters into force.

### **Repealing of Laws**

#### **Article 174**

As of the day of entry into force of the present Law the following shall be repealed: the Law on Spatial Planning and Development (Official Gazette of the Republic of Montenegro 28/05), the Law on Construction Land (Official Gazette of the Republic of Montenegro 55/00) except of the Section V – FEE FOR USE OF CONSTRUCTION LAND which shall be applied until 1 January 2009, the Law on Construction of Structures (Official Gazette of the Republic of Montenegro 55/00 and 40/08) and the Law on Urban Development and Building Inspection (Official Gazette of the Republic of Montenegro 56/92), and the words: 'fee for use of construction land' in the Law on Local Self-government Financing (Official Gazette of the Republic of Montenegro 42/03 and 44/03) in Article 5 item 7 shall be deleted.

#### **Article 174a**

On the day of entry into force of the present Law, Article 170 of the Law Amending the Law on Fines for Misdemeanours (Official Gazette of Montenegro 40/11) shall be repealed.

### **Entry into Force**

#### **Article 175**

The present Law shall enter into force on the eighth day from the day of its publishing in the Official Gazette of Montenegro.