

**GOVERNMENT OF MONTENEGRO  
MINISTRY OF SUSTAINABLE  
DEVELOPMENT AND TOURISM**

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

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

## **I BASIC PROVISIONS**

### **Subject of the Law**

#### **Article 1**

This Law shall regulate the system of spatial development of Montenegro, the manner and requirements for construction of structures, as well as other matters of importance for spatial development and construction of structures.

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

#### **Article 2**

Spatial development shall ensure conditions for territorial development of Montenegro.

Regulation of construction of structures shall create conditions for structures to be built in accordance with law and other regulations, standards, technical normatives and quality norms in the field of construction of structures,

### **Spatial Development**

#### **Article 3**

Spatial development shall be deemed as 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 buildable land.

### **Construction of Structures**

#### **Article 4**

Construction of structures shall mean a set of actions that include development of technical documentation, issuance of building permits, building of structures and issuance of use permits.

## **Principles**

### **Article 5**

Spatial development shall be based on the principles of: coherent economic, social, ecologic, energy, cultural territorial development of Montenegro; sustainable development; incentives for balanced economic territorial development of Montenegro; economically efficient use and protection of space and natural resources; compliance with European normatives and standards; protection of integral values of space; polycentricity; 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 based on the principles of: protection of public interest, immovables and property; compliance with European normatives and standards; stability and life cycle of structures, aseismic designing and building 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 right to, in accordance with law, 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 this Article shall not refer to structures of special importance for defense of Montenegro and those within military grounds.

## **Structures of General Interest**

### **Article 7**

Structures of general interest shall be State structures of general interest and local structures of general interest.

State structures of general interest shall be deemed as: roads (highways, arterial and regional roads) and the accessory structures thereof; airports and the accessory infrastructure thereof; railroad infrastructures for public traffic and accessory structures thereof; sea ports and breakwaters; infrastructural structures of significance for Montenegro (arterial gas pipelines and oil pipelines); hydro-power plants and thermal-power plants and accessory structures thereof; structures for

education, science, healthcare, culture and social welfare; manufacturing systems employing more than 300 workers; hotels with five and more than five star rating and at least 120 rooms; structures of transmission and distribution network at voltage of 35kV and above and telecommunication structures representing a part of communication systems of international and national importance and telecommunication structures being constructed on the territory of two or more municipalities; radio broadcasting structures and shelters under State ownership.

Local structures of general interest shall be deemed as: water supply, telecommunication and sewage infrastructure, heating pipelines; municipal roads (local and non-classified roads) and accessory structures; streets within settlements and squares; parking space, markets; town cemeteries; underground and aboveground passageways; public garages; structures of distribution network at voltage of less than 35kV, public lighting; public and green areas and town parks and other.

### **Professional Examination Article 8**

Professional examination which is prescribed as the requirement for performance of activities defined under this 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 prescribe the program and manner of taking professional examination.

### **Meaning of Terms Article 8**

As used in this Law, specific terms shall have the following meaning:

- **Space** shall mean the composition of physical structures above and under the Earth's surface, which are within the reach of direct impact of human activity;
- **Territorial Development** shall mean transformation of space by human activity aimed at its protection, enhancement, use and governance;
- **Intended-use of surfaces** shall mean the purpose for which space can be developed, constructed or used in a manner designated by the planning document;
- **Public Surface** shall mean a space established by the planning document for structures whereat the use or construction represents a general interest;
- **Floor Area Ratio** shall mean 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** shall mean ratio of impervious surface on a given lot (location, block, zone) and of the total lot area, expressed in same measurement units;

- **Grading Plan** shall mean establishment of grading technical requirements for spatial development based on the planning document or based on rules of urban planning profession;
- **Boundary Line** shall mean a line which separates public surface from surfaces intended for other uses;
- **Building line** shall mean a line on, above and below the Earth's surface and water surface, defined both graphically and numerically;
- **Urbanization** shall mean 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** shall mean 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;
- **Buildable Land** shall mean a land designated under the planning document for the building of structures;
- **Building of Structures** shall mean execution of works (preparatory 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 alteration of the status of space;
- **Structure** shall mean spatial, functional, structural, architectonic, 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 communal services infrastructure; industrial, agricultural and other economic structures; public green areas; structures for sport and recreation; cemeteries; shelters and other);
- **Investor** shall mean person on whose behalf a building permit is issued;
- **Preparation Works** shall mean works preceding construction of the structure: fencing of the construction 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** shall mean 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; alterations 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, weal that are under previously established protection and protection of their protected surrounding;

- **Alteration** shall mean 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** shall mean 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** shall mean construction materials and construction elements fabricated therefrom, as well as other products and semi-products intended for permanent incorporation in structures;
- **Construction Site** shall mean space on which the structure is built on or removed from, as well as space required for the application of construction technology;
- **Family Residential Building** shall mean building intended for dwelling having floor area of up to 500m<sup>2</sup> with no more than four separate residential units;
- **Energy Efficiency** shall mean relation between achieved services, goods or energy output and energy input;
- **Improvement of Energy Efficiency** shall mean increase of energy end-use efficiency as a result of technological, behavioral and/or economic changes.

## **II SPATIAL DEVELOPMENT**

### **1. Special Provisions**

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

Planning document shall determine the organization, 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.

#### **Inter-Compliance of Planning Documents Article 11**

Planning documents must be inter-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 Status of Space (Monitoring)**

#### **Article 13**

Monitoring of the status of space shall be deemed as preparation and keeping of documentation base about space, preparation of reports on spatial development, preparation and adoption of spatial development programs and establishment and keeping of the information system.

## **Documentation Base about Space Article 14**

Administration authority competent for affairs of spatial development and construction of structures (hereinafter referred to as: administration authority) or local administration authority competent for affairs of spatial development and construction of structures (hereinafter referred to as: local administration authority) shall keep documentation base about space, 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 prescribe the content and manner of keeping documentation base about space.

## **Report on the Status of Spatial Development Article 15**

Ministry or local administration authority shall be obliged to 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 this Article shall contain, including but not limited to: 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 administration authority shall be obliged to submit the report on the status of spatial development to the Ministry and administration authority 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 web site of the Ministry or local administration authority.

## **Spatial Development Program Article 16**

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

The Program shall be adopted based on the report referred to in Article 15 of this Law.

The Program shall contain assessment of the need for development of new or amendments and additions of existing planning documents and measures of



The Program shall determine dynamics of the spatial development, financing sources, development deadlines, operational measures for implementation of the planning document, and in particular measures for communal equipping of the buildable land referred to in Article 65 of this Law, as well as other measures for the implementation of spatial development policy.

The Program 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 Program.

The Program 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 web site of the Ministry or local administration authority.

### **Keeping Information System Article 17**

Administration authority and local administration authority shall establish and keep integral space related information system.

The Government shall prescribe the content and manner of keeping of the information system referred to in paragraph 1 of this Article.

## **3. Types and Content 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) State location study.

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 base for the spatial organization and development of Montenegro.

The Spatial Plan of Montenegro shall determine objectives of the State and measures of the territorial development, in accordance with the overall economic, social, ecological and cultural-historical development of Montenegro.

The Spatial Plan of Montenegro shall contain, including but not limited to: space-use policy and development of functions and activities in Montenegro; basis of long-term spatial organization 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 defense of the country; basis of prevention and protection against natural and technical-technological hazards; areas and modalities of transboundary and international cooperation; assumptions for development of planning documents for smaller territorial units; identification of regions of special significance for Montenegro; concession regions; economic-market projection; urban development and technical requirements or guidelines for construction of State structures of general interest; guidelines, measures, phases and dynamic for the realization of the Plan.

## **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 special development and use regime (national park, coastal commons, nature reserve, recreational-tourism region, cultural-historical region, exploitation field where surface exploitation of mineral resources is carried out and similar).

The Special Purpose Spatial Plan shall contain, including but not limited to: boundaries of the territory for which the plan is being adopted; excerpts 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 State location study; 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; urban development and technical requirements or guidelines for construction of structures, development, use and protection for space for which adoption of the State location study is not envisaged; 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 realization of the Plan; regions, zones, locations and State structures of general interest; concession regions; economic-market projection; manner, phases and dynamics for the realization of the Plan.

## **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 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 contain, including but not limited to: boundaries of the region for which the plan is adopted marked on maps or topographic-cadastral plans; excerpts 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 dynamics of the realization of infrastructural networks and structures; urban development and technical requirements 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 realization of the Plan; allotment plan; regions, zones, locations and structures of general interest; economic-market projection; manner, phases and dynamics for the realization of the Plan.

## **State Location Study Article 23**

State Location Study 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 State Location Study shall determine requirements for construction and execution of works within the region of the Special Purpose Spatial Plan.

The State Location Study shall contain, including but not limited to: excerpt 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; urban development and technical requirements for construction of structures; building lines and boundary lines; alignments of infrastructural networks and traffic routes and guidelines for construction of infrastructural and communal services structures; grading plans and boundary plans; access points and conditions for connection to traffic routes, infrastructural network and communal services structures; guidelines for urban planning and architectonic 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 dynamics for the realization of the Plan.

## **b) Local Planning Documents**

### **Article 24**

Local planning documents shall be:

- 1) Spatial-urban development plan of local self-government;
- 2) Detailed urban development plan;
- 3) Urban development project;
- 4) Local location study.

Adoption of the Spatial-urban development plan of the local self-government shall be mandatory.

## **Spatial-Urban Development Plan of Local-self Government**

### **Article 25**

Spatial-Urban Development Plan of 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 Spatial-Urban Development Plan of the Local Self-Government shall be developed and adopted for the territory of the local self-government.

The Spatial-Urban Development Plan of the Local Self-Government shall contain: excerpts from the Spatial Plan of Montenegro; evaluation of the current spatial development status; position and directions of the local self-government development in respect to the neighboring local self-governments in the entire Montenegro; basic concepts of intended-use of surfaces, development, construction and use of space; basis of spatial organization in respect of position and connection of infrastructural structures with inhabited places; elaboration of the network of settlements; intended-use of surfaces with adequate graphical presentations; concession regions; areas for the zone, location for local structures of general interest.

The Spatial-Urban Development Plan of the Local Self-Government shall contain, including but not limited to: projection of spatial organization and development with

approximate needs and possibilities for use and intended-use of surfaces, mandatory for the center 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 organization 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 local location study is not envisaged; networks of infrastructural systems with requirements for connections thereat (traffic routes, energy, hydro-technical and communal services structures); basis for the network of public functions structures (educational, scientific, healthcare, cultural, social welfare and other structures); urban development and technical requirements or guidelines for construction of infrastructural and communal services 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 defense 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 dynamics for the realization of the Plan.

### **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 Spatial-Urban Development Plan of the Local Self-government, in a manner which enables implementation of those plans.

The Detailed Urban Development Plan shall be bound to be adopted for all settlements or parts of settlements for which so has been determined under the Spatial-Urban Development Plan of the Local Self-government.

Detailed Urban Development Plan shall contain, including but not limited to: boundaries of the region for which is being adopted; updated cadastre plans in digital or analog form; excerpts from the Spatial-Urban Development Plan of the Local Self-government with the intended-use of surfaces, assumptions and guidelines for the referent region; detailed intended-use of surfaces; economic-demographic analysis; allotment plan; floor area ratio and lot coverage ratio; urban development and technical requirements for construction of structures and spatial development; criteria for application of energy efficiency and use of renewable energy sources; size of zoning lots, 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 communal services structures; grading plan and boundary plan; access points and conditions for connection to traffic routes, infrastructural networks and communal

services structures; environmental protection guidelines; measures for urban planning and architectonic 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 dynamics for the realization of the Plan.

### **Urban Development Project Article 27**

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

The Urban Development Project shall be bound to be adopted for settlements, parts of settlements as well as for other areas which are entered in the register of cultural wealth of Montenegro.

The Urban Development Project shall contain all elements of the Detailed Urban Development Plan and conceptual designs of the structure.

### **Local Location Study Article 28**

Local Location Study may be adopted for areas which are within the scope of the Spatial-Urban Development Plan of the Local Self-government and for which is not envisaged development of detailed urban development plan and urban development project.

The Local Location Study shall determine requirements for construction of structures within the area of the Spatial-Urban Development Plan of the Local Self-government in accordance with guidelines and criteria envisaged under such plan.

Local Location Study for the area of the Spatial-Urban Development Plan of the Local Self-government shall contain element of the State Location Study referred to in Article 23, paragraph 3 of this Law.

### **Detail Content of the Planning Document Article 29**

The Ministry shall prescribe the detail content and form of the planning document; criteria for intended-use of surfaces; special designation of tourism zones, industry, agriculture, residential construction and like; elements of zoning regulation, uniform graphical symbols and other required content.

### **Public Competition Article 30**

An announcement of public competition for urban development-architectonic conceptual design may be envisaged under the planning document for particularly complex and attractive parts of urban units and other spaces and sites, in

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accordance with guidelines or urban development and technical requirements from  
the planning document.

Urban development-architectonic conceptual design adopted through the public competition referred to in paragraph 1 of this Article shall represent constituent part of the planning document.

The Ministry or the local administration authority shall perform implementation of the public competition referred to in paragraph 1 of this Article.

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

### **Decision on Development of Planning Document Article 31**

Development of the Spatial Plan of Montenegro shall be taken up based on the decision on development adopted by the Parliament of Montenegro and development of the Special Purpose Spatial Plan, Detailed Spatial Plan and State Location Study based on the decision adopted by the Government.

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

Decision on development of the planning document shall be adopted in accordance with the Program referred to in Article 16 of this Law.

Decision on development of the planning document shall determine, including but not limited to: 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.

Program task, which determines starting assumptions of the planning document, requirements and needs of the users of space stated in Article 15 of this Law shall be a constituent part of the decision on development of the planning document.

Decision on the development of the planning document with the program task, which is being adopted by the parliament of the local self-government, shall be submitted to the Ministry and the administration authority.

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 on development of the planning document.

**Publication of Decision on Development  
Article 32**

Decision on development of 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 web site of the Ministry or local administration authority.

**Responsible Party for Preparatory Tasks and Preparatory Tasks  
Article 33**

The Ministry or the local administration authority 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 this Article, shall be deemed as, including but not limited to: preparation of the decision on development of the planning document; preparation of the program task; preparation of the documentation required for the development of planning document; performance of tasks related to ceding of the planning document development; tasks on organization of the planning document development; preparation of the statement referred to in Article 39, paragraph 2 of this Law; acquiring prescribed consents 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.

**Prohibition of Construction  
Article 34**

Decision on development of 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 decision on prohibition of construction may also be adopted upon the adoption of the decision on development of the planning document.

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

**Authorization for Development of the Planning Document  
Article 35**

Planning document may be developed by a business organization, legal entity or entrepreneur being registered with the Central Registry of the Commercial Court for performance of business activity of development of the planning document and that meets requirements prescribed under this Law.

Business organization, legal entity or entrepreneur referred to in paragraph 1 of this Article must have an employee who is a responsible planning specialist.

Business organization, legal entity or entrepreneur referred to in paragraph 1 of



this Article shall conclude contract for the development of specific parts or phases of planning document, as defined under the program task, with another business organization, legal entity or entrepreneur having an employed planning specialist.

### **Responsible Planning Specialist and Planning Specialist Article 36**

Responsible planning specialist may only be graduated engineer of architecture, specialist of architecture, graduated spatial planner or specialist spatial planner, having three years of work experience on preparation, development and implementation of at least two planning documents, passed professional examination and who is a member of the Chamber.

Responsible planning specialist 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 program task.

Planning specialist may be a person with higher education qualifications (four year study curriculum), having three year of work experience on preparation, development and implementation of at least two planning documents, passed professional examination and who is member of the Chamber.

### **Authorization for Foreign Person to Develop Planning Document Article 37**

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

### **Submission of Data, Proposals and Opinions Article 38**

Bodies, business organizations, institutions and other legal entities competent for affairs of: forecasts of development; water resource management; electrical energy industry; traffic; telecommunications; radio broadcasting; healthcare; defense of country; culture; residential-communal services activities; geodetic, geologic, geophysics, seismic and hydro-meteorological affairs; statistics affairs; agriculture, forestry, tourism, nature protection, protection of cultural and natural heritage; environmental protection and other, shall be obliged to submit available data within 15 days, upon request of the responsible party for preparatory tasks, in analog 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 Document for Opinion 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 normatives; verify justification of the planning design; verify need to undertake public competition

referred to in paragraph 30 of this Article, as well as to evaluate the harmonization with the planning document of broader territorial units and compliance with this 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 this Law.

The Ministry shall be obliged to submit the opinion referred to in paragraph 1 of this Article to the Responsible party for preparatory tasks within 45 days from the day of receipt of the draft local planning document.

The Ministry shall be obliged to, in the proceeding of issuing opinion, submit for opinion draft local planning document in digital form to State administration authorities, business organizations and other legal entities competent for affairs of: environmental protection, protection of cultural and natural heritage; agriculture, water resource management and forestry; healthcare; energy, mining and industry; tourism; prevention and protection against industrial hazards; traffic; maritime affairs; telecommunications; radio broadcasting; defense; forecasts of development; seismic.

The opinion referred to in paragraph 4 of this 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 this Article, it shall be deemed as there are no remarks on the draft planning document.

### **Submission of State Planning Document for Opinion Article 40**

Responsible party for preparatory tasks shall be obliged to submit draft of the State planning document for opinion to the State administration bodies, business organizations, institutions and other legal entities referred to in Article 39, paragraph 4 of this Law.

The opinion referred to in paragraph 1 of this Article shall be submitted in the manner prescribed under Article 39, paragraphs 5 and 6 of this Law.

### **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 this Law to the Government or local self-government executive authority respectively, in order for the draft planning document to be defined.

A program for organization of public debate shall be submitted along with the planning document referred to in paragraph 1 of this 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 this Article shall be announced in one daily printed media outlet being distributed on the territory of Montenegro, on the web site 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 be obliged to 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 this Article.

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

### **Report Insight Article 44**

Responsible party for preparatory tasks shall be obliged to enable insight of the report on public debate, which is being published on the web site, 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 Consent Article 46**

Local self-government executive authority shall submit the proposal of the local planning document, upon being established, to the Ministry for consent.

In the proceeding of issuance of the consent referred to in paragraph 1 of this 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 this Law.

The consent within the meaning of paragraph 2 of this Article shall be issued within 30 days from the day of receipt of the proposal of the local planning document.

Provided that the proposal of the local planning document is not harmonized with the opinion of the Ministry and this Law, the Ministry shall send back, within 30 days, the planning document to the local self-government administration authority for modification.

## **Competence for Adoption Article 47**

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

The Government shall adopt the Detailed spatial plan and State location study.

Parliaments of local self-governments shall adopt local planning document.

## **Adoption of Local Planning Documents by the Government Article 48**

Notwithstanding provision of the Article 47, paragraph 3 of this 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 this Article, the local planning document shall be adopted in a manner and with the proceeding prescribed for the State planning document under this Law.

### **Decision on Adoption Article 49**

Decision on adoption of the planning document shall contain, including but not limited to: boundaries of the region covered therewith; period for which is adopted, global content and provisions of importance for the implementation of the planning document; communal services equipping of the buildable 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 State Location Study 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 Spatial-urban development plan of 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.

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

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

Local location study 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 analog form produced on paper base and must be updated and identical in contents.

Analog and digital forms of geodetic-cadastral plans must be certified by the State administration authority competent for cadastral affairs.

Competent authority shall be obliged to, upon 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 this Article free of charge.

Responsible party for preparatory tasks shall be obliged to use maps and plans referred to in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of this 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 web-site of the Responsible party for preparatory tasks.

The planning document referred to in paragraph 1 of this 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 determined by virtue of adoption of the planning document.

### **Amendments and Additions Article 53**

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

### **Manner of Insight and Proceedings Article 54**

The Ministry shall prescribe the manner of insight, certification, signing, delivery, archiving, copying and keeping of the planning document.

## **Issuing of Permits Article 55**

Upon request of an interested person, the administration authority for structures envisaged by the State planning document or local administration authority for structures envisaged by the local planning document shall issue an excerpt from the planning document.

The excerpt referred to in paragraph 1 of this Article shall be issued with compensation of actual costs.

## **Financial Resources for Development Article 56**

Financial resources for the development of planning document shall be provided from the Budget of Montenegro or budget of local self-government.

Financial resources for the development of the urban development project may also be provided by interested users of space.

Financial resources for the development of planning document referred to in Article 48 of this Law shall be provided from the Budget of Montenegro.

# **5. Implementation of Planning Documents**

## **Allotment Plan Article 57**

Responsible party for preparatory tasks shall submit a planning document to the administration authority 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 analog form and in the format prescribed by the administration authority competent for cadastral affairs.

The administration authority competent for cadastral affairs shall be obliged to transfer allotment plan, as determined by the planning document, into cadastral plans within 30 days from the day of its submission.

## **Zoning lot Article 58**

A zoning lot shall be the part of space which is formed based on the allotment plan or requirements and guidelines which are determined by the planning document and

which cover one or more cadastral lots 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 Zoning lot.

The zoning lot shall be stated graphically in the copy of the allotment plan.

### **Obligation of Owner of Cadastral Lot Article 59**

An owner of the cadastral lot shall be obliged to sustain the changes of the zoning lot 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 urban development and technical requirements and guidelines set by the planning document.

The location may be one zoning lot, several zoning lots or part of the one zoning lot.

### **Offprint with Urban Development and Technical Requirements Article 61**

Administration authority or local administration authority shall be obliged to produce an offprint with urban development and technical requirements (hereinafter referred to as: the offprint) which are necessary for the development of technical documentation, in accordance with the phases for realization of the planning document.

The offprint for the first phase of realization shall be drawn up within seven days from the day of adoption of the planning document, and for other structures within deadlines envisaged by phases of realization of the planning document.

The offprint may be drawn up by the business organization, legal entity or entrepreneur referred to in Article 35 or by the person referred to in Article 37 of this Law.

The offprint referred to in paragraphs 1 and 3 of this Article must be drawn up in accordance with the planning document.



## **Web-site for Urban Development and Technical Requirements**

### **Article 62**

Administration authority or local administration authority shall be obliged to create a web-site, within seven days from drawing up of the offprint, whereby interested parties will have access to urban development and technical requirements.

Urban development and technical requirements shall contain, depending on the type of the structure:

- 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 zoning lot and relations with adjoining lots or places where works are executed by which use conformance of space, as envisaged 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, stormwater and other infrastructural network;
- 20) Cable distribution systems of RTV programs;
- 21) Requirements for protection against natural and technical-technological hazards;
- 22) Requirements for development of the zoning lot or appurtenant location of the structure;
- 23) Requirements for designing of structures entered in the register of cultural weal 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.

Requirements referred to in paragraph 1 of this Article shall be obtained with compensation of actual costs established by the administration authority or local administration authority.

### **Issuance of Urban Development and Technical Requirements Article 62a**

The administration authority or the local administration authority shall, at the request of an interested party, issue the urban development and technical requirements for the development of technical documentation, within 45 days of the day of submitting the request.

The request, referred to in paragraph 1 of this Article, apart from the data prescribed by the law which regulates the general administrative procedure, shall also indicate the data on the identification of a cadastral lot.

The administration authority or the local administration authority shall obtain ex officio the requirements issued by competent authorities and other legal entities according to special regulations which are necessary for development of technical documentation as well as a real estate folio in the land register and a copy of the cadastral plan from the competent authorities and legal entities.

The investor shall pay real costs of obtaining the requirements and evidence referred to in paragraph 3 of this Article in accordance with the regulations.

Unless the competent authorities or legal entities provide the requirements referred to in paragraph 3 of this Article within 15 days of the day of the receipt of the request for their submission, they shall be deemed to comply with the urban development and technical requirements defined under the planning document.

## **6. Development of Buildable Land**

### **Content of Development Article 63**

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

Development of the buildable land shall include preparation of the buildable land for communal services equipping and communal services equipping.

Local self-government shall ensure development of the buildable land in accordance with the Program.

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

## **Preparation for Communal Services Equipping**

### **Article 64**

Preparation of buildable land for communal services equipping 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.

## **Communal Services Equipping**

### **Article 65**

Communal services equipping of the buildable land shall include construction of structures and devices of communal services infrastructure, including but not limited to:

- 1) Communal services structures and installations up to the connection to the zoning lot (arterial, primary and secondary structures and lines; electrical, water supply and sewage system, stormwater sewage, telecommunication, radio-broadcasting and other structures and installations);
- 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 surfaces within the settlement, greenery amid blocks, recreation grounds, children playgrounds, parks, pedestrian paths and lawns, public town communal services structures and cemeteries;
- 4) Landfills and structures for processing and disposal of waste materials;
- 5) Connections of communal services installations whose function may be of significance in the event of occurrence of an emergency situation, natural disasters or for the defense of the State.

## **Payment of Compensation**

### **Article 66**

Investor shall pay compensation for communal services equipping of the buildable land referred to in Article 65 of this Law.

Local self-government shall prescribe the requirements, manner, deadlines and proceeding for payment of compensation referred to in paragraph 1 of this Article, depending on the degree of equipping of the buildable land, participation of the investor in communal equipping and other.

Proceeds from the compensation referred to in paragraph 1 of this Article shall be used for purposes referred to in Articles 64 and 65 of this Law.

### **Communal Services Equipping by the Investor Article 67**

Investor may also perform communal services equipping of the buildable land, in accordance with the planning document.

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

## **III CONSTRUCTION OF STRUCTURES**

### **1. Special Provisions**

#### **Condition for Construction Article 68**

Construction of structure may only be performed in accordance with law and other regulations, technical normatives and quality norms.

#### **Condition for Building Article 69**

A structure may be built only based on the building permit and technical documentation.

#### **Condition for Use Article 70**

Use of the structure may only be allowed upon obtaining a use permit.

Only structure for which the use permit has been issued may be entered in the cadastre of immovables.

#### **Liability for Damage and Liability Insurance Article 71**

Parties to the construction of a structure (investor, business organizations that develop technical documentation, review technical documentation, build the structure, perform professional 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 this 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 this Article, designer and general contractor shall be liable for direct damage to the investor of family residential building, as well as to third parties, arising from their work and contracted obligations.

## **Construction Products**

### **Article 72**

Construction products must bear without significant damage, with regular maintenance and within economically acceptable timeframe, all impacts of normal use and environmental impacts, in such manner that structure in which are incorporated shall meet all requirements, over the entire period of its use, in terms of mechanical strength and stability, protection against fires, explosions, hygiene and health care protection, environmental conservation, safety of use of the structure, protection against noise, energy savings and energy efficiency and other.

## **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.

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 this 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 this Article shall be determined by the regulation of the Ministry.

## **Technical Regulations**

### **Article 74**

Technical regulations, standards, technical normatives 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 this Article.

## **Prohibition to Connect to the Technical Infrastructure Article 75**

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

## **2. Technical Documentation**

### **1) Development of Technical Documentation**

#### **Concept and Requirements for Preparation Article 76**

Technical documentation shall mean a set of written, numeric and graphical documentation which establishes the concept, requirements and manner of construction of structures.

Business organization, legal entity or entrepreneur or foreign person shall be obliged to develop technical documentation based on urban development and technical requirements.

Principles of construction of structures established under Article 5 of this Law must be observed while developing technical documentation.

#### **Types of Technical Documentation Article 77**

Depending on the type of structure and level of elaboration, technical documentation shall be developed as:

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

Technical documentation referred to in paragraph 1 of this 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 prescribe manner of development, scale and detailed content of technical documentation referred to in paragraphs 1 and 2 of this Article.

### **Conceptual Design Article 78**

A conceptual design shall be 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 architectonic designs; functionality and economic efficiency of the Design.

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

### **Conceptual Project Article 79**

A conceptual project shall be the project that determines: position, capacity, architectonic, technical, technological and functional characteristics of the structure; organizational elements for the construction of structure; elements of maintenance of the structure; estimated value of works for the construction of structure.

The conceptual project shall contain, including but not limited to, 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 organizational 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 this Law; indicative value of works for the construction of structure.

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

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

The conceptual project shall be developed to serve the needs of issuance of building permit.

### **Main Project Article 80**

A main project shall be the project that determines technological, architectonic-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 main project shall contain, including but not limited to:

- 1) Architectonic 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 main project, as well as technical-technological and organizational 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 envisaged under the main project for construction of the structure, the main project does not have to contain such part which is used as a base for manufacturing of relevant parts, elements and equipment, but evidence must be submitted on existence of such documentation, certificates of compliance and warranties of their functionality.

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



### **Structure's Maintenance Project Article 81**

A structure's maintenance project 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 project 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 Documentation Article 82**

Administration authority or local administration authority shall permanently keep two copies of technical documentation based on 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 technical documentation referred to in Article 77 of this Law.

### **Authorization for Development of Technical Documentation Article 83**

Technical documentation may be developed by a business organization, legal entity or entrepreneur registered with the Central Registry of the Commercial Court for performance of the activity of development of technical documentation and which meets all requirements prescribed under this Law.

Business organization, legal entity or entrepreneur referred to in paragraph 1 of this Article must have as employee a responsible designer.

Business organization, legal entity or entrepreneur referred to in paragraph 1 of this Article shall conclude contract for development of certain parts of the technical documentation with another business organization, legal entity or entrepreneur having a responsible designer as employee.

### **Lead Designer and Responsible Designer Article 84**

Lead designer and responsible designer shall manage development of the technical documentation.

Lead designer shall be a physical person who manages development of technical documentation as a whole and shall be responsible for harmonization of all phases of the design.

Responsible designer shall be a physical person who manages development of specific parts of technical documentation.

Lead designer may be a responsible designer at the same time.

Person referred to in paragraph 1 of this Article shall sign technical documentation, as well as its constituent parts, precisely projects.

Only graduated engineer or adequate technical specialist for development of specific parts of technical documentation, having three years of work experience on development, revision, supervision, review or evaluation of technical documentation with passed professional examination and who is a member of the Chamber may be a Lead designer.

Person with higher educational qualifications (bachelor) of adequate technical specialty, having three years of work experience on affairs of development of technical documentation with passed professional examination and who is a member of the Chamber may be a Lead designer and Responsible designer for the family residential building.

## **Authorization for a Foreign Person to Develop Technical Documentation Article 85**

A foreign person may also develop technical documentation under requirements prescribed under Articles 83 and 84 of this Law.

## **2) Review of technical documentation**

### **Review of conceptual project and main project Article 86**

Conceptual project and main project shall be subject to review.

The review referred to in paragraph 1 of this 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; economical efficiency of projected material; compliance with law and other regulations, technical normatives, standards and norms of quality; inter-compliance of all parts of technical documentation, 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 conceptual project and the main project.

The Ministry shall prescribe the manner of conduct of the review of the conceptual project and the main project.

The provisions of paragraphs 1, 2, 3, 4 and 5 of this Article shall not relate to family residential buildings.

### **Repeated review Article 87**

In case that, after the review of conceptual project and main project, 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 conceptual project and the main project must be adjusted with such alterations and shall be subject to a repeated review.

### **Authorization for conducting review Article 88**

The review of conceptual project and main project may be conducted by a business organization, legal entity or entrepreneur (hereinafter: the reviewer), which meets the conditions referred to in Articles 83, 84 and 85 of this Law.

The review of the conceptual project and the main project must not be performed by a person who participated in producing such projects.

### **Review of technical documentation produced according to regulations of other countries Article 89**

Technical documentation produced according to regulations of other countries shall be subject to review for the purpose of verification of its compliance with the law, standards, technical normatives and norms of quality. In case that the proposed solution uses the regulations of countries which are stricter than national, it may be accepted as regular.

Technical documentation produced according to regulations of other countries referred to in paragraph 1 of this Article must be translated into Montenegrin by an authorized court interpreter.

## **Review report and certification of technical documentation**

### **Article 90**

With regard to conducted review of the conceptual project and the main project a report shall be produced, which shall be verified and signed by the reviewer.

The reviewer shall be obliged to indicate correct and true statements with regard to compliance with conditions referred to in Article 62 of this Law in the report on conducted review of the project referred to in paragraph 1 of this Article.

The certification of the conceptual project and the main project shall be performed on each part of technical documentation by a stamp with the number, date and signature of the reviewer written in, as well as by seal on each sheet of the technical documentation.

The report and the project referred to in paragraph 1 of this Article shall be submitted to the investor.

## **3) Building permit**

### **Competence for issuance of building permits**

#### **Article 91**

The building permit for a structure shall be issued by the local administration authority.

Notwithstanding paragraph 1 of this Article, the administration authority shall issue a building permit for:

- 1) state structures of general interest;
- 2) structures of basic 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 substances are produced and stored and similar structures and plants whose work might threaten the environment;
- 3) plants using liquefied natural gas and liquefied petroleum gas;
- 4) high dams and reservoirs filled with water, tailing dump or ash, which are subject to technical monitoring;
- 5) structures of special significance for defense of Montenegro;
- 6) hotels, religious structures, theatre, cinema, sports, exhibition and similar halls, with over 1,000m<sup>2</sup>;
- 7) silos with over 3,000m<sup>2</sup>
- 8) halls with a span of over 30m, of shell structure, of prestressed and composite structure and tower;
- 9) bridges with a span of 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 of capacity for over 3,000 people;

15) tunnels of 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 this Article shall include the basic information about the structure and the investor, as well as the documentation referred to in Article 93 of this Law.

The application for issuance of a building permit shall be published on the web site of the administration authority or local administration authority within seven days from the day of submission of the application.

### **Documentation based on which a building permit is issued Article 93**

A building permit shall be issued in the form of a decision based on the following documentation:

- 1) the conceptual project or main project, with a report on the conducted review, produced in 10 copies, out of which 7 shall be in the protected digital form;
- 2) evidence of the ownership right or other right over the buildable land or evidence of the right to construct or other right related to the structure, in case of the reconstruction of the structure and a copy of the plan;
- 3) consents, opinions and other evidence defined under special regulations;
- 4) evidence of the regulation of relations regarding payment of the fee for utility equipment and evidence regarding payment of the fee for the construction of the regional water supply system on the territory of the municipalities of the Montenegrin Coast;
- 5) evidence of the liability insurance of the investor and business organization, legal entity or entrepreneur that produced or reviewed the conceptual or main project in accordance with Article 71 of this Law.

The evidence referred to in paragraph 1 items 2, 3 and 4 of this Article shall be obtained by the authority competent for the ex officio issuance of the building permit.

The investor shall pay the real costs of obtaining the evidence referred to in paragraph 2 of this Article.

Unless the competent authorities or institutions provide the evidence referred to in paragraph 1 item 3 of this Article within 15 days of the day of the receipt of the request for their submission, they shall be deemed to comply with the reviewed conceptual or main project.

In the procedure of the issuance of the building permit each separate part of the conceptual or main project shall be certified with a stamp with the number, date and signature of the authorized person written in, as well as by the seal on each sheet of the project.

### **Issuance of a building permit Article 94**

A building permit shall be issued within 60 days from the day of the submission of the application, if the requirements referred to in Article 93 of this Law are met.

A building permit shall include, but not be limited to: basic information related to the submitter of the application; location; type and purpose of the structure; the footprint of the structure; phased construction of the structure; obligation of development of the main project, if the building permit is issued based on the conceptual project.

Building permit shall be published on the web site of the administration authority or local administration authority within seven days from the day of issuance.

### **Issuance of a building permit until the use conformance of the location Article 95**

At the existent structure which 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 this Article the provisions of Article 93 of this 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 administration authority, and the Ministry shall decide upon appeal against the decision issued by the administration authority.

### **Deadline for commencement of construction of the structure Article 97**

The investor shall be obliged to 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 this Article, his/her right to build the structure with respect to the issued building permit shall cease.

### **Alteration of investor Article 98**

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

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

The application for alteration of the building permit referred to in paragraph 1 of this Article may be submitted to the day of issuance of the use permit.

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

### **Disclosure of the building permit to the local public Article 99**

The investor shall be obliged to post a board with information on the issued building permit (number and date of the decision, information related to the investor, the general contractor, the person who produced technical documentation, the lead project engineer, the supervisory body, the deadline for completion of works and other) at the construction 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 this Article shall be prescribed by the Ministry.

### **Deadline for completion of works Article 100**

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

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

The provision of paragraph 1 of this Article shall not relate to the structures referred to in Articles 7 and 91 paragraph 4 of this Law.

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

**Building permit nullity  
Article 101**

Deleted ("Official Gazette of Montenegro", number 34/11)

**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 this Law are performed on an existent structure, the investor shall report to the administration authority or local administration authority 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 this Article the investor shall submit the description of works.

If the authority referred to in paragraph 1 of this 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 this Article.

**4. Construction of Structures**

**1) Performance of works**

**Preparatory construction works  
Article 104**

Investor may commence the preparatory construction work upon the issuance of the building permit.

The preparatory works shall be performed based on the detailed study which includes the construction site layout scheme, type of fence, site facilities, site roads, spot for cranes, spot for delivery of materials, site connections (energy, traffic, water supply) and other, and also based on the detailed study of the safety at work, produced in accordance with special regulations.

The investor shall be obliged to report the commencement of preparatory works to



the competent inspection authority seven days prior to the commencement of such works.

In addition to the report referred to in paragraph 3 of this Article, the building permit shall be submitted too.

The report on preparatory works shall be published on the web site of the competent inspection authority.

Detailed content of the studies referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

### **Construction of structures Article 105**

The construction of a structure may commence based on the building permit and reviewed main project.

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

In addition to the report referred to in paragraph 2 of this Article, the investor shall submit the building permit.

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

### **Authorization to construct Article 106**

The construction of a structure, i.e. performance of specific works in construction of a structure may be performed by a business organization, legal entity or entrepreneur registered with the Central Register of the Commercial Court to perform construction activities i.e. to perform specific works, provided it fulfills the conditions prescribed by this Law.

The business organization, legal entity or entrepreneur referred to in paragraph 1 of this Article must have a responsible engineer employed.

For performance of specific works in constructing a structure the business organization, legal entity or entrepreneur referred to in paragraph 1 of this Article shall conclude a contract with another business organization, legal entity or entrepreneur which has a responsible engineer employed.

### **Lead engineer and responsible engineer Article 107**

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

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

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

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

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

The lead engineer and the responsible engineer for structures for which the building permit is issued by the administration authority 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 professional examination passed, and membership with the Chamber.

The lead engineer and the responsible engineer for structures for which the building permit is issued by the local administration authority 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 professional examination passed, and membership with the Chamber.

If two or more contractors participate in the construction of a structure, the investor shall determine one of the contractors to be responsible for inter-compliance of works and to appoint the lead engineer of the construction 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 this Law.

### **Investor's obligations Article 109**

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

### **General contractor's obligations Article 110**

The General contractor shall be obliged:

- 1) to perform works in accordance with the building permit and the main project;
- 2) to organize the construction site in the manner to ensure the access to the location, undisturbed traffic and protection of environment during the construction period;
- 3) to ensure the safety of the structure, persons at the construction site and the surroundings (adjoining facilities and traffic routes);
- 4) to perform works in accordance with standards, technical normatives and norms of quality 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 this Law;
- 5) to provide for evidence of the quality of performed works, i.e. built in materials, installations and equipment, issued by an authorized organization;
- 6) to 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) to keep a building log, a building book and an inspection book;
- 8) to ensure measuring and geodetic survey of the soil behavior during construction.

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

### **Obligations of general contractors and investors**

#### **Article 111**

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

The administration authority competent for cadastre activities shall mark the structure i.e. mark the route on the terrain, according to the main project, within three days from the day of receipt of the notification referred to in paragraph 1 of this Article and issue a written certificate thereof.

If the general contractor notices deficiencies in the main project, it shall be obliged to warn in writing the investor and the business organization that developed the project.

If the investor or the business company which developed the main project fails to eliminate the deficiencies they were warned about immediately, the general 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 general contractor must immediately cease the performance of works and eliminate the deficiencies.

If the general contractor, due to contingent circumstances (bearing capacity of stratum, level of underground waters, alteration of parts of elements and precast equipment and installations and the like), may not perform works according to the

reviewed main project, shall notify the investor and the competent inspection authority thereof.

In the case referred to in paragraph 6 of this Article, the investor, or the business organization, legal entity or entrepreneur which produced the main project, shall alter the main project in accordance with this Law.

The general contractor shall be obliged to inform in writing the competent authority in case of encountering an archeological site, fossils, active slides, underground waters and the like.

### **Construction site documentation Article 112**

The general contractor shall be obliged to keep the following on the construction site:

- decision on registration of the general contractor with the Central Registry of the Commercial Court;
- license for performance 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;
- conceptual project or main project based on which the building permit has been issued;
- report on review of the conceptual project or the main project;
- approvals of the main project, prescribed by special regulations, if the building permit has been issued based on the conceptual project;
- detailed study of the organization of the construction site;
- minutes on marking of the location and the staking of the structure;
- minutes of competent inspection authorities,
- other documentation which the general contractor is obliged to collect and keep during the construction, necessary for technical inspection and issuance of use permit.

### **Special documentation Article 113**

If the technical documentation envisages 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 main project.

## **2) Professional supervision**

### **Conduct of professional supervision Article 114**

During the construction of the structure, the investor shall be obliged to provide for professional supervision.

The investor may entrust the professional supervision over the construction of the structure to a business organization, legal entity or entrepreneur or perform the supervision directly if it fulfills the conditions referred to in Articles 83, 84, 85, 106, 107 and 108 of this Law.

The supervision referred to in paragraph 1 of this Article shall include, but not be limited to the following: control of performance of works according to the technical documentation; verification of quality of performance of works and implementation of regulations, standards, technical normatives and norms of quality; 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 general contractor; cooperation with the project engineer for providing for details of technological and organizational solutions for performance of works and solving of other issues with regard to the construction of the structure.

The professional supervision shall be conducted from the day of performance of preparatory works.

The person conducting the professional supervision shall be obliged to, without delay, inform the investor about deficiencies in technical documentation, construction of the structure contrary to the technical documentation, regulations, standards and norms of quality and undertake suitable measures.

The manner of conduct of the professional supervision shall be prescribed by the Ministry.

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

### **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 this Law.

Locations and structures, in terms of paragraph 1 of this Article, shall be determined 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 this Law.

### **Competence for structures of temporary character**

#### **Article 116**

The approval and urban development and technical requirements for erecting of the structures referred to in Article 115 of this Law shall be issued by the administration authority.

#### **4) Ancillary structures and temporary prefabricated structures**

##### **Article 117**

The local administration authority shall issue an approval for the erection or construction of:

- 1) ancillary structures for the use of a residential or other structure, which are constructed on the same zoning lot (sheds, garages, store rooms, septic tanks, wells, fences and the like);
- 2) prefabricated structures of temporary character which are erected in settled places (kiosks for sale of various types of commodities and provision of services, summer gardens, movable stalls, smaller sports and parking facilities and the like);

The detailed requirements for erecting, constructing and removing of structures referred to in paragraph 1 of this Article shall be regulated by the local self-government unit.

### **5. Use Permit**

#### **Competence Article 118**

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

Use 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 this Article in the manner prescribed by Article 96 of this Law.

#### **Testing 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 approval in terms of paragraph 1 of this Article, the building inspector shall issue the decision on trial run.

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

The conditions and duration of the trial run shall be determined by technical documentation.

### **Application for issuance of use permit Article 120**

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

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

- 1) statement of the general contractor that the structure has been constructed according to the building permit and reviewed main project;
- 2) statement of the supervising engineer that the structure has been constructed according to the building permit and the reviewed main project;
- 3) statement of the lead project engineer that the structure has been built according to the reviewed main project;
- 4) evidence of fulfilled obligations, in accordance with special regulations;
- 5) evidence of regulation of relations in respect of payment of the fee for utility equipping, referred to in Article 66 of this Law;
- 6) reviewed main project, if the building permit has been issued based on the conceptual project.

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

The application for issuance of the use permit shall be published on the web site of the administration authority or local administration authority within seven days from the day of issuance.

### **Issuance of use permit Article 121**

Use 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 main project;
- 2) if the evidence of the quality of performed works, i.e. material built in, installation and equipment has been provided for, issued by the authorized organization,
- 3) if the works have been performed in accordance with regulations, standards, technical normatives and norms of quality valid for specific types of works i.e.

material, equipment and installations.

Use permit shall be published on the web site of the administration authority or local administration authority within seven days from the day of issuance.

### **Technical inspection Article 122**

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

Technical inspection shall include the control of compliance of performed works with the main project, as well as with regulations, standards, technical normatives and norms of quality 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 main project.

Competent inspector shall attend the technical inspection of a structure.

Investor shall bear the costs of the technical inspection.

### **Authorization for conduct of technical inspection Article 123**

Technical inspection may be conducted by a business organization, legal entity or entrepreneur which fulfils the conditions referred to in Articles 83, 84, 106 and 107 of this Law, or the commission which members fulfill the conditions referred to in Article 84 paragraphs 6 and 7 and Article 107 paragraphs 6 and 7 of this Law (hereinafter: technical inspection performer).

The technical inspection performer shall be determined by the authority competent for issuance of use permits within seven days from the day of submission of the application for issuance of use permit.

Persons employed with the business organization, legal entity or entrepreneur which was the general contractor, persons who conducted the professional supervision, or person performing activities of inspection supervision may not participate in the conduct of a technical inspection.

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

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

### **Report on technical inspection of a structure Article 124**



Technical inspection performer shall be obliged to 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 use permits, upon the receipt of the report on technical inspection shall:

- 1) issue the use 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 use permits orders the investor to eliminate the identified deficiencies within the determined time frame, the investor shall be obliged, 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.

Based on the report on repeated technical inspection, the authority competent for issuance of use permits shall adopt the suitable decision.

### **Parallel technical inspection Article 127**

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

In case referred to in paragraph of this Article, the technical inspection performer shall be determined by the building permit.

The provision of Articles 122 to 126 of this 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**

Use 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 behavior 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.

## **Use permits for family residential buildings**

### **Article 129**

Use permit for a family residential building shall be issued in the manner prescribed in Article 120 of this Law, provided that in addition to the application for issuance of the use permit the following is enclosed:

- 1) the statement of the general contractor that the building has been constructed in accordance with the building permit and the main project;
- 2) evidence of fulfilled obligations in accordance with special regulations;
- 3) evidence of regulation of relations in respect of payment of fees for utility equipping referred to in Article 66 of this Law.

## **Notification of use permit**

### **Article 130**

Decision on issuance of use permit adopted by the local administration authority shall be submitted to the building inspector.

Decision on issuance of the use permit adopted by the administration authority shall be submitted to the local self-government authority and the building inspector.

## **Yielding of the constructed structure**

### **Article 131**

Investor and general contractor who built the structure or performed specific works on it, must, within 60 days from the day of receipt of the use permit, preliminary yield the structure and make the final calculation of the value of performed works, unless otherwise determined in the contract.

The investor and general contractor shall perform the final yielding of the structure within 30 days from the expiry of the guarantee period, unless otherwise determined in the contract.

## **Restrictions with regard to application of the law**

### **Article 132**

The provisions of this 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 this Article may remain as a permanent structure after such circumstances cease, if it fulfills 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 this Article within the prescribed deadline, shall be obliged to remove such structure.

### **Web site Article 133**

The administration authority or local administration authority shall construct a web site for all administrative and other acts issued in the procedure of the construction of a structure.

## **IV LICENSE**

### **Licensing Article 134**

License is an act which establishes the fulfillment of conditions for performance of activities referred to in Articles 35, 36, 37, 83, 84, 85, 106, 107 and 108 of this Law.

The administration authority shall issue licenses in the form of a decision.

The license for a business organization, legal entity or entrepreneur shall be issued for the period of five years.

The license holder shall be obliged to inform the administration authority about all alterations in the business organization, legal entity or entrepreneur that influence the fulfillment of conditions for acquiring the license.

The administration authority shall keep the registry of licenses.

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

### **License revocation Article 135**

The administration authority shall revoke the license if:

- 1) it is determined that the license was issued based on inaccurate data;
- 2) the license holder ceases to fulfill conditions referred to in Articles 35, 36, 37, 83, 84, 85, 106, 107 and 108 of this Law;

- 3) the license holder performs operations contrary to the provisions of this law, which are related to activities for which the license has been issued.

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

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

The administration authority shall inform the competent inspection authority about the license revocation.

The license revocation procedure shall be urgent.

### **Foreign person's license Article 136**

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

The license referred to in paragraph 1 of this Article shall be certified by the administration authority.

The administration authority shall keep the registry of certified licenses.

The administration authority shall annul the certification of the foreign person's license which performs activities for which the license has been issued contrary to the provisions of this Law.

The conditions and manner of certification and annulment of the license certification in terms of paragraphs 2 and 3 of this Article shall be prescribed by the Ministry.

### **Secondary legislation act Article 137**

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

### **License publishing Article 138**

The decision referred to in Articles 134, 135 and 136 of this Law shall be published on the web site of the administration authority.

## **V ENGINEERS CHAMBER OF MONTENEGRO**

### **Foundation Article 139**

For the purpose of ensuring expertise and protection of public interest, the persons working on activities of spatial development and construction of structures, prescribed by this Law shall acquire membership in the Engineers Chamber 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 organization 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.

### **Chamber competence 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 technical documentation, review, technical inspections and supervision for residential and residential-business structures;
- 6) control the application of the price referred to in item 5 of this Article;
- 7) organize and enforce the taking of professional examination according to the provisions of this 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 based on 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 this Article as a public authorization.

The manner of performance of the control referred to in item 6) paragraph 1 of this Article shall be prescribed by the Chamber with the approval of the Ministry.

The Ministry shall supervise the performance of activities referred to in paragraph 1 items 5), 6) and 7) of this Article.

### **Funding Article 141**

The operations of the Chamber shall be funded from:

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

## **VI REMOVAL OF STRUCTURES**

### **Removal of dilapidated structures Article 142**

The administration authority or local administration authority 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, in terms of paragraph 1 of this Article, shall be adopted by an inspection authority.

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

### **Removal of a structure at owner's request Article 143**

Administration authority or local administration authority may also approve by a decision the removal of a structure at owner's request.

In case referred to in paragraph 1 of this Article the owner shall enclose evidence of ownership over the structure and the detailed study of the removal of the structure.

The detailed study of removal of the structure shall be subject to review, in accordance with provisions of this 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 this Article.

## **VII SUPERVISION**

### **Conduct of supervision Article 144**

The supervision over the application of this Law and other regulations from the area of spatial development and construction of structures, shall be performed by the Ministry and the administration authority, or local self-government.

### **Inspection supervision Article 145**

Inspection supervision activities in the area of spatial development and construction of structures, within the prescribed competences, shall be conducted by the administration authority, in accordance with this Law.

Inspection supervision 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 this Article shall be obliged to inform each other on administrative measures and actions undertaken within the prescribed competencies.

### **1. Inspection supervision in the area of spatial development**

#### **Competence Article 146**

The administration authority shall conduct inspection supervision in the area of spatial development, through urban planning inspectors and environmental protection inspectors.

#### **Authorizations of the urban planning inspector Article 147**

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

Urban planning inspector shall be obliged to check including but not limiting to:

- 1) whether the planning document has been produced in accordance with this Law;
- 2) whether the planning document has been adopted in accordance with this Law;
- 3) whether the business organization, legal entity or entrepreneur or a foreign legal entity fulfils the conditions for development of the planning document prescribed by this Law;
- 4) whether the offprint has been produced or whether the urban development and technical requirements have been issued in accordance with the planning document;
- 5) whether the allotment has been transferred to the field by the administration authority competent for cadastre activities in accordance with the valid planning document;
- 6) whether the conceptual or main project, based on which the building permit has been issued, was produced or reviewed in accordance with the planning document and urban development and technical requirements;
- 7) whether the building and boundary lines, i.e. grading elevation points have been transferred to the field based on the planning document i.e. urban development and technical requirements, information from the building permit and the main project.
- 8) whether the approval and urban development and technical requirements for erecting the structure of temporary character have been issued in accordance with the plan of the temporary structure and prescribed requirements.

### **Administrative measures and actions of an urban planning inspector**

#### **Article 148**

In case when the urban planning inspector identifies that the Law or other regulation has been violated, he/she shall be obliged to:

- 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 this Law i.e. initiate the procedure for assessment of legality of such decision;
- 2) prohibit the development of the planning document, if he/she identifies that the business organization, legal entity or entrepreneur or foreign legal entity does not fulfill the conditions for development of planning documents, prescribed by this Law;
- 3) propose to the administration authority to revoke the license of the business organization, legal entity or entrepreneur which does not fulfill the conditions prescribed by this Law for development of planning document or performs operations contrary to the provisions of this Law which are related to activities for which the license has been issued;
- 4) propose to the administration authority to annul the certification of the foreign person's license, if it performs activities contrary to the provisions of this Law which are related to activities for which the license has been certified;
- 5) order the administration authority or local administration authority to adjust the offprint with the planning document and prohibit its use;
- 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 administration authority or the local administration authority to proclaim the decision on the issuance of a building permit null and void if it is established that the conceptual or main project, based on which the building permit has been issued, was produced contrary to the planning document and /or urban development and technical requirements;
- 9) propose to the administration authority to revoke a license issued to the business organization, legal entity, entrepreneur, lead project engineer and responsible project engineer who produced or reviewed the project contrary to the planning document and/or urban development and technical requirements;
- 9a) submit the request for initiating a misdemeanor proceeding against the legal entity and the responsible official and the head person in the administration authority or legal entity if he/she identifies that the urban development and technical requirements for the development of the technical documentation for the construction of a structure or the approval and /or urban development and technical requirements for erecting the structure of temporary character, have been issued contrary to the planning document or the plan of the temporary structures;
- 10) temporarily prohibit the performance of the activity if the business organization, legal entity or entrepreneur or foreign legal entity does not fulfill conditions referred to in Articles 35, 36 and 37 of this Law;
- 11) order the elimination of identified deficiencies in the approval or urban development and technical requirements for the erection of temporary structures referred to in Article 116 of this Law;
- 12) prohibit the erection of a temporary structure if it is not performed in accordance with the approval referred to in Article 116 of this Law and the plan;
- 13) order the demolition or removal of a temporary structure if the erection is performed despite the prohibition referred to in item 12 of this Article.

### **Authorizations of the environmental protection inspector Article 149**

The environmental protection inspector shall verify whether the building permit or the approval referred to in Article 116 of this Law has been issued for the construction of a structure or erection of a temporary structure.

### **Administrative measures and actions of the environmental protection inspector Article 150**

In case when the environmental protection inspector identifies that the construction of a structure is performed without the building permit, or a temporary structure is erected without the approval referred to in Article 116 of this Law, he/she shall be obliged and authorized to order the demolition of such structure.

## **2. Inspection supervision in the area of the construction of structures**

### **Article 151**

The administration authority shall perform the inspection supervision in the area of the construction of structures through the building inspector.

### **Building inspector's authorizations**

#### **Article 152**

Building inspector shall conduct inspection supervision with regard to structures referred to in Article 91 of this Law.

Building inspector shall be obliged to verify including but not limiting to the following:

- 1) whether the investor commenced the preparatory works for constructing the structure in accordance with this Law (Article 104);
- 2) whether the investor reported the commencement of the construction of the structure in accordance with Article 105 of this Law;
- 3) whether the construction of the structure has been commenced in accordance with the reviewed main project;
- 4) whether the reviewed main project has been produced in accordance with the conceptual project 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 this Law have been fulfilled,;
- 6) whether all documentation is located on the construction 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, normatives and standards in construction;
- 8) whether the building materials and prefabricated elements which are built in, correspond to regulations and standards, and whether the general 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 use 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 be obliged to:

- 1) **order the closure of the construction site** if preparatory works are not performed in accordance with Article 104 paragraph 2 of this Law;
- 2) **prohibit the construction of the structure** if the construction of the structure is not performed in accordance the law and regulations on technical measures, normatives and standards in civil engineering;
- 3) **order the demolition i.e. removal of the structure and reinstating of land**

**to original condition, if:**

- the construction of the structure is performed regardless of the prohibition referred to in item 2 of this Article;
  - he/she identifies deficiencies in construction of the structure which represent threat to stability of the structure, safety of life of people and the like, and they cannot be eliminated.
- 4) **prohibit the use of a structure** for which use 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 administration authority or the local administration authority** to proclaim the decision on the issuance of the use permit null and void if issued contrary to this Law;
  - 8) **temporarily prohibit the performance of the business activity** if the business organization fails to fulfill conditions referred to in Articles 106 and 107 and 114 of this Law or perform activities contrary to the provisions of this Law which are related to activities for which the license has been issued;
  - 9) **propose to the administration authority to revoke the license** of the business organization, legal entity or entrepreneur which does not fulfill conditions prescribed by this Law for development of technical documentation, construction of structures and carrying out specific works on the construction of a structure or performs activities contrary to the provisions of this Law which are related to activities for which the license has been issued;
  - 10) **propose to the administration authority to annul the certification of the foreign person's license**, if it performs activities contrary to the provisions of this Law which are not related to activities for which the license has been certified;
  - 11) deleted

The administrative measure referred to in paragraph 1 item 1 of this 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 construction site.

## VIII PENALTY PROVISIONS

### Article 154

A fine in the amount from €2,000 to €40,000 shall be imposed for a violation on the legal entity, if it:

- 1) commences using the structure prior to obtaining the use permit (Article 70 paragraph 1);
- 2) fails to provide for conditions for access and movement of persons of reduced mobility in the structure (Article 73);
- 3) fails to appoint the reviewer of the conceptual and main project (Article 86 paragraph 3);
- 4) fails to submit the conceptual and main project 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 the board with information about the issued building permit at the site of the construction of the structure (Article 99);
  - 6) fails to submit the report to the competent authority for works which are not considered as reconstruction (Article 103);
  - 7) performs preparatory works for construction without the building permit or fails to report the commencement of preparatory works to the competent inspection authority (Article 104 paragraphs 1 and 3);
  - 8) fails to report the commencement of performance of works within the prescribed period, prior to the commencement of construction of the structure (Article 105 paragraph 2 and Article 111 paragraph 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 i.e. post the sign to indicate the monument of culture or fails to mark the construction site covering large areas in the prescribed manner (Article 109 paragraphs 1, 2 and 3);
  - 10) fails to amend the main project in accordance with this Law without delay (Article 111 paragraph 7);
  - 11) fails to provide for professional supervision during the construction (Article 114 paragraph 1);
  - 12) constructs or erects the ancillary or prefabricated temporary structure without the approval or contrary to the approval of the local administration authority (Article 117)
  - 13) fails to submit an application for repeated technical inspection after the elimination of identified deficiencies (Article 126);
  - 14) fails to inform the competent inspector about the results of monitoring the soil and structure behavior and environmental impact of the structure and undertaken measures (Article 128).

A fine in the amount from €500 to € 4,000 shall also be imposed on the responsible person in the legal entity for the violation referred to in paragraph 1 of this Article.

A fine in the amount from €2,000 to € 12,000 shall be imposed on the entrepreneur for the violation referred to in paragraph 1 of this Article.

A fine in the amount from €500 to € 4,000 shall be imposed on the physical person for the violation referred to in paragraph 1 items 1, 5, 6 and 7 of this Article.

### **Article 155**

A fine in the amount from €2,000 to €40,000 shall be imposed on the legal entity for a violation if:

- 1) it produces an offprint contrary to the planning document (Article 61 paragraph 4);
- 2) it fails to develop the technical documentation based on urban development and technical requirements and to observe the principles of the construction of structures (Article 76 paragraphs 2 and 3);
- 3) it produces technical documentation and fails to fulfill conditions referred to in Articles 83 and 85 of this Law;
- 4) technical documentation and its constituent parts i.e. projects are not signed by the lead project engineer and responsible project engineer (Article 84

paragraph 5);

A fine in the amount from €500 to € 4,000 shall also be imposed on the responsible person in the legal entity for the violation referred to in paragraph 1 of this Article.

A fine in the amount from €2,000 to € 12,000 shall be imposed on the entrepreneur for the violation referred to in paragraph 1 of this Article.

A fine in the amount from €500 to €4,000 shall also be imposed on the physical person – lead project engineer and responsible project engineer in the legal entity for the violation referred to in paragraph 1 items 1, 3 and 4 of this Article.

### **Article 156**

A fine in the amount from €500 to € 4,000 shall also be imposed on the physical person if he/she manages the development of technical documentation, and fails to fulfill the prescribed conditions (Article 84 paragraphs 6 and 7).

### **Article 157**

A fine in the amount from €2,000 to €40,000 shall be imposed on the legal entity conducting review, if:

- 1) it reviews the conceptual or main project without fulfilling conditions prescribed for conducting of reviews (Article 88);
- 2) it fails to indicate accurate and true statements in the report on conducted review and confirms its compliance contrary to Articles 86, 87, 89 and 90 paragraph 2 of this Law;
- 3) it conducted the review of the conceptual or main project in whose production it participated (Article 88 paragraph 2);
- 4) it fails to certify the report on review and the conceptual or main project in the prescribed manner (Article 90 paragraphs 1 and 3);

A fine in the amount from €500 to € 4,000 shall also be imposed on the responsible person in the legal entity for the violation referred to in paragraph 1 of this Article.

A fine in the amount from €2,000 to € 12,000 shall be imposed on the entrepreneur for the violation referred to in paragraph 1 of this Article.

### **Article 158**

A fine in the amount from €2,000 to €40,000 shall be imposed on the legal entity for a violation if it:

- 1) constructs the structure or performs specific works on constructing the structure, without fulfilling conditions for construction or performance of specific works referred to in Article 106 of this Law;
- 2) fails to appoint the lead engineer for managing the construction of the structure (Article 107 paragraph 1);
- 3) fails to organize the construction site in the manner to provide for access to the location, undisturbed traffic and protection of environment during the construction period (Article 110 paragraph 1 item 2);
- 4) fails to provide for safety of the structure, persons on the construction site and surroundings (Article 110 paragraph 1 item 3);
- 5) constructs the structure i.e. performs works contrary to the standards,

- technical normatives 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 fulfill the prescribed conditions (Article 110 paragraph 1 item 4);
- 6) fails to provide for evidence of the quality of performed works, i.e. built in material, installation and equipment issued by the authorized organization (Article 110 paragraph 1 item 5);
  - 7) fails to keep the building log, building book and inspection book (Article 110 paragraph 1 item 7);
  - 8) fails to provide for measuring and geodetic survey of soil and structure behavior during the construction period (Article 110 paragraph 1 item 8);
  - 9) fails to inform the competent authority about the commencement of works within the prescribed period (Article 111 paragraph 1);
  - 10) fails to warn, in writing, the investor or business organization, legal entity or entrepreneur which produced the project of deficiencies in the main project (Article 111 paragraph 3);
  - 11) fails to immediately cease the performance of works in the case referred to in Article 111 paragraph 5 of this Law;
  - 12) fails to inform in writing the competent authority in case of encountering archeological sites, fossils, active slides, underground waters and the like (Article 111 paragraph 8);
  - 13) does not have building documentation on the construction site (Article 112).

A fine in the amount from €500 to €4,000 shall also be imposed on the responsible person for the violation referred to in paragraph 1 of this Article.

A fine in the amount from €500 to € 4,000 shall also be imposed on the lead project engineer or responsible project engineer in the legal entity who manages the construction of the structure or performs specific works, for the violation referred to in paragraph 1 items 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of this Article.

A fine in the amount from €2,000 to € 1,000 shall be imposed on the entrepreneur for the violation referred to in paragraph 1 of this Article.

A fine in the amount from €500 to €4,000 shall also be imposed on the physical person constructing a family residential building for the violation referred to in paragraph 1 items 9 and 12 of this Article.

### **Article 159**

A fine in the amount from €2,000 to €4,000 shall be imposed on the legal entity for a violation if:

- 1) it conducts professional supervision, without fulfilling prescribed conditions for performance of professional supervision (Article 114 paragraph 2);
- 2) fails to inform the investor, without delay, on deficiencies in technical documentation, construction of structures contrary to the technical documentation, regulations, standards, norms of quality (Article 114 paragraph 5).

A fine in the amount from €500 to €4,000 shall also be imposed on the responsible person in the legal entity for the violation referred to in paragraph 1 of this Article.

A fine in the amount from €2 000 to € 12,000 shall be imposed on the entrepreneur

### **Article 160**

A fine in the amount from €2,000 to €40,000 shall be imposed on the legal entity for a violation if it:

- 1) proposes by the report on conducted technical inspection the use of the structure which has not been constructed in accordance the building permit and main project and does not fulfill conditions envisaged by this Law, regulations, technical normatives and norms of quality for specific types of works, material and equipment (Article 122 paragraphs 2 and 3);
- 2) conducts the technical inspection of the structure, without fulfilling the conditions prescribed for conducting the technical inspection (Article 123 paragraph 1);
- 3) fails to submit the report on technical inspection to the competent authority within the prescribed period (Article 123 paragraph 4);
- 4) fails to compile the report on conducted technical inspection in accordance with Article 124 of this Law.

A fine in the amount from €500 to €4,000 shall also be imposed on the responsible person in the legal entity for the violation referred to in paragraph 1 of this Article.

A fine in the amount from €2,000 to € 1,000 shall be imposed on the entrepreneur for the violation referred to in paragraph 1 of this Article.

A fine in the amount from €500 to € 4,000 shall also be imposed on the physical person who conducts technical inspection of the structure for the violation referred to in paragraph 1 of this Article.

### **Article 161**

A fine in the amount from €2,000 to €40,000 shall be imposed on the legal entity for a violation if it:

- 1) fails to keep the spatial documentary base (Article 14 paragraph 1);
- 2) fails to submit the report on spatial development status (Article 15 paragraph 3);
- 3) fails to publish the decision on producing the planning document (Article 32);
- 4) fails to submit data from records it keeps (Article 38);
- 5) fails to enable the interested parties to have insight in the report on public debate and performed professional assessment of the planning document (Article 44);
- 6) uses maps and plans contrary to Article 50 paragraph 12 of this Law;
- 7) compiles an offprint with urban development and technical requirements contrary to the planning document (Article 61 paragraph 4);
- 8) has published on the website i.e. issued urban development and technical requirements contrary to the planning document or this Law (Article 62 and Article 62a),
- 9) fails to provide for the construction or fails to provide for the adjustment of the structures in public use to the access and movement of persons with reduced mobility (Articles 73 paragraph 1 and Article 165);
- 10) has issued the building permit contrary to the provisions of this Law (Articles 93 and 94);

- 11) fails to publish the building permit and the request for issuance of use permit and other administrative and other acts on the web site (Article 94 paragraph 3, Article 120 paragraph 4 and Article 133);
- 12) has issued the approval or urban development and technical requirements for the erection of a temporary structure contrary to the plan of temporary structures (Article 116);
- 13) has issued the use permit contrary to the provisions of this Law (Articles 121 and 125).

A fine in the amount from €500 to €4,000 shall also be imposed on the head of the authority and the responsible person in the administration authority, local self government authority and legal entity for the violation referred to in paragraph 1 of this Article.

A fine in the amount from €2,000 to € 12,000 shall be imposed on the entrepreneur for the violation referred to in paragraph 1 of this Article.

## **IX TRANSITIONAL AND FINAL PROVISIONS**

### **Harmonization of local planning documents**

#### **Article 162**

Competent local self-government authorities shall be obliged to harmonize the local planning documents with this Law, within one year from the day this law enters into force.

### **Planning documents of the local self-government**

#### **Article 162a**

The competent body of the local self-government shall adopt the spatial-urban plan of the local self-government until 31 December 2012 at the latest.

Until the expiry of the deadline referred to in paragraph 1 of this Article, the local self-government unit may make and adopt the amendments of the spatial plan of the local self-government unit or the general urban plan.

By adopting the spatial-urban plan of the local self-government, the spatial plan of the local self-government unit or the general urban plan shall cease to be in force.

### **Producing and adopting of initiated planning document**

#### **Article 163**

Producing and adopting of the planning document initiated prior this 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 this Law.

The compiling of the report on the spatial development status and the program of



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spatial development initiated before this Law comes into force shall be continued according to the provisions of this Law.

### **Suspension of the adoption of the planning document Article 163a**

The procedure of development of the planning document for which the decision on development was made before 1 January 2008 shall be suspended unless the proposal of the planning document is not defined within six months of the day of entering into force of this Law.

### **Deadline for adjustment of the business conduct Article 164**

The business organization, legal entity or entrepreneur performing the activity for which this Law prescribes special conditions shall be obliged to adjust its business operations with the provisions of this Law within six months from the day this Law comes into force.

### **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 this Law within five years from the day this Law enters into force.

### **Obtaining of use permit Article 166**

The investor or owner of the structure constructed based on the building permit, for which the use permit has not been issued, shall be obliged to obtain the use permit within three years from the day this Law enters into force or issuance of the building permit.

#### **Article 166a**

Apart from the evidence referred to in Article 120 paragraph 2 of this Law, the evidence of the regulation of relations regarding payment of the fee for the utility equipment of the construction land referred to in Article 66 of this Law shall also be submitted along with the request for the issuance of the use permit for the structures for which the building permit was issued in the period from 29 August 2008 to 29 July 2010.

#### **Article 166b**

Apart from the evidence referred to in Article 166a of this Law, the evidence regarding payment of the fee for the construction of the regional water supply system on the territory of the municipalities of the Montenegrin Coast shall also be submitted along with the request for the issuance of the use permit for the structures for which the

building permit was issued in the period from 29 August 2008 to the day of entering into force of this Law.

## **Structures constructed without building permits**

### **Article 167**

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

### **Article 167a**

The structures built without the building permit until 29 August 2008 in the area envisaged for the construction of structures of general interest under the applicable planning document, shall be removed in accordance with this Law.

The structures referred to in paragraph 1 of this Article and Article 167 of this Law shall be removed upon the order of the environmental 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 fulfill the conditions for performance of such activities according to the provisions of this Law.

The persons who passed the professional examination for verification of the capability to work on activities determined by this Law, according to regulations which were effective at the time of their taking, shall also fulfill the conditions for performance of such activities according to the provisions of this Law.

## **Deadline for adoption of regulations**

### **Article 169**

Regulations based on the authorizations from this Law shall be adopted within six months from the day this Law comes into force.

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

### **Article 169a**

The application of Articles 154-161 of this Law shall be delayed until the day of the commencement of application of the Misdemeanour Law ("Official Gazette of Montenegro, number 1/11).

## **Initiated proceedings**

### **Article 170**

The proceedings initiated prior the day of coming into effect of this 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 this Article shall also relate to the procedure of issuance of licenses and authorizations.

### **Issuance of urban development and technical requirements Article 171**

Deleted. ("Official Gazette of Montenegro", number 34/11)

### **Establishment of administration authority Article 172**

The Government shall establish the administration authority in accordance with this Law.

The Ministry shall perform the activities in accordance with this Law until the day of establishment of the administration authority.

Inspection supervision in the area of spatial development and construction of structures shall be performed, by 1<sup>st</sup> 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.

### **Organization and work of the Chamber Article 173**

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

### **Rescinding of laws Article 174**

As of the day of coming into force of this Law the following shall be rescinded: the Law on Spatial Planning and Development ("Official Gazette of RMNE", number 28/05), the Law on Buildable land ("Official Gazette of RMNE", number 55/00) except of the Section V – FEE FOR USE OF BUILDABLE LAND which shall be applied until 1<sup>st</sup> January 2009, the Law on Construction of Structures ("Official Gazette of RMNE", numbers 55/00 and x/08) and the Law on Urban Development and Building Inspection ("Official Gazette of RMNE", number 56/92), and the words: 'fee for use of buildable land' in the Law on Local Self-government Financing ("Official Gazette

Law on Spatial Development and Construction of Structures of RMNE”, numbers 42/03 and 44/03) in Article 5 item 7 shall be deleted.

**Coming into force**  
**Article 175**

This Law shall come into force on the eighth day from the day of its publishing in the Official Gazette of Montenegro.