

**A GUIDE FOR  
ACQUIREING  
CONSTRUCTION  
PERMITS 2016.**

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**DEPARTMENT OF SPATIAL PLANNING, CONSTRUCTION,  
ENVIRONMENTAL PROTECTION, HOUSING AND UTILITIES**

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## STEP 1:



### URBAN PERMIT

Urban permit is an administrative act issued on the basis of the Law on spatial planning, spatial planning documents (Spatial Plan, urban plan, regulatory plan and urban project), special laws and regulations based on those laws, which define the basic conditions for construction on the respective land.

The request for an urban permit does not have to be submitted for a building intended to be built in urban areas for which detailed spatial plans are adopted (regulatory plan and urban project), but the investor is obliged to obtain, from the relevant department) a certified copy of the extract from the plan and the urban-technical requirements to build on the respective land.

#### LEGAL BASIS FOR THE ADOPTION OF URBAN PERMIT

- ❖ The basis for defining the conditions in the urban permit are: spatial plan of the municipality, urban plan, regulatory plan and urban project. Urban-technical and other conditions that are not defined in planning documents, and are regulated by law or regulations based on law, is determined by the relevant department of the municipality.
- ❖ Urban permit shall be issued within 30 days of receipt of complete application.

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- ❖ Fifteen days of receipt of urban permit party / investor / receives clause of legal validity of the decision / issued by process manager /.
- ❖ Urban permit contains the costs of construction land preparation, or conditions for preparation of the construction land, if the construction is done on undeveloped land.
- ❖ Urban permit is valid for one year from the date of its legal approval and in that period application for construction permit should be submitted.
- ❖ Validity of urban permit may be, at the request of investor, additionally extended, but up to one year.

### URBAN PERMIT FOR TEMPORARY STRUCTURES AND OPERATIONS IN SPACE

This authorization shall be issued only in exceptional cases and with limited validity, and no later than until land is prepared for its final intended purpose. The investor is obliged, after the deadline, to remove temporary structure and restore land to its original state at his own expense. These are facilities needed for construction, research and etc., fairs and public events.

### URBAN PERMIT FOR NON-URBAN SETTLEMENTS

For the construction of buildings and any other developments on the construction land outside of urban areas, in the settlements of mixed and rural type for which detailed plan will not be adopted, urban permit is issued under the terms of the spatial plan of the municipality.

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## ATTACHMENTS TO THE REQUEST FOR URBAN PERMIT:

- A copy of the cadastral plan indicating the users of the land in question and adjacent plots, not older than six months / cadaster of the municipality - Center for licensing /
- The preliminary design that includes: technical description, situational solution, all the basics of the building, at least one section, facades,
- Explanation of the data necessary to determine urban-technical and other conditions,
- An administrative fee of 20.00 KM for residential buildings,
- An administrative fee of 40.00 KM for commercial buildings,
- An administrative fee of 50,00 KM for the garages,
- An administrative fee of 15.00 KM for reconstruction, extension, upgrade of the existing buildings,
- An administrative fee of 100,00 KM for legalization of illegally built object,
- An administrative fee of 40.00 KM to change the purpose of buildings.

## REQUEST SUBMISSION:

The request for an urban permit with other documents Investor submits to the Department of Spatial Planning, Construction, Environmental protection, Housing and Communal Affairs, through Protocol of Jablanica Municipality or by regular mail.

## NEXT STEP IN THE CONSTRUCTION PROCESS IS CONSTRUCTION PERMIT.

Interventions that do not require construction permit and that are based on the urban permit:

- Work on replacing/ or supplementing the equipment, if it is in accordance with the purpose of the building, are not considered reconstruction, as well

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as works that are determined by special law as work for maintenance of the building,

- Routine maintenance works and restoration of damaged buildings, which can be considered routine maintenance works, include works that do not affect the construction of the building, environmental protection, use, change in size and appearance, and which do not alter the conditions laid down in urban and construction permits
- The works of conservation of the building, through which damaged or unfinished building is protected from further deterioration, until the conditions are reached for its repair, reconstruction or completion of works on the unfinished building.
- Cable and air connections to low voltage and telephone network, as well as connections of existing buildings to utility installations (water, sewage, gas)
- Building tombs in the cemetery
- Fencing a plot, except from the street side
- Arranging surroundings for construction
- A greenhouse for storing plants up to gross area of 12m<sup>2</sup> and roof cornice height up to 4m from the level of the surrounding soil
- The water well or a water tank of a capacity up to 10m<sup>3</sup>
- Septic tank with capacity of up to 10m<sup>3</sup>, which is built on the construction plot of a buildings for which construction permit is issued
- Children playground
- Shelters for people using public transport
- A billboard with advertising space up to 12m<sup>2</sup> and vertical traffic signalization in the land zone of the existing road
- Sports fields without the stands that are resting on the ground with entire surface

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## STEP 2:

### CONSTRUCTION PERMIT / APPROVAL FOR CONSTRUCTION

The investor may start the construction of a new building only on the basis of a valid construction permit, except in cases where, for the start of construction, valid urban permit is enough. Approval for construction is issued for the construction of an entire building or part of a building which makes technical-technological whole.

The request for the issuance of construction permit is requested, in writing, by the investor from Department of Spatial planning, Construction, Environmental Protection, Housing and Communal Affairs of Jablanica Municipality.

- ATTACHMENTS TO THE REQUEST FOR URBAN PERMIT:
- - Urban permit /with validity clause/ or extract from a plan / where detailed plan of municipality exists
- - A copy of the cadastral plan with clearly defined cadastral plot intended for construction and adjacent plots,
- - Proof of the right to build (Land Register entry, contract or decision of the competent authorities on the basis of which an investor acquired the ownership right or building right or right of use for construction purposes, the partnership agreement signed with the owner of the property whose aim is joint construction, concession

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contract entitling construction, written consent of the owner or all co-owners of the property)

- - Three copies of the main project
- - Written report on the audit of the main project. The list of buildings or works that require control of the project is prescribed by the Minister of Construction and Spatial Planning of Herzegovina-Neretva Canton / Regulation not adopted/,
- - Consents obtained in the process of issuing of urban permit for the building,
- - Elaborate on research works, if the data has been used for the development of main project, and technological study, if necessary,
- - Proof of payment of the required fee for the construction of the cover, in the event that the investor is exempt from building shelter
- - Proof of payment of compensation for land preparation
- - Other contributions specified by the special law
- - Proof of payment of administrative fee

### PROCEDURE FOR ISSUING A CONSTRUCTION PERMIT

Approval for construction is an administrative act which is issued by the relevant municipal department no later than 30 days from receipt of a complete request, if it is determined that all the legal requirements are met, as well as the conditions of the of urban permit.

Approval for construction is necessary for: the newly planned building, reconstruction, expansion, upgrading, changing the use of the building and conservation of the building, removal of the building / demolition,

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dismantling of the building or parts of the building / and for temporary / auxiliary / building.

The main project must be developed in accordance with the terms set out in the urban permit and urban planning and technical conditions provided by law.

In the process of issuing a construction permit, relevant municipal department resolves the compensation for the convenience of location (rent).

### CHANGES AND / OR SUPPLEMENTS TO THE CONSTRUCTION PERMIT

The investor is obliged to submit a request to modify and / or supplement construction permit if, in the course of construction, plans to make such changes on the structure with which technically significantly deviates from the solution in the main project, based on which the permit was issued.

The request must be submitted before any works and activities are done at the structure.

If during construction the investor changes, the new investor is obliged to apply for a modification of construction permit.

New investor, with the request to modify construction permit, is obliged to provide following:

- Valid construction permit
- Proof of the right to build on a property in question, i.e. that, based on a legally valid document or by inheritance, he acquired proprietary rights to the unfinished building.
- Relevant municipal department will, based on submitted evidence, make changes to the construction permit, in terms of changing the name of the investor.

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- ❖ Valid construction permit



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- ❖ Proof of the right to build on a property in question, i.e. that, based on a legally valid document or by inheritance, he acquired proprietary rights to the unfinished building.

Relevant municipal department will, based on submitted evidence, make changes to the construction permit, in terms of changing the name of the investor.

### CESSATION OF VALIDITY OF THE CONSTRUCTION PERMIT

Approval for construction ceases to be valid if the construction works on the building for which approval has been granted does not start within one year from the date of the validity of the object.

The validity of the construction permit may be, upon the request from investor, prolonged by separate decision for one more year, by putting extension clause to original decision, if the conditions under which prior construction permit was issued did not change.

### REPORTING CONSTRUCTION START

The investor is obliged to report the commencement of works in written to relevant municipal department and relevant inspection authority no later than eight days before the start of works.

Relevant inspection shall conduct ex officio inspection on site to verify the fulfillment of technical and safety requirements for conducting construction.

### CONSTRUCTION SURVEYING

- ❖ Before the construction starts, construction surveying for the building is implemented in accordance with the terms set out in the construction permit and on the basis of the main or detailed design project.

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- ❖ Construction surveying of the building is implemented by relevant authority responsible for urban planning, legal or natural entity registered for performing geodetic activities.
- ❖ Record with the sketch is created on construction surveying, and the originals are delivered to the investor, which is obliged to send a copy to the relevant authority and the relevant inspection.
- ❖ The supervisory authority is obliged to check whether the excavation of foundations is made in accordance with the record of construction surveying and approve the continuation of works.

THE NEXT STEP IS OBTAINING USE PERMIT.

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## STEP 3



### USE PERMIT

- ❖ The building constructed based on valid construction permit, or if for the same legalization papers for illegally performed tasks were issued afterwards, can be used only after relevant municipal department (Department of Spatial planning, Construction, Environmental Protection, Housing and Communal Affairs of Jablanica Municipality) issues an approval for its use, a USE PERMIT.
- ❖ For buildings that were built up to 31.05.1974. , and which are still used for intended purposes, and for which approval for use was never acquired, it will be considered that they have a use permit.
- ❖ For the above mentioned buildings relevant municipal department (Department of Spatial planning, Construction, Environmental Protection, Housing and Communal Affairs of Jablanica Municipality), will, based on the available documentation from cadaster, or on the basis of findings of a court expert of relevant profession and the statement of the owner of the building on its soundness, issue a certificate with the date of construction.
- ❖ An integral part of the certificate is a shot of the existing condition of the building and a copy of the cadaster plan with marked buildings or geodetic sketch of the existing condition (situation) of a constructed building on the building lot, / not older than 6 months / which the applicant is obliged to submit with the application for the issuance of such certificate.
- ❖ For buildings that were issues a construction permit up to April 1992., and which are still used for intended purposes, and for which approval for use was never acquired, it will be considered that they have a use

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permit, if they were constructed in accordance with the valid construction permit.

- ❖ For the above-mentioned buildings, integral part of the certificate is a construction permit and geodetic sketch of the real situation /not older than 6 months/ for the building build on construction plot.
- ❖ In the case of complex structures, a single authorizations for the use of part of the building are issued under the terms set in the preliminary approval, the main design and approval for the construction of that part of the building. After completion of complex structures single authorization for the use (use permit) for the whole building will be issued, ex officio, which combines all previously issued approvals.

### ATTACHMENTS TO THE REQUEST FOR USE PERMIT

- Construction permit
- Geodetic sketch of the state of the building and geodetic sketch of the objects of communal infrastructure built during construction of the building, certified by the relevant Department of Geodetic Affairs
- A written statement of the contractor on the works implemented and conditions of construction maintenance
- A written report of the construction supervision body

### TECHNICAL INSPECTION

- ❖ -A technical inspection determines that building is constructed in compliance with technical documentation based on which the approval for the construction was issued, technical regulations and standards, as well as the conditions of the building determined by special legislation.
- ❖ The technical inspection is carried out after the completion of construction of the building, after all the work foreseen in the construction permit and main, detailed design project.
- ❖ In case of minor changes during the construction, that are not subject to change and / or amendment to the construction permit, the

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investor is obliged to prepare as-built design project for technical inspection.

- ❖ The technical inspection shall be carried out within 30 days of submission of the complete request for authorization for use or a maximum of 8 days after the appointment of the commission for technical inspection.
- ❖ About the place, date and time of the technical inspection relevant Department shall inform the investors, the president and members of the Commission not later than ten (10) days before the date scheduled for the technical inspection.
- ❖ The President and members of the commission for technical inspection make a report that includes information and opinion of each member whether constructed building can be used or if certain deficiency must be removed, or use permit cannot be issued. The report is signed by the president and all members of the commission.
- ❖ The cost of the technical inspection, which is determined for each individual case based on the criteria from a special decision of the municipality mayor, shall be borne by the investor.

### COMMISSION FOR THE TECHNICAL INSPECTION

- ❖ Technical inspection is performed by the commission of qualified experts established by decision, within 8 days of receipt of a complete application for approval for use, by the relevant municipal department which issued the construction permit.
- ❖ Number of members of the commission depends on the type and complexity of the building and the type of work that the commission reviews. One of the commission members is the president and he coordinates the work. For less complex building commission can have up to three members.
- ❖ Members of the Commission may be engineers of relevant profession with five years of professional experience and completed professional exam.

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- ❖ Relevant municipal department that appoints commission for technical inspection is obliged to, at least once every two years, issue a public call for qualified professionals inviting them to provide evidence of fulfillment of conditions for participation in commissions. Public call must be published at least in one daily newspaper.

### DUTIES THE INVESTOR IN THE PROCESS OF TECHNICAL INSPECTION

- ❖ The investor is obliged to provide, during technical inspection, presence of all participants in the construction, working conditions, and free and unhindered access to all parts of the building with the necessary technical assistance of the supervision and the contractor.
- ❖ The investor is required to, not later than eight days before a technical inspection, submit documentation used for the construction, i.e. main (detailed design) project of the building for inspection and use by the commission as well as all documents defined by regulations depending on the type of building.

### ISSUANCE OF USE PERMIT

- ❖ Use permit is issued in the form of a decision under the Administrative Procedure Act, based on a positive assessment from the report of the Commission for technical inspection, no later than 7 days from the receipt of the record of technical inspection.
- ❖ President of the commission for technical inspection is obliged to, after a technical inspection, submit a report on technical inspection to relevant department of the municipality not later than 5 days after the completion of technical inspection.
- ❖ If the report identified deficiencies in the building, that need to be removed, temporary use permit may be granted and deadline for elimination of deficiencies set. Deadline and duration of temporary use permit cannot be longer than 90 days.

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## STEP 4:



### REGISTRATION OF THE OBJECT

After obtaining a use permit, application for registration of the object and creation of application paper is submitted to Department of Geodetic, Property and Legal and Cadastral Affairs of Jablanica Municipality. Together with application following must be submitted:

- ❖ Use permit with validity clause
- ❖ Construction permit with validity clause
- ❖ Land Register entry
- ❖ Extract from the spatial planning documents

**BUILDING FOR WHICH USE PERMIT IS ISSUED, OR THE DECISION ON COMPLETED CONSTRUCTION, IS ENTERED IN THE LAND REGISTRY.**

### ENTRY (REGISTERING) OF THE BUILDING IN LAND REGISTRY

- ❖ **In order for investor to register constructed building in the land register, investor must submit application paper and decision on use permit to the Land Registry Office of the Municipal Court in Konjic.**

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