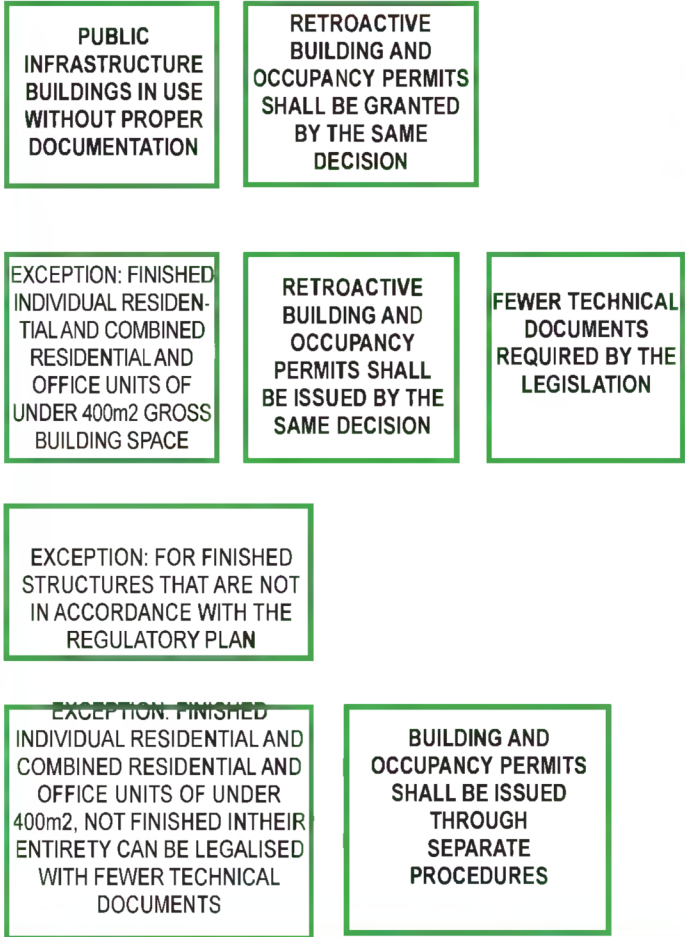
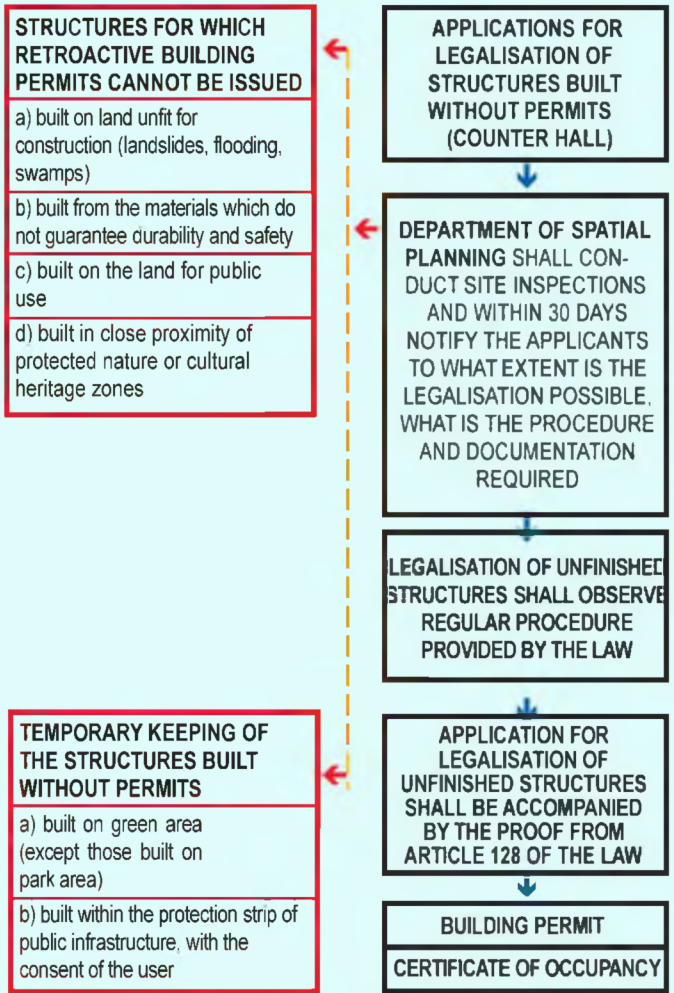




The future is in Trebinje



### FLOWCHART OF THE STRUCTURE LEGALISATION PROCEDURE



**THE CITY OF TREBINJE**

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**A GUIDE TO THE PROCEDURE FOR LEGALISATION OF THE STRUCTURES BUILT WITHOUT DUE PERMITS IN THE CITY OF TREBINJE**





## I - DEFINITION OF LEGALISATION

- Legalisation, in terms of the Law on Spatial Planning and Construction ("Official Gazette of Republika Srpska", No. 40/13), (hereinafter the Law), constitutes a retroactive issuance of location approvals, building permits and certificates of occupancy for the structures or parts of structures already built, started to be built or reconstructed without the building permits, and for the structures that had a building permit but the construction of which had deviated from the permit and the detailed project design and that were built or started to be built prior to the date of entry into force of the Law.

## II – DEADLINE FOR SUBMISSION OF APPLICATIONS FOR LEGALISATION

- The structures built prior to the first metric aerial photography survey for the local government unit area conducted by the end of 1980 shall be deemed as constructed pursuant to the law.
- The owners or investors who have already submitted the application for legalisation in accordance with the legislation valid at the time shall be considered to have observed the requirement under the present Law and the procedure shall be carried out in accordance with the legal provisions that are more favourable for the investor.

## III – PROCEDURE FOR LEGALISATION

- The legalisation of a structure built without due permits shall be initiated with an application of the investor or owner.
- The Department of Spatial Planning shall perform a site inspection within thirty (30) days as of the date of submission of the application and notify the applicant about the legalisation options and the proof that must be submitted to make the application complete.
- The legalization of finished structures shall be conducted without the retroactive issuance of location approvals unless

that required for the legalisation of structures built on state-owned land.

- The planning document forming grounds for legalisation shall be the regulatory plan or another executive spatial planning document, and in the absence of such a document the planning grounds for legalisation shall be determined in accordance with the Law.
- Exceptionally, for finished structures that are not in compliance with the spatial planning documents, if the deviation related to the planned number of floors is two (2) or less floors at least one of which is an attic, or if the deviation constitutes 10% of the planned horizontal dimensions, the legalisation can be carried out under the conditions defined by the Law.
- Decisions on retroactive issuance of building permits for unfinished structures shall be made on the basis of the proof referred to by Article 128 of the Law.
- For finished individual residential and combined residential and office units of under 400m<sup>2</sup> gross building space, notwithstanding complex structures as defined by the Law, the retroactive building and occupancy permits shall be granted by the same decision.
- For finished individual residential and combined residential and office unit of under 400m<sup>2</sup> gross building space, notwithstanding complex structures as defined by the Law, that are not finished in their entirety but have finished key structure, roof and external walls, the building permit issuance procedure shall entail fewer technical documents, the same as for buildings of the type that are finished in their entirety. The certificate of occupancy shall be issued in accordance with the Law.

## IV- TEMPORARY KEEPING OF STRUCTURES

- The structures built without due permits or parts thereof that cannot be permanently legalised in accordance with the Law shall be temporarily kept until the land on which they have been built conformed to its designated use pursuant to the regulatory plan. The authority responsible for legalisation shall issue the decision accordingly.
- For the temporarily kept structures, pending on the type and size of the structure, documentation as defined by the Law shall be submitted facilitating the connections to the utilities and public infrastructure.

- For the temporarily kept structures, the investor shall pay 20% of the legalisation fee calculated in accordance with the Law.
- Should a new executive spatial planning document allowing legalisation of a structure get passed before the expiration of the period of temporary keeping, the fee paid for the temporary keeping shall be included in the amount of the fee for permanent legalisation.

## V – ACTIONS OF THE URBAN CONSTRUCTION INSPECTORATE

- When an application for legalisation of a structure submitted, the responsible urban construction inspector shall pass a conclusion staying the removal of the structure that has been built or the structure or a part thereof that is being built without due permits until the completion of the legalisation procedure.
- In case that the legalisation process is concluded with the final refusal or rejection of the application, the inspector shall proceed with the execution of the decision to remove the illegally built structure.
- The inspector in charge shall be obliged to initiate the procedure for removal of the structure built without due permits that are not subject to any applications for legalisation.

## VI – STRUCTURES THAT CANNOT BE LEGALISED

- The retroactive building permit cannot be issued for the structures that have been constructed, reconstructed or expanded:
  - on the land unfit for construction, such as landslides, swamps, lots prone to flooding or other natural disasters;
  - from the material which does not ensure durability and safety of the structure;
  - on the land for public use or intended for building or maintaining the structures for public use or the land for public use defined to be of public interest by specialised regulations;
  - in close proximity of a protected nature zone or a cultural treasure or a monument included in the World Cultural Heritage List.