

183/2006 Coll.

ACT  
of 14<sup>th</sup> March 2006

on town and country planning and building code (Building Act)

The Parliament passed this Act of the Czech Republic:

## PART ONE

### INTRODUCTORY PROVISIONS

#### § 1

##### The subject-matter of legislation

(1) This Act governs, in the matters of town and country planning, particularly the objectives and tasks of town and country planning, the system of authorities of town and country planning, the town and country planning instruments, the assessment of the impacts on area sustainable development, decision-making within the area, possibilities of consolidation of procedures pursuant to this Act with procedures of the environmental impact assessment, conditions for construction, land development and for preparation of the public infrastructure, records of planning activity and qualification requirements for planning activity.

(2) This Act governs, in the matters of the building code, particularly the permission of buildings and their alterations, landscaping and facilities, use and removal of structures, supervision and special powers of building offices, position and authorisation of the authorized inspectors, system of building offices, duties and responsibilities of persons within the preparation and realization of structures.

(3) Furthermore the Act governs the conditions for the design activity and the structures realizations, general conditions for construction, purpose of expropriation, entry to the grounds and into the structures, protection of public priorities and some other issues related to the subject-matter of this legislation.

#### § 2

##### Basic concepts

(1) Within this Act it is understood as

- a) a change in the area the change of its use or spatial arrangement, including of location of structures and their changes,
- b) a building ground the ground, whose part or a set of grounds, limited and determined to location of a structure by means of a planning permission or a regulatory plan,
- c) a developed ground the ground entered in the Land Registry as a building plot and other building plots in principle within a complete fence, forming a continuous complex with residential buildings and outbuildings,
- d) a developed area the area limited by the plan or by procedure pursuant to this Act; if the municipality has not delimited the developed area in this manner, the developed area is the developed part of the municipality delimited as at 1<sup>st</sup> September 1966 and marked in the real property registration maps (hereinafter referred to as "urban area"),

e) a ground without development potential, which is not possible to develop in the territory of the municipality, which has not issued the plan, i.e.

1. ground of land of public greenery and a park<sup>1</sup> serving to general use;
2. in the urban area the agricultural ground or a set of neighbouring agricultural grounds in the area larger than 0.5 ha, provided that into this set of agricultural grounds there are not included gardens in area smaller than 0.1 ha and the grounds, which are parts of the developed building grounds;
3. in the urban area the forest ground or a set of neighbouring forest grounds in area smaller than 0.5 ha,

f) a non developed area the grounds not included into the developed area or the area with development potential,

g) an area the part of the territory formed by a ground or a set of grounds, which is limited within the policy of the development, the principles of development or plan or possibly within the development material in respect to the existing or required manner of its use and its significance,

h) an area of a supranational or national importance the area, which with its significance, range or use will influence the territory of more municipalities or more municipal districts in the territory of the Capital City of Prague, or possibly the area of more administrative regions,

i) a corridor the are limited for location of running of transport and public infrastructure or measures of non-constructional nature,

j) an area with development potential limited for location within the plan or in development principles,

k) a public infrastructure the grounds, structures, facilities, i.e.

1. the transport infrastructure, for example, the structures of roads, railways, waterways, airports and the facilities related to them;
2. public infrastructure, which are the lines and the structures and to them operationally related facilities of technical equipment, for example, water mains, distribution reservoirs, waste water sewage, waste water treatment plants, structures and facilities for waste disposal, transformer stations, power distribution lines, communication lines of public communication network and electronic communication equipment, product pipe lines;
3. public services, which are the structures, facilities and lands serving, for example, for training and education, social services and care of family, health services, culture, public administration, protection of inhabitants;
4. public space<sup>1</sup>,

established or utilized as public priorities,

l) a public work the structure for the public infrastructure, which is determined for the development or protection of the territory of a municipality, region or state, limited within the issued planning documentation,

m) a public benefit measure the measure of non-constructional nature serving to reduction of endangering of the area or to protection of natural, cultural and archaeological heritage, limited within the planning documentation,

n) planning documentation

1. development principles;
2. plan;
3. regulatory plan.

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1 §34 of Act No. 128/2000 Coll., on municipalities (local governments).

(2) Within this Act it is further understood as

- a) a procurer the relevant municipal office, regional office, Ministry for Regional Development (hereinafter referred to as only "Ministry") or the Ministry of Defence, which procures the planning materials, planning documentation, limitation of the developed area or the spatial development policy,
- b) a building entrepreneur the person authorized to perform the building or assembly works as a scope of business pursuant to special regulations<sup>2</sup>,
- c) a developer the person, who applies for issuance of the building permit or notifies the structure realization, landscaping or facility as well as their legal successor and further the person, who realizes the structure, landscaping or facilities if it does not refer to a building contractor realizing the structure within their entrepreneurial activity; as a developer it is also understood the investor or the ordering party of the structure,
- d) a building supervision the expert supervision of the realization of construction by self-help performed by a person, who has a university education of building or architectural specialization or the secondary education of building specialization with general certificate of education and at least 3 years of practice in construction realization,
- e) general requirements for construction the general requirements for the utilization of the area and technical requirements for structures determined by statutory implementing instruments and furthermore the general technical requirements ensuring the use of structures by persons of advanced age, pregnant women, persons accompanying a child in a pram, a child under three years old, or possibly by mentally handicapped persons or persons with limited ability of physical exercise or orientation determined by statutory implementing instruments (hereinafter referred as to only "barrierless use of the structure ").

(3) As a structure it is understood all the built structures, which are made by building or assembly technology, without respect to their building technical execution, applied structural products, materials and structures, for the purpose of utilization and duration period. As a temporary structure it is the structure, within which the building office limits in advance its duration period. The structure, which serves to advertising purposes, is the structure for advertisement.

(4) If within this Act it is applied the concept of structure, it is understood, under circumstances, as well as its part or the change of the finished structure.

(5) As a change to the completed structure it is

- a) a superstructure, by which the structure is heightened,
- b) an annex, by which the structure is extended in floor plan and which is mutually operationally connected to the existing structure,
- c) an adaptation, within which it is preserved the external floor plan and vertical limitation of a structure; as a special adaptation it is also understood the warming up the structure envelope.

(6) As a change to the structure before its finishing it is understood the change in the structure realization as compared to its permit or the structure documentation certified by the building office.

### § 3

(1) As a landscaping for the purpose of this Act it is understood the landscaping and the adaptation of terrain, by which it is materially altered the appearance of the environment or run off conditions, exploitation and similar and related works, if it does not refer to a mining activity or an activity performed by mining method, for example, storage and lay-by areas, embankments, loadings, lands adaptation for creation of playgrounds and sports grounds, mining surface work.

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<sup>2</sup> Act No. 455/1991 Coll., on trades (the Trade Act), as amended by subsequent regulations.

(2) As a facility for the purpose of this Act it is understood the information and advertisement panel, sign, board or any other structure and technical equipment, if it does not refer to a structure pursuant to § 2 par. 3. In doubts if it refers to a structure or a facility, it is determining the opinion of the building office. A facility of total area larger than 8 m<sup>2</sup> is understood as the advertisement structure.

(3) As a building site it is understood the place, in which a structure or maintenance work is realized; includes the building ground, or possibly the developed building ground or its part or a part of a structure, or to the extent limited by the building office, also another ground or its part or a part of another structure.

(4) As a maintenance of the structure it is understood the work, by which its good constructional state is ensured so that depreciation of the structure does not occur and its usability would be extended as long as possible.

## PART TWO

### PUBLIC ADMINISTRATION PERFORMANCE

#### CHAPTER I

#### INTRODUCTORY PROVISIONS

##### § 4

(1) The town and country planning authorities and the building offices preferentially use the simplified procedures and proceed so as the affected parties would be minimally charged as possible and in a case, when, under the condition of this Act, it is possible to issue in the given matter especially in case of simple structures, only one decision, they would refrain from further permitting of the construction programme. If this Act provides in this manner, the town and country planning authorities and the building offices may conclude with the applicant a public law contract instead of the issuance of the administration decision. By this there must not be affected the rights and justifiable interests of the affected persons and the interests of the respective authorities<sup>3</sup>.

(2) The town and country planning authorities and the building offices proceed in mutual cooperation with the respective authorities protecting the public priorities pursuant to special regulations<sup>4</sup>. The respective authorities issue

a) binding assessments for issuance of the decision pursuant to this Act<sup>5</sup> by virtue of special regulations, which are not separate decisions within the administrative proceedings, unless the special regulations provide otherwise,

b) for procedures pursuant to this Act, which are not the administrative proceedings, assessments, which are not separate decisions, within the administrative proceedings, unless the special regulations provide

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3 § 136 of Act No. 500/2004 Coll., rules of administrative procedure.

4 For example, Act No. 254/2001 Coll., on waters and on alteration of certain Acts (the Water Act), as amended by subsequent regulations, Act No. 2 Coll., on protection of nature and landscape, as amended by subsequent regulations, Act No. 86/2002 Coll., on protection of air and on alteration of certain other acts (the Act on air protection), Coll., on protection of agricultural land resources, as amended by subsequent regulations, Act No. 20/1987 Coll., on state monuments preservation, as amended by subsequent regulations, Act No. 289/1995 Coll., on forests and on alteration and supplement of certain acts (the Forest Act), as amended by subsequent regulations, Act No. 133/1985 Coll., on fire protection, as amended by subsequent regulations, Act No. 13/1997 Coll., on roads, as amended by subsequent regulations, Act No. 44/1988 Coll., on protection and use of mineral resources (the Mining Act), as amended by subsequent regulations, Act No. 164/2001 Coll., on natural healing resources, resources of natural mineral waters, natural curative spas and spa locations and on alteration of certain relevant acts (the Spa Act), as amended by subsequent regulations, Act No. 62/1988 Coll., on geologic works, as amended by subsequent regulations, Act No. 258/2000 Coll., on public health and on alterations of certain related acts, as amended by subsequent regulations.

5 § 149 of Act No. 500/2004 Coll.

otherwise; the assessments are binding materials for the spatial development policy and for measures of general nature issued pursuant to this Act.

The binding assessments of the respective authorities for the needs of the administrative proceedings pursuant to this Act and the assessments of the respective authorities, which are binding materials for the needs of other procedures pursuant to this Act, are applied by the respective authorities pursuant to special regulations and pursuant to this Act.

(3) The respective authority is bound by its preceding assessment or by the binding assessment. The related assessments or the related binding assessments may be applied by the respective authorities in the same case only on the basis of newly ascertained and documented facts, which could not be applied earlier and by which there were materially changed the conditions, under which the initial assessment had been issued or the facts arising from in greater details elaborated planning documentation or the grounds for decision or another act of the town and country planning authority or the building office pursuant to this Act, they are not taken into consideration otherwise.

(4) Within the proceedings pursuant to the fourth part of this Act it is not taken into consideration to the binding assessments of the respective authorities in the cases, which have been decided in the issued regulatory plan, planning permission or within the planning measure on building ban or within the planning measure on redevelopment<sup>TN2</sup>, if it does not refer to a binding assessment applied on the basis of newly ascertained and documented facts pursuant to paragraph 3.

(5) If the respective authorities stipulate in their assessments or the binding assessments the conditions, and if these conditions become a part of the statement of the decision or a part of the measure of general nature or another act of the town and country planning authority or the building office pursuant to this Act, the respective authorities may control their observance.

(6) If the respective authority pursuant to special regulations is the identical authority of the local administration, it issues the coordinated assessment or the coordinated binding assessment, including the requirements for protection of all the affected public priorities, which are protected by the mentioned authority. The coordinated assessment or the coordinated binding assessment may be issued only in such a case, if the requirements for the affected public priorities are not in contrary to. The provisions of the rules of administrative procedure on joint proceedings<sup>6</sup> are applied accordingly.

(7) The town and country planning authorities and the building offices debate the contradictory assessments or the contradictory binding assessments of the respective authorities. If it arrives at contradiction between the relevant authorities pursuant to this Act and the respective authorities as well as between the respective authorities mutually, it is proceeded pursuant to the rules of administrative procedure.

## CHAPTER II

### POWERS IN THE CASES OF THE TOWN AND COUNTRY PLANNING AND THE BUILDING CODE

#### § 5

##### Powers in the cases of the town and country planning

(1) The powers in the cases of the town and country planning are executed, pursuant to this Act, by the authorities of municipalities and administrative regions, the Ministry, and by the Ministry of Defence in the territory of the military areas.

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TN2 Trans.note: redevelopment may stay here in fact for various different activities/processes/actions like – demolition, renovation, rehabilitation, reclamation, renewal, betterment, clearance, decontamination, sanitation etc. – as the case may be for each one of them alone or for several of them together.

6 §140 of Act No. 200/2004 Coll.

(2) The authorities of the municipality and administrative region execute the powers in the cases of the town and country planning pursuant to this Act as the delegation of powers, if the law does not stipulate that the case is decided by the municipal or regional council.

(3) The authorities of the municipality ensure the protection and development of the values of the area of the municipality, if there are not delegated the powers in the cases of the supra local importance to the authorities of the region or under the basis of special regulations, to the respective authorities.

(4) The regional authorities ensure the protection and development of the values of the area of the region, and they may interfere into the activity of the authorities of the municipalities only in cases stipulated by the law and only in cases of supra local importance; they proceed in coordination with the authorities of the municipalities.

(5) The Ministry may interfere into the powers of the administrative regions and municipalities only in cases stipulated by the law and only in cases referring to the development of the country's territory; it proceeds in coordination with the authorities of the regions and the respective municipalities.

(6) The municipalities and administrative regions are continuously obligated to monitor the implementation of the planning documentation and assess it pursuant to this Act. If it arrives at the alteration of conditions, under which the planning documentation was issued, they are obligated to create the alteration of the appropriate planning documentation.

## § 6

### Authorities of the municipality

(1) The Municipal authority of the municipality with extended powers (hereinafter referred as to "town and country planning authority") within the delegated powers

a) procures the plan and the regulatory plan of the municipal territory,

b) procures the planning materials,

c) at the request of the municipality it procures the plan, regulatory plan and the planning study within its administrative district,

d) at the request of the municipality it procures the restriction of the developed area within its administrative district,

e) it is the respective authority within the planning permission proceedings in terms of application of town and country programmes, if it does not issue the planning permission,

f) it is the respective authority within the proceedings pursuant to special regulation, within which it is decided on the changes in the area,

g) submits the motion to enter the data into the register of the planning activity,

h) performs other activities pursuant to this Act.

(2) The municipal authority, which ensures meeting of the qualification requirements for the execution of the planning activity pursuant to § 24, executes the delegated powers pursuant to paragraph 1 letter a), d), g), h) and procures the planning study; under the public law contract it executes the powers for the municipality within the identical administrative unit of the municipality with the extended powers.

(3) Building office

a) issues the planning permission, unless stipulated further otherwise,

- b) issues the planning approval,
- c) provides information for procuring the non-statutory planning materials and the planning documentation,
- d) performs other activities pursuant to this Act.

(4) The municipal authority, which does not execute the powers pursuant to paragraphs 1 to 3, provides information for processing of the non-statutory planning materials and the planning documentation.

(5) Local council

- a) decides, within the separate powers, on procurement of the plan and the regulatory plan,
- b) approves, within the separate powers, the task, or instructions for elaborating the plan before approval,
- c) issues, within the separate powers, the plan,
- d) issues the regulatory plan,
- e) debates, within the separate powers, the report on the plan implementation,
- f) performs other activities pursuant to this Act.

(6) Community board in the municipalities, where there is not elected the local board, local council

- a) issues the delimitation of the developed area,
- b) approves the application of the municipality for procurement, pursuant to paragraph 1 letter c), or pursuant to paragraph 2, or for conclusion of a contract with a legal entity, or a natural person entitled to execute the planning activity (§ 24 par. 1),
- c) issues the planning measure on redevelopmentTN2 and planning measure on building ban,
- d) applies, within the separate powers, the objections to the development principles and the objections to the plan of the neighbouring municipality,
- e) performs other activities pursuant to this Act.

§ 7

Authorities of the administrative region

(1) Regional office within the delegated powers

- a) procures the development principles and, in the cases stipulated by the law, the regulatory plan for the areas and corridors of the supra local importance,
- b) procures the non-statutory planning materials,
- c) is the respective authority within the planning permission proceedings and within the proceedings pursuant to special regulations, within which it is decided on changes in the territories, which refer to more administrative units of the municipalities with the extended powers ,
- d) is the respective authority within the planning permission proceedings on the programmes, which require the environmental impact assessment,

- e) issues the planning permission in cases stipulated under the law,
- f) determinates the building office relevant to the planning permission in cases stipulated under the law,
- g) enters the data into the register planning activity for its administrative unit,
- h) performs other activities pursuant to this Act.

(2) Regional council

- a) issues, within the separate powers, the development principles,
- b) approves, within the separate powers, the task, or instructions for processing the draft of the development principles,
- c) approves, within the separate powers, the report on the development principles implementation,
- d) issues the regulatory plan in cases stipulated under the law,
- e) performs other activities pursuant to this Act.

(3) Administrative regional council board

- a) applies, within the separate powers, the assessment to the draft of the spatial development policy,
- b) issues in cases stipulated under the law the planning measure on redevelopment<sup>TN2</sup> or within the planning measure on building ban.

§ 8

Special powers on the territory of the Capital City of Prague

On condition that the Metropolitan authority of the Capital City of Prague<sup>7</sup> procures the plan for the territory of the Capital City of Prague, the powers of the regional office are executed by the Ministry. If the authority of the municipal district procures the plan for the specified part of the Capital City of Prague, the powers of the regional authority is executed by the Metropolitan authority of the Capital City of Prague.

§ 9

Council of municipalities for area sustainable development

(1) For the purpose of the administrative unit of the municipal office of the municipality with extended powers its mayor may, with the approval of the municipalities within its administrative unit, establish as a special body of this municipality the Council of municipalities for area sustainable development (hereinafter referred as to "Council of municipalities"). The Chairman of the Council of municipalities is the mayor of the municipality with the extended powers, who at the same time issues its Rules of order. As a member of the Council of municipalities it is always, upon a motion of a municipality within the administrative unit of the municipal office with the extended powers, appointed one representative of each municipality. To the proceedings of the Council of municipalities there is always invited the representative of the administrative region.

(2) The Council of municipalities debates the planning analytical materials for the administrative unit of the municipal office with the extended powers and the assessment of the plans impacts on the area sustainable development and it issues, on the basis of the results of debate, its opinion or its statement to the appropriate procurer.

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<sup>7</sup> Act No. 131/2000 Coll., on the Capital City of Prague, as amended by subsequent regulations.

§ 10  
Ministry of Defence

(1) The Ministry of Defence for the territories of the military areas

- a) issues the plan and the regulatory plan,
- b) debates the planning analytical materials and the planning studies,
- c) submits the motion to enter the data into the register of the planning activity.

(2) Military area authority for the territory of the military area

- a) procures the plan, the regulatory plan and the planning study,
- b) procures the planning analytical materials,
- c) provides the planning information,
- d) prepares the motion to enter the data into the register of the planning activity.

Ministry

§ 11

(1) The Ministry is the central administrative authority in cases of town and country planning and

- a) executes the state supervision in the cases of town and country planning,
- b) procures the spatial development policy and the planning materials necessary to that,
- c) keeps records of the planning activity,
- d) performs other activities pursuant to this Act.

(2) The Ministry ensures methodical support for the implementation of contemporary knowledge of town and country planning, urban planning, architecture and constructional and technical knowledge, as well as of public priorities in building development and building industry, especially within protection of life and health, in care of the environment and in preservation of cultural, archaeological and natural heritage.

(3) The Ministry establishes the structural component of the state to solve conceptual questions of theory and practice in the sphere of town and country planning, urban planning and architecture. Ministry may delegate with this activity the already existing structural component of the state.

§ 12

(1) The Ministry is the central administrative authority in cases of the building code and

- a) executes the state supervision in cases of the building code,
- b) monitors and analyses significant or repeating defects in building development, which it is necessary to prevent within the public priorities and suggests the measures to prevent their repetition,
- c) monitors the efficiency of technical regulations for structures and guards their development,

d) suggests the modification of requirements for structures, their parts, functions, elements and building finished goods and may give rise to modification of the Czech Republic technical standards or certification of building finished goods or to other building technical measures,

e) coordinates the mutual coordination of general, special, military and other building offices within the execution of the state administration pursuant to this Act,

f) executes the supervision of the activity of the authorized inspectors.

## (2) The Ministry

a) may reserve for itself the tracing of causes of the constructional technical accidents of structures or the participation in it if they, by their extent or by repeated consequences, relate to a large extent to the public priorities,

b) may, within a cooperation with other building offices and authorized inspectors, perform the control inspections of the structures.

The Ministry may delegate the already existing professionally qualified structural component with this activity.

(3) The Ministry establishes the expert structural component of the state to suggest the technical requirements for structures, for their continuous updating and the assessment of the accident causes of structures.

## § 13

### General building offices

#### (1) The general building authority is

a) the Ministry, which is the central administrative authority in cases of the building code,

b) regional office,

c) Metropolitan authority of the Capital City of Prague and the Municipal authority of the municipal district of the Capital City of Prague stipulated by the statute,

d) metropolitan authority of the territorially divided statutory city and the authority of its district or the municipal district determined by the statute,

e) metropolitan authority of the statutory city,

f) authorized local office<sup>8</sup>,

g) municipal and local office executing these powers as at the date of 31<sup>st</sup> December 2006.

(2) At the request of the municipality after negotiation with the Ministry the administrative region may determine, by the order, the local office as the general building office, if it will execute the powers for the integral administrative unit. As a general building office there may be determined only the local office, which will be, in respect with the extent and complexity of the structure within the considered administrative unit, competent to execute the administrative scope of duties in accordance with this Act and special regulations. It is possible to determine the general building office by the order of the region at the date of 1<sup>st</sup> January.

(3) Administrative region may, after debating with the Ministry, withdraw by its order the powers of the building office from the local office mentioned in paragraph 1 letter g) or stipulated pursuant to

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<sup>8</sup> Act No. 314/2002 Coll., on determination of municipalities with designated local office and on determination the municipalities with extended powers, as amended by Act No. 387/2004 Coll.

paragraph 2, if it does not meet conditions for a due execution of the powers. At the same time the administrative region determines, which building office will execute the powers in the administrative unit of the terminated building office.

(4) The powers pursuant to this Act are executed by the building offices mentioned in paragraph 1 letter b) to g) and in paragraph 2 as the delegated powers.

(5) If it refers to a measure or a structure, which is to be implemented in the administrative unit of two or more building offices, the immediate superior building office executes the proceedings and issues the decision. This office may determine that the proceedings will be executed and the decision will be issued by some of the building offices, within whose administrative unit the structure or measure is to be realized.

## § 14

If the Ministry reserves the powers pursuant to § 12 par. 2 letter a), the building office and administrative authorities participating in the examination, provide the employees of the Ministry or the persons authorized by the Ministry, coordination and assist to clarification of the accident causes.

## § 15

### Special building offices

(1) They execute the powers of the building office, with the exception in cases of the planning permission, in cases of

a) aviation structures,

b) railway structures and the ones in the railway track, including the equipment in railway track,

c) structures of motorways, roads, local communications and public access utility communications,

d) water management structures,

e) structures, which are subject to integrated permit<sup>9</sup>

authorities executing the state administration in the mentioned sections pursuant to special regulations (hereinafter referred to as "special building offices").

(2) Special building offices proceed pursuant to this Act, unless the special regulations for structures pursuant to paragraph 1 provide otherwise. They may issue the permits for structures only with the approval of the general building office, which is competent to issuance of planning permission, which certifies the observance of its conditions; the approval is not an administrative decision. If the planning permission or planning approval is not required, it is sufficient the statement of the general building office on accordance of the suggested structure with the town and country planning programmes.

(3) In doubts if in the actual case it refers to a structure pursuant to paragraph 1, or to a structure within the powers of the general building office, the assessment of the special building office applies.

## § 16

### Military and other building offices

(1) Powers of building offices in the territory of the military areas is executed by the military area offices.

(2) Powers of building offices, with the exception of the powers in cases of planning permission are further executed pursuant to this Act by

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<sup>9</sup> Act No. 76/2002 Coll., on integrated prevention and pollution reduction, on integrated pollution register and alteration of certain acts (the Registered Prevention Act), as amended by subsequent regulations.

- a) the Ministry of Defence in cases of the structures, which are important for the defence of the state outside the territory of the military areas, which serve or shall serve to ensure the defence of the state and are established by the Ministry of Defence or the legal entity, which is established or founded by it,
- b) the Ministry of Defence, in cases of structures for the national security, by which it is understood the structures or their parts serving for performance of the objectives of the Ministry of Defence, structural components of the state established by the Ministry of Interior, Police of the Czech Republic, Police Academy of the Czech Republic, Fire Rescue Brigade of the Czech Republic, Authority for Foreign Connection and Information and the Security Information Service, with the exception of structures or their parts, which are predominantly utilized for the housing or recreational purposes, and in case of structures serving to fulfilling the objectives of the National Security Authority,
- c) the Ministry of Justice in case of structures serving to fulfilling the objectives of the Ministry of Justice and the structures for official purposes of the Prison Service and their structural components,
- d) the Ministry of Industry and Trade in case of structures for the purposes of the extraction, processing, transport and deposition of radioactive raw materials in the territory, which is reserved for these purposes and in case of structures of nuclear facilities<sup>10</sup>.

(3) Building offices mentioned in paragraph 2 may issue the permits for the structures in the enclosed spaces of the existing structures without the planning permission or the planning approval, if the vertical arrangement of the space is not changed. In case of the other structures the building office ensures the statement of the general building office on accordance of the suggested structure with the town and country planning programmes.

(4) In doubts if in the actual case it refers to a structure pursuant to paragraph 2, the assessment of the competent central administrative authority applies in the decision, whose powers refer to the structure.

## § 17

### Reservation of powers of the building office

(1) The superior building office may reserve the powers of the first instance building office in case of separate, in terms of technique especially complicated or atypical, structures, or in case of measures with more extensive effects on the environment, cultural monument, conservation area or the conservation zone within its surroundings. If it reserves the powers in cases regulated in the chapter I section I, it executes also the powers pursuant to § 120, 122, 123, 124 and 126.

(2) If the Regional authority reserves, pursuant to paragraph 1, the powers to issue the planning permission in case of the programme, which is considered in terms of the impact on the environment to be pursuant to special regulations<sup>11</sup>, it executes also the powers pursuant to the fourth section § 120, 122, 123, 124 a 126 of this Act.

(3) The Ministry may reserve the powers of a building office for issuing the planning permission in cases of structures exceeding the boundaries of the region, in cases of structures with extraordinary negative impacts on the environment, or in case of structures in the territory of the neighbouring states.

## PART THREE

### TOWN AND COUNTRY PLANNING

#### CHAPTER I

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10 Act No. 18/1997 Coll., on peaceful use of nuclear energy and ionizing radiation (the Nuclear Energy Act) and on alteration of certain acts, as amended by subsequent acts.

11 Act No. 100/2001 Coll., on environmental impact assessment and on alteration of certain relevant acts, as amended by Act No. 93/2004 Coll.

## OBJECTIVES AND TASKS OF TOWN AND COUNTRY PLANNING

### § 18

#### Objectives of town and country planning

(1) The objective of town and country planning is to create the preconditions for construction and for sustainable development of the area, consisting in the balanced relationship of conditions for the favourable environment, for economic development, and for cohesion of community of inhabitants of the area, and which satisfies the needs of present generation without endangering the conditions of life of the future generations.

(2) The town and country planning ensures the preconditions for sustainable development of the area by means of continuous and complex solution of useful utilization and spatial arrangement of the area with the aim of achieving the harmony of public and private priorities in relation to the development of the area. For this purpose it follows the social and economic potential of the development.

(3) The authorities of the town and country planning coordinate, by means of a procedure pursuant to this Act, the public and private programmes of changes in the area, construction and other activities influencing the development of the area, and putting the protection of public interests arising from special regulations in concrete terms.

(4) The town and country planning protects and develops the natural, cultural and civilization values of the area as a public priority, including the urban planning, architectural and archaeological heritage. And it protects the landscape as the substantial component of the environment of the inhabitants' life and the basis of their identity. With respect to that it determines the conditions for economical utilization of the developed area and ensures the protection of the non-developed area and grounds without development potential. The areas with development potential are limited with respect to the potential of the area development and the rate of utilization of the developed area.

(5) Within the non-developed area it is possible, in accordance with its character, to locate the structures, facilities and other measures only for agriculture, forestry, water management, raw material extraction, for protection of nature and landscape, for public transport and public infrastructure, for reduction of danger of ecological and natural disasters and for removing of their consequences, and further such technical measures and structures, which will improve the conditions of its utilization for purposes of recreation and tourism, for example, cycle paths, sanitary facilities, ecological and information centres.

(6) In the grounds without development potential it is exceptionally possible to locate the public infrastructure in such a method, which will not make impossible their existing utilization.

### § 19

#### Tasks of town and country planning

(1) The task of town and country planning is especially

- a) to ascertain and assess the area condition, its natural, cultural and civilization values,
- b) to determine the concept of the area development, including the urban planning concept in respect to the values and conditions of the area,
- c) to examine and assess the need of changes in the area, public priorities in their implementation, their contributions, problems, risks in respect to, for example, public health, environment, geologic structure of the area, impact on the public infrastructure and its economical utilization,
- d) to determine the urban planning, architectural and aesthetic requirements for utilization and spatial arrangement of the area and for its alterations, especially on location, arrangement and layout of structures,

- e) to determine the conditions for the implementation of changes in the area, especially for location and arranging of the structures in respect to the existing character and values of the area,
- f) determine the order of the implementation of the changes in the area (phasing),
- g) to create within the area the conditions for reduction of danger of ecological and natural disasters and for removing their consequences, in a method close to the nature,
- h) to create within the area the conditions for removing the consequences of sudden economic changes,
- i) to determine the condition for renewal and development of the settlements' pattern and for quality housing,
- j) to examine and create within the area the conditions for economical expenditure of financial means from the public budgets for the changes in the area,
- k) to create within the area the conditions for ensuring the civil defence,
- l) to determine the necessary redevelopment<sup>TN2</sup>, reconstruction and reclaiming interventions into the area,
- m) to create the conditions for protection of the area pursuant to special regulations<sup>4, 12</sup> against the negative impacts of the programmes on the area and to suggest the compensating measures, unless the special regulation stipulate otherwise,
- n) to regulate the extent of areas for the utilization of natural resources,
- o) to apply the knowledge especially from the sphere of architecture, urban planning, town and country planning and ecology and preservation of monuments.

(2) The task of the town and country planning is also to assess the impacts of the spatial development policy, the development principles or the plan principles or the plan on a balanced relationship of territorial conditions for a favourable environment, economic development and for cohesion of the inhabitants community of the territory (hereinafter referred to as "assessment of impacts on sustainable development of the territory"); its component is the assessment of impacts on the environment<sup>11</sup> elaborated according to the appendix to this Act and the assessment of impact on the a significant locality within European standards or birds area, on condition that the authority of the preservation of nature did not exclude such an impact by its opinion<sup>12</sup>.

## CHAPTER II

### GENERAL PROVISIONS AND COMMON APPROACHES IN THE TOWN AND COUNTRY PLANNING

#### § 20

#### Publication of written materials

(1) Written materials in cases of town and country planning are, in cases of stipulated by the law, delivered by a public notice. On condition that the written material is published by putting up on more official notice boards, as the date of putting it up is considered the date, when the written material was put up last. In case of need the written material is published also in a different method, which is usual in the place.

(2) If in respect to the extent of the written material it is not possible or useful to put it up on the official notice board and to publish it in a method, which enables remote access to its whole contents, the

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<sup>12</sup> Act No. 114/1992 Coll., as amended by subsequent regulations.

competent administrative authority puts up on the official notice board and publishes in a method enabling a remote access only a notification with basic data on its contents with a statement, when and where it is possible to inspect the written materials. Possibilities of inspection the written materials must be ensured by the competent administrative authority for the whole period of putting up the written materials or notification and in the course of the terms stipulated for filing the statements, objections and remarks.

(3) As written materials there are understood also drawings, diagrams and other representations.

## § 21 Planning information

(1) Regional office, town and country planning authority, local office authorized to execute the performance of the activity of the procurer and the building office provide, within their powers, as preliminary information<sup>13</sup> the planning information on

a) conditions of use of the area and changes in its use, especially upon planning materials and the planning documentation,

b) conditions of issuance of the regulatory plan, planning permission, including the list of the respective authorities,

c) conditions of issuance of the planning approval in cases, when it is possible to replace by it the planning permission, including the list of the respective authorities,

d) conditions of realization of a simple structures (§ 104 par. 1) without a prior planning permission or a planning approval.

(2) An applicant for the planning information must state in the application the concrete requirements for information in connection with its intention for the change in the area and concrete data on his programme, especially the purpose and technical execution of the structure or another measure in the area.

(3) The provided planning information applies 1 year from the date of its issuance, if within the term, the authority, which issued it, does not notify the applicant that there occurred the change in conditions, under which it was issued, especially based on the performed updating of the appropriate planning analytical materials, on approval of the report on application of the development principles, and on the report on the application of the plan.

(4) Contents' essentials of the application for the planning information are determined by the statutory implementing regulation.

## § 22 Public proceedings

(1) Public proceedings within the procurement of the planning documentation is ordered by the procurer. If it is purposeful or if it is required due to the extent of the investigated area, the procurer orders more public proceedings in places determined by him/her. For counting the terms stipulated by the law the day when the last public proceedings took place decides.

(2) The procurer keeps a written record on the course of the public proceedings.

(3) During the public proceedings the assessments, objections and remarks are submitted in writing and they must be furnished with the identification data and the signature of the person, who submits them, and are attached to the record on the course of the public proceedings. The assessments,

objections and remarks filed in writing before the public proceedings takes place are stated in the record with the reference to their wording, which are attached to the record.

(4) Always at the public proceedings the procurer ensures, in cooperation with a natural person, who is authorized pursuant to special regulation, to design activity in construction<sup>14</sup> (hereinafter referred as to "designer") the interpretation of the planning documentation.

## § 23

### Representative of the public

(1) The public may be at procurement of the plan before approval or of the plan draft represented by the authorized representative of the public.

(2) As a representative of the public it may be a natural person or a legal entity fully qualified to enter into a legal acts. The representative of the public must be authorized by minimally one tenth of the inhabitants of the municipality with less than 2000 inhabitants or by at least 200 inhabitants of the appropriate municipality, who apply a materially consenting remark to the plan before approval, or to the plan draft. The representative of the public may be also authorized by at least 500 inhabitants of the region or minimally by one tenth of the inhabitants of any municipality in the territory of the administrative region with less than 2000 inhabitants or minimally by 200 inhabitants of a municipality in the territory of the administrative region, if they filed a materially consenting remark to the draft of the development principles.

(3) The authorization of the representative of the public is documented by the list of inhabitants of the municipality or of the administrative region or the inhabitants pursuant to special regulations<sup>15</sup>, who submit a materially consenting remark and the signature list, in which it is given the name and surname, permanent residence or the residence, or the address of the residence abroad and the signature of persons with the declaration that they authorize the mentioned representative of the public to filing the objection on the basis of a materially consenting remark and to debating this remark pursuant to this Act, and the declaration of the representative of the public. This declaration contains the name and surname of the representative of the public, his/her permanent residence or the residence and the signature that he/she accepts the authorization.

(4) The matter if the person meets the conditions pursuant to paragraphs 1 to 3, is decided in case of doubts by the administrative authority by means of a procedure pursuant to rules of administrative procedure by a resolution<sup>16</sup>, which is notified only to this person; until the final decision on this case this person has all the procedural rights of a representative of the public.

## § 24

### Qualification requirements for the planning activity

(1) The Regional authority and the town and country planning authority execute the planning activity by officers, who meet the qualification requirements for the execution of the planning activity. As the procurer there is the local office, which, in accordance with this Act and special regulations, executes the planning activity by an officer, who meets the qualification requirements for the execution of the planning activity or he/she ensures this activity under the contract with a natural person or a legal entity, whose workers meet the qualification requirements for the execution of the planning activity, the requirements which are required from the officers of local offices. The qualification requirements for the execution of the planning activity are met by an officer or a natural person, who has a certificate of a

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14 Act No. 360/1992 Coll., on practising occupation of authorized architects and on practising occupation of the authorized engineers and technicians active in construction, as amended by subsequent regulations.

15 Act No. 133/2000 Coll., on register of citizens and birth registration numbers and on alteration of certain acts (the Act on Register of Citizens), as amended by subsequent regulations.

Act No. 326/1999 Coll., on residence of foreigners in the territory of the Czech Republic and on alteration of certain acts, as amended by subsequent regulations.

16 § 76 of Act No. 500/2004 Coll.

special expert qualification pursuant to the special regulation<sup>17</sup> and meets the qualification requirements for education and practice pursuant to this Act.

(2) The qualification requirements for education and practice are met by an authorized architect, who was granted with an authorization for the sphere of the planning or without a specification of the sphere pursuant to the special regulation<sup>14</sup>.

(3) The qualification requirements for education and practice are met by a natural person, who has

a) university education recognized for the authorization in the sphere of the town and country planning and at least 3 years of practice of execution of the planning activity in the public administration (hereinafter referred to as "adequate practice"), or

b) university education of similar branch, recognized for the authorization in the sphere of the town and country planning or a university education with the building specialization and at least 3 years of the adequate practice.

### CHAPTER III

#### TOWN AND COUNTRY PLANNING INSTRUMENTS

##### Section 1

##### Non-statutory planning materials

##### § 25

The non-statutory planning materials are formed by the planning analytical materials, which ascertain and assess the state and development of the area, and the planning studies, which verify possibilities and conditions of the changes in the area; they serve as the basis for procurement of the planning spatial development policy, planning documentation, their changes and for the decision making in the area.

##### § 26

##### Planning analytical materials

(1) The planning analytical materials contain the ascertainment and assessment of the state and development of the area, its values, limitation of the changes in the area due to protection of public priorities, arising from the regulations or stipulated under the special regulations or arising from the properties of the area (hereinafter referred to as "limits of the area use"), programmes for executing the changes in the area, ascertaining and assessing the area sustainable development, and determination of problems for solution in the planning documentation (hereinafter referred to as "analysis of the area sustainable development").

(2) Contents' essentials of the planning analytical materials are determined by the implementing regulation.

##### § 27

##### Procurement of the planning analytical materials

(1) The town and country planning authority procures the planning analytical materials for its administrative unit to details and extent, which are necessary for procurement of the plans and regulatory plans. The regional authority procures the planning analytical materials for the territory of the administrative region to details and extent being necessary for procuring the town and country planning principles.

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<sup>17</sup> § 21 to 26 of Act No. 312/2002 Coll., on officers of territorial self-government units and on alteration of certain acts, as amended by Act No. 46/2004 Coll.

(2) Planning analytical materials are procured by appropriate procurer upon the survey of the area and upon the data on the area, which is the information or data on the area condition, on rights, duties and limitations, which are bound to a certain part of the territory, for example, an area, a ground, a natural form or a structure, and which was created or ascertained especially based on regulations, and further the information or data on the programmes to execute a change in the area; data on the area include also the information on their origin, creation, processing, a possible approval or coming into force and effect (hereinafter referred as to "data on the area"). As a material for procurement of the planning analytical materials it may be also a technical map.

(3) The data on the area are provided to the procurer by the public administration authority, the legal entity established by this authority and the owner of the transport and technical infrastructure (hereinafter referred to as "the data provider") especially in the digital form immediately after their origin or after their ascertainment, and they are responsible for their correctness, completeness and up-to-dateness. These data on the area may be utilized by the procurer only for the planning activity, establishing and keeping the technical map and for the activity of the designer of the planning documentation and the planning study.

(4) The owner of the public infrastructure provides to the town and country planning authority, in a graphic form, the planimetry situation of the public infrastructure completed and approved by a building inspection after the day of coming of this Act into effect in a coordinate system of the Unified trigonometric cadastral system<sup>18</sup> in the scale of the cadastral map, or in a more detailed one. Within the public infrastructure completed and approved by a building inspection before the date of coming into effect of this Act the owner provides the planimetry data within the system, which is available to him/her, unless this Act provides otherwise.

(5) The owner of the transport and technical infrastructure is authorized to demand from the procurer the reimbursement of the costs related to provision of the data on the area pursuant to this Act, maximally up to the amount of the costs of their copies, data carriers and expenses for delivery to the procurer.

## § 28

### Updating of the planning analytical materials

(1) Procurer continuously updates the planning analytical materials on the basis of new data on the area and the survey of the area and performs their complete updating every 2 years.

(2) No later in 18 months from procurement of the planning analytical materials or from their last complete updating the procurer makes the draft of a new complete updating, delivers the notification on updating to the data providers and calls on them to confirm the correctness, completeness and up-to-dateness of the applied data on the area within the period up to 3 months. If the data provider fails to do so within this period, it is deemed that their correctness, completeness and up-to-dateness was acknowledged by him.

(3) The data provider, that does not meet the obligations pursuant to § 27 par. 3, or if it is proved that the data provider did not warn of incorrectness of the data on the area applied pursuant to paragraph 2, it is obligated to reimburse the related costs of updating and the alterations of the planning documentation and of updating the planning analytical materials.

## § 29

### Debate of the planning analytical materials

(1) The planning analytical materials for the administrative unit of the municipality with extended powers and their updating are submitted by the procurer in the extent and form stipulated by the statutory implementing regulation to debate of the Council of municipalities, which within 60 days notifies to the

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<sup>18</sup> Government decree No. 116/1995 Coll., by which there are determined the geodetic reference systems, state map works, binding in the whole territory of the state and principles of their use.

procurer its statement, especially on the analysis of the area sustainable development. If the Council of municipalities does not notify its statement within this period, it is applied that the body agrees with the analysis of the area sustainable development.

(2) If the procurer does not agree with the assessment of the Council of municipalities on the analysis of the area sustainable development, the procurer sends, immediately after receiving the opinion, the planning analytical materials together with this assessment to the regional authority, which considers the disagreement and possibly gives the procurer the instruction to the adjustment.

(3) The procurer arranges the planning analytical materials according to the result of the debate and immediately sends them to the regional office.

(4) The planning analytical materials for the territory of the administrative region and their updating are procured by the regional office utilizing the planning analytical materials for the administrative units of the municipalities with the extended powers and submits them to debate to the regional council in the extent and form stipulated by the statutory implementing regulation. The regional office sends the planning analytical materials for the territory of the administrative region to the Ministry and the Ministry of Environment within 6 months from the term stipulated for their procuring or updating.

### § 30 Planning study

(1) Planning study suggests, examines and considers possible solutions of selected problems, or arrangements or the development of certain functional systems within the area, for example, the public infrastructure, territorial system of ecological stability, which could significantly impact or condition the utilization and arrangement of the areas or of their selected parts.

(2) The procurer procures the planning study in such cases, when it is imposed by the planning documentation, from its own incentive or another one's. Within the planning study assignment the procurer determines its contents, scope, objectives and purpose.

(3) The procurer may condition the procurement of the planning study from another one's impulse by a complete or a partial reimbursement of costs by the subject, which submitted the impulse.

(4) The procurer of the planning study submits, after approving a possibility of its utilization as the ground for processing, updating or alteration of the planning documentation, the draft for entering the data on this study into the register of the planning activity.

### Part 2 Spatial development policy

#### § 31

(1) The spatial development policy determines, within the stipulated period, the requirements for concretization of the tasks of the town and country planning within the republic wide, over border and international context, especially with respect to the area sustainable development, and determines the strategy and basic conditions for the implementation of these tasks.

(2) The spatial development policy, with respect to the possibilities of the area, coordinates creation and updating of the development principles, creation of concepts approved by ministries and other central administrative authorities, and programmes for the changes in the territory of the national wide importance, and determines the tasks ensuring this coordination.

(3) The spatial development policy is procured by the Ministry for the whole territory of the republic and is approved by the Government. The Ministry ensures that the notification on the approval of

the spatial development policy would be published in the Collection of Laws and the Ministry publishes the document in a procedure enabling a remote access.

(4) The spatial development policy is binding for procurement and issuance of development principles, plans, regulatory plans and for decision-making within the area.

## § 32

### Spatial development policy contents

#### (1) Spatial development policy

- a) stipulates the republic's priorities of the town and country planning for ensuring the area sustainable development,
- b) delimits the areas with increased requirements for the changes in the area due to concentration of the activities of the international and republic's importance or the areas, which by their importance, exceed the borders of one administrative region, that means the development areas and development axes,
- c) delimits the areas with specific values and specific problems of the international and republic's importance or which, by their importance, exceed the borders of one administrative region,
- d) delimits the areas and corridors of the transport and technical infrastructure of the international and republic's importance or which, by their importance, exceed the borders of one administrative region,
- e) determines, within the limited regions, areas, and corridors the criteria and conditions on possible variants or alternatives of changes in the area and for their consideration, especially with respect to their future importance, possible endangerment, development, recession, preference and risks,
- f) determines the tasks pursuant to § 31.

(2) As a part of the spatial development policy it is also the assessment of the impacts on the area sustainable development. Within the environmental impact assessment there are described and assessed the ascertained and expected material impacts of the spatial development policy on the environment and acceptable alternatives fulfilling the spatial development policy objectives.

## § 33

### Spatial development policy draft

(1) The Ministry procures the spatial development policy draft in cooperation with the ministries, other central administrative authorities and administrative regions. The Ministry of Environment determines its requirements for the environmental impact assessment.

(2) The spatial development policy draft is procured by the Ministry especially upon

- a) non-statutory planning materials,
- b) documents determined for support of the regional development<sup>19</sup>,
- c) materials and documents of the public administration, which, within the international and republic's context, have impact on the utilization of the republic's territory, for example, policies, strategies, concepts, plans, programs, development plans,
- d) reports on the conditions of the environment<sup>20</sup>,
- e) international obligations of the Czech Republic related to the development.

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19 Act No. 248/2000 Coll., on regional development support, as amended by Act No. 320/2002 Coll.

20 Act No. 123/1998 Coll., on right for information on the environment, as amended by subsequent regulations.

(3) The Ministry sends the spatial development policy draft together with the assessment of the impacts on the area sustainable development to the ministries, other central administrative authorities and administrative regions, which may submit their assessments within 90 days after receiving the spatial development policy draft. The assessments submitted after this term, are not taken into account.

(4) The Ministry publishes, in a method enabling the remote access, the spatial development policy draft, including the assessment of the impact on the area sustainable development and determines the term for submission of remarks by the public, which is not allowed to be shorter than 90 days. The remarks of the public are submitted directly to the Ministry.

(5) The Ministry, in cooperation with the Ministry of Foreign Affairs, sends the spatial development policy draft to neighbouring states, whose territories may be directly affected by applying the spatial development policy, and offers them consultations. If the neighbouring state shows an interest in consultations, the Ministry, in cooperation with the Ministry of Foreign Affairs, will participate in consultations.

(6) The Ministry takes into account the results of assessment of the impacts on area sustainable development, statements, remarks of the public and possible statements of neighbouring countries and the results of consultations and it will modify the spatial development policy draft. The Ministry will debate this modified draft with the representatives of the ministries, other central administrative authorities and administrative regions.

#### § 34

##### Spatial development policy approval

(1) The Ministry submits the spatial development policy draft to the Government for the spatial development policy approval. This draft is modified upon its debate with the representatives of the ministries, other central administrative authorities and administrative regions. Together with the spatial development policy draft there shall be submitted

a) the report on debate of the spatial development policy draft containing the assessment of the opinions of the ministries, other administrative authorities and administrative regions, remarks of the public, possible statements of neighbouring countries and the results of consultations together with reasons of the method of their incorporation,

b) results of the assessment of the impacts on area sustainable development,

c) assessment of the Ministry of the Environment on the environmental impact assessment<sup>11</sup> with the explanation stating how it was taken into account,

d) notification stating how the assessment of the impacts on area sustainable development was taken into account with the reasons for selection of the adopted solution variant.

(2) If the Ministry of the Environment determines in its opinion on the environmental impact assessment that the spatial development policy has a negative impact on the territory, which is significant within European standards or the birds area and there does not exist any alternative solution with a smaller negative impact or without it, it is possible to approve the spatial development policy only due to an urgent reasons of the prevailing public priorities and only then, if there has been adopted the compensation measures for securing the protection and integrity of a locality being significant within European standards or the birds area, which is agreed with the Ministry of the Environment; this ministry notifies of the compensation measures the European Commission (hereinafter referred to as "Commission")<sup>12</sup>. If it refers to a negative impact on the locality with priority types of habitat or with priority species<sup>12</sup>, it is possible to approve the spatial development policy only due to the reason of public health, public safety, or favourable consequences of the indisputable importance for the environment. Other urgent reasons of prevailing public priorities may be the reason for approval only on the basis of the Commission's assessment.

## § 35

### Spatial development policy updating

(1) Every 4 years, the Ministry processes, in cooperation with ministries, other central administrative authorities and administrative regions, a report on the application of the spatial development policy, which has the elements stipulated in paragraph 2. The Ministry will process the first report within 4 years from the first approval of the spatial development policy by the Government.

(2) Report on the application of the physical spatial development policy contains especially

- a) assessment of fulfilling the tasks of the spatial development policy,
- b) assessment of the impact on area sustainable development with the explanation stating whether there were not ascertained the unexpected negative impacts on the environment, together with proposals for their elimination, minimizing or compensation,
- c) assessment of the impact of the development principles of the respective regions, materials and documents of the public administration with the state-wide orientation, for example, policies, strategies, concepts, plans, programs, development plans, on the implementation of the spatial development policy,
- d) proposals for updating the spatial development policy and their reasoning, or the proposal and reasons for procurement of a new spatial development policy,
- e) proposal of measures, which are necessary to be taken within the planning activities of administrative regions and municipalities, within the activities of ministries and other central administrative authorities.

(3) Upon the report on the application of the spatial development policy the government shall decide on its updating or on processing of a new draft of the spatial development policy; in this case it shall be proceeded pursuant to the § 33 and 34 provisions.

## Part 3

### Planning documentation

#### Section 1

### Development principles

## § 36

(1) The development principles determine especially the basic requirements for purposeful and economic arrangement of the region's territory, delimit the areas or corridors of the supra local importance and determines the requirements for their utilization, especially the areas or corridors for the public works, public benefit measures, they determine the criteria for decision making on possible variants or alternatives of the changes within their utilization. The development principles may delimit the areas and corridors, aiming at examining the possibilities of future utilization, their existing utilization must not be altered in a method, which would make impossible or materially deteriorate the examined future utilization (hereinafter referred to as "regional reserve"). As a component of the development principles it is also the assessment of the impact on the area sustainable development. Within the environmental impacts assessment there are described and assessed the ascertained and expected material impacts of the development principles on the environment and the acceptable alternatives fulfilling the tasks of the development principles.

(2) The development principles may, within the selected areas or corridors, impose the examination of changes of their use by a planning study or impose the procurement and issuance of the regulatory plan as a condition for the decision making on the alterations within the utilization of the selected areas or corridors; in this case there are determined the conditions for its procurement and for its issuance, which are the specifications defining the regulatory plan. The development principles may

determine the condition of the issuance of the regulatory plan by the regional office and the conditions for its procurement only under an agreement with the respective municipalities.

(3) Development principles within the supra local context of the region's territory specify and develop the objectives and tasks of the town and country planning in accordance with the spatial development policy, they determine the strategy for their fulfilling and they coordinate the planning activities of municipalities.

(4) Development principles are procured for the whole territory of the administrative region and are issued in the form of a general nature measure in accordance with the rules of administrative procedures.

(5) Development principles are binding for procurement and issuance of the plans, regulatory plans and for the decision-making in the area.

(6) The elements of the development principles are determined by the statutory implementing regulation.

### § 37

#### Draft of the development principles

(1) The draft of the development principles is procured by the regional office upon the assignment (§ 187 par. 4) or the report on the development principles implementation. Regional office shall ensure the assessment of the impacts on the area sustainable development to the draft of the development principles.

(2) Regional office notifies of the place and time of the joint debate on the draft of the development principles separately at least 15 days in advance to the respective authorities, the Ministry and neighbouring regions. The regional office calls upon the respective authorities to submit the assessments within the period of 30 days from the date of negotiation, within the same period the neighbouring administrative regions may submit their remarks. If the respective authority documents the material reasons no later than at the joint negotiation, the period for the assessment application is extended maximally by 30 days. There are not taken into account the assessments and remarks of the administrative regions, which are submitted later.

(3) Regional office in cooperation with the Ministry of Foreign Affairs sends the draft of the development principles to the competent authorities of neighbouring countries, whose territories may be directly affected by the implementation of the development principles and it offers them consultations. If these authorities are interested in the consultations, regional office in cooperation with the Ministry of Foreign Affairs participates in the consultations.

(4) The assessment pursuant paragraph 1 is debated with the representatives of the Ministry of the Environment, the Ministry of Labour and Social Affairs, the Ministry of Industry and Trade, the Ministry of Agriculture, the Ministry of Transport, the Ministry of Culture, the Ministry of Health and other ministries. Upon the assessment of the impact on the area sustainable development it is debated and in accordance with the assessments of the respective authorities or in compliance with the disagreement settlements, the regional office ensures the adaptation of the draft of the development principles. Regional office modifies the draft of the development principles also with respect to the possible statements of the authorities of the neighbouring countries and the results of consultations with them.

(5) If the Ministry of the Environment in its opinion on the environmental impact assessment determines that the development principles have a negative impact on the territory significant in European standards or the birds area and if there does not exist the alternative settlement with a smaller negative impact or without it, it is possible to adopt the draft of the development principles only due to urgent reasons of prevailing public priorities and only then if there were adopted the compensation measures to ensure the protection and entirety of the territory significant within European standards or the birds area, which are agreed with the Ministry of the Environment. This ministry informs the Commission on the

compensation measures<sup>12</sup>. If it refers to a negative impact on the locality with priority habitats or priority species<sup>12</sup>, it is possible to adopt the draft of the development principles only due to reasons of public health, public safety, or favourable consequences of an indisputable importance for the environment. Other urgent reasons of prevailing public priorities may be the reasons to adopt the draft only upon the assessment of the Commission.

### § 38

#### Assessment of the draft of the development principles by the Ministry

(1) The draft of the development principles is assessed before its issuance by the Ministry, to which the regional office submits the draft of the development principles and the report on their debate.

(2) The Ministry assesses the draft of the development principles in terms of ensuring the coordination of the use of the area, especially in respect to a wider territorial relations and international obligations, and in terms of accordance with the spatial development policy.

(3) The Ministry notifies of its assessment the regional office within 30 days from the date of submission of all the determined materials. If the Ministry does not notify of its assessment within the stipulated period, it is applied that the Ministry agrees with the submitted draft of the development principles.

(4) In the case that the Ministry, within its assessment, notifies the regional office of the imperfections in terms stated in paragraph 2, it is possible to commence the proceedings on the issuance of the development principles only upon the Ministry's confirmation on removing the imperfections.

(5) The authority competent to settle the disputes is the Minister for the Regional Development.

(6) Content's essentials of the report on debate of the draft of the development principles are determined by the statutory implementing regulation.

#### Proceedings on the development principles

### § 39

(1) A public debate is held about the modified and assessed draft of the development principles<sup>21</sup>. The procurer ensures that the draft of the development principles would be displayed for a public inspection for the period of 30 days from the date of delivery of the public notice. The procure invites the appropriate respective authorities, municipalities within the settled area, and the neighbouring administrative regions to the public debate at least 30 days in advance.

(2) Objections to the draft of the development principles may be filed only by the municipalities within the settled area and the municipalities neighbouring to this area (hereinafter referred to as "respective municipalities") and by the representatives of the public. At the latest at the public debate everybody may submit remarks, and the respective municipalities and the representative of the public may submit objections to their reasoning, and at the same time they must delimit the area, which is affected by the objection. In conclusion of the public debate the respective authorities apply their assessments to their remarks and objections. There are not taken into account the later submitted assessments, remarks and objections. The respective municipalities and the representative of the public, which are authorized to filing the objections, must be notified of this fact.

(3) Assessments, objections and remarks in the cases, which were already resolved within the approval of the spatial development policy, are not taken into account.

(4) Regional office assesses the results of debate and elaborates the draft of the decision on objections. If it is necessary it ensures the modification of the draft of the development principles in accordance with the assessments of the respective authorities or with the result of the disputes settlement.

(5) If, upon the public debate, there comes at a material modification of the draft of the development principles, it is assessed pursuant to § 38 and the public debate is repeatedly held in participation of the respective authorities. The assessments of the respective authorities, objections and remarks may be submitted at the latest in the repeated public debate, they are not taken into account otherwise.

(6) If, upon the debate, there is a need to revise the draft of the development principles completely, the Regional office includes the requirements for revision into the report on the application of the development principles for the past period. A part of the development principles, which meets the requirements for the issuance, may be issued separately.

#### § 40

(1) Regional office examines the harmony of the draft of the development principles especially

- a) with the spatial development policy,
- b) with the objectives and tasks of the town & country planning,
- c) with the requirements of this Act and its statutory implementing regulations,
- d) with the requirements of the special regulations and with the assessments of the respective authorities pursuant to special regulations<sup>4</sup>, or with the result of the disputes settlement.

(2) As a part of the reasoning of the development principles elaborated by the regional office is, apart from the essentials arising from the rules of administrative procedure, especially

- a) result of the examination pursuant to paragraph 1,
- b) assessment of the impact on the area sustainable development,
- c) assessment of the Ministry of the Environment on the environmental impact assessment<sup>12</sup> with the notification stating how it was taken into account,
- d) complex reasoning of the adopted solution, including the selected variant.

(3) However, if the procurer, in the course of the proceedings, comes at conclusion that the draft of the development principles is in contradiction to the law or to the requirements mentioned in paragraph 1, the procurer submits a proposal for its rejection.

(4) The content's essentials of the assessment of the impacts on the area sustainable development are regulated by the statutory implementing regulation.

#### § 41

##### Issuance of the development principles

(1) Regional office submits the motion for the issuance of the development principles with their reasoning to the Regional Council.

(2) Before the issuance of the development principles the Regional Council verifies, whether the principles are not in contradiction to the spatial development policy, the assessments of the respective authorities, or the result of the contradiction settlement, and to the Ministry's assessment.

(3) If it comes at the alteration or cancellation of the decision on the objections, the administrative region is obligated to make the development principles accordant with this decision; until the time it is

not possible to decide and carry on according to those parts of the development principles, which are specified in the decision on cancellation of the decision on the objections.

(4) Administrative region is obligated to make the development principles accordant with the subsequently approved spatial development policy. Until the time it is not possible to decide and carry on according to the parts of the development principles, which are in contradiction to the subsequently approved spatial development policy.

(5) Development principles are not allowed to be altered by the decision pursuant to § 97 par. 3 of the rules of the administrative procedure.

## § 42

### Updating the development principles

(1) At the latest within 2 years after the issuance of the development principles or their last updating the regional office submits to the Regional Council the report on their application in the course of the past period. Before the submission to the Regional Council for the approval, the report draft must be consulted with the municipalities of the region and the respective authorities.

(2) At the updating of the development principles upon the approved report on their application it is proceeded in the altered parts similarly pursuant to the provisions of § 36 to 41. Regional office ensures the preparation of the development principles containing the legal state after the latest update publication and the regional office furnishes this copy with the record on the effectiveness.

(3) Upon the requirements mentioned in the report it is possible to elaborate a new draft of the development.

(4) The content's essentials of the report on the application of the development principles are determined by the statutory implementing regulation.

## Section 2

### Plan

## § 43

(1) The plan determines the basic concept of the development of the municipality, protection of its values, its areal and spatial arrangement (hereinafter referred to as "urban planning concept"), arrangement of the landscape, and the concept of the public infrastructure; delimits the developed area, areas and corridors, especially the areas with development potential and the areas delimited for the alteration of the existing development, for redevelopment or repeated utilization of the depreciated area (hereinafter referred to as "redevelopment area"), for public works, for public benefit measures, and for the territorial reserves and determines the conditions for utilization of these areas and corridors.

(2) The plan may, within the selected areas and corridors, impose the examination of the change of their use by means of the planning study or the procurement of the regulatory plan as a condition for the decision making on the changes in the area; in this case it stipulates the conditions for its procurement and its issuance, which is the the regulatory plan defining. Procurement of the regulatory plan as a condition for the decision making loses validity for the selected area or the corridor, if it does not come to the issuance of the regulatory plan within 2 years after filing of a full application in accordance with the regulations and the the regulatory plan defining.

(3) The plan in context and details of the municipality's territory specifies and develops the objectives and tasks of the town & country planning in accordance with the region's development principles and the spatial development policy.

(4) The plan is procured and issued for the whole territory of the municipality, for the whole territory of the Capital City of Prague, or for the whole territory of the military area. To procure the plan

of the military area there apply accordingly the provisions of § 43 to 55 and § 57. The plan may be procured and issued also for the delimited part of the Capital City of Prague. The plan is issued in the form of a general nature measure pursuant to the rules of administrative procedure.

(5) The plan is binding for procurement and issuance of the regulatory plan of the local council, for the decision-making within the area, especially for the issuance of the planning permission. Granting the means from public budgets pursuant to special regulations for making changes in the area must not be in contradiction to the issued plan. The plan of the Capital City of Prague is binding also for the plan issued for the delimited part of the Capital City of Prague.

(6) Contents' essentials of the plan and general requirements for the use of the area are determined by the statutory implementing regulation.

#### § 44

##### Plan procurement

Local council decides on procurement of the plan

- a) from its own initiative,
- b) at the motion of the public administrative authority,
- c) at the motion of the municipality's inhabitant,
- d) at the motion of a natural person or a legal entity, that has the proprietary or similar rights to the grounds or the structure in the territory of the municipality.

#### § 45

##### Costs reimbursement for the plan procurement

(1) Costs of the plan elaboration by the designer are reimbursed by the municipality, which decided on the procurement.

(2) If the procurement of the alteration of the plan arises from the development principles or their updating, this incurred costs are reimbursed by the administrative region, with the exceptions of the cases, when the appropriate part of updating of the development principles, which implied the alterations of the development, was issued upon the exclusive need of the respective municipality.

(3) Costs related to debate of the plan are reimbursed by the procurer. Costs of necessary maps are reimbursed by the municipality, for which the plan is procured by the town and country planning authority, unless the municipality agree otherwise.

(4) If the procurement of the alteration of the plan is driven by the exclusive need of the proponent, the municipality may condition its procurement by a partial or a complete reimbursement of the costs for its processing and maps by the proponent.

#### § 46

##### Motion for the plan procurement

(1) Motion for the plan procurement is submitted at the municipal office, for which the plan is procured, and contains

- a) data, which enable the mover's identification, including statement of the proprietary or similar rights to the ground or the structure in the municipality's territory,
- b) data on the proposed change in use of the areas in the municipality's territory,

- c) data on the existing use of the areas, which are affected by the mover's motion,
- d) reasons for plan procurement or of its alteration,
- e) proposal of the reimbursement of the plan procurement.

(2) After accepting the motion for the plan procurement the procurer considers the completeness of the motion, its accordance with regulations and in the case of imperfections he calls upon the mover to remove them within a reasonable period. If the mover fails to remove the imperfections in a required manner and within the determined period, the procurer rejects the motion, notifies of the fact the mover and submits the information referring to that to the community council, which is competent to the issuance of the plan.

(3) If the motion meets all the statutory essentials, the procurer considers them and he immediately submits it with his assessment for decision to the community council competent to the issuance of the plan. The municipal office informs the mover and the town and country planning authority about the result of the proceedings immediately.

#### § 47 Plan specifications

(1) Upon the decision of the community council on the plan procurement the procurer in cooperation with the nominated municipal representative elaborates the draft of the plan specifications. Within the draft of the specifications the procurer determines the main objectives and requirements for preparation of the plan before approval, or he specifies the investigated area within the plan for the delimited part of the territory of the Capital City of Prague.

(2) Procurer sends the draft of the plan specifications to the respective authorities, neighbouring municipalities and the regional office, he ensures publication of the draft of the plan specifications and its putting up for the public inspection for the period of 30 days from the date of the putting up the notification on debating the specifications on the official notice board of the community council. Within the statutory period anybody may submit his/her remarks. In the case of the plan procurement the procurer sends the draft of the plan specifications also to the municipal council, for which he procures the plan. Within 30 days from the receiving the draft of the specifications the respective authorities and the regional office may apply with the procurer their requirements for the plan contents arising from the special regulations, and the requirement for the assessment of the impacts of the plan on the environment, including its contents and scope pursuant to the special regulation<sup>12</sup>; within the identical period the neighbouring municipalities may apply at the procurer their instigations. The requirements of the respective authorities, regional office and the instigations of neighbouring municipalities or the remarks being applied after the prescribed periods are not taken into account.

(3) If the respective authority in its assessment to the draft of the specifications has applied its requirement for assessment of the plan in terms of the environmental impact assessment<sup>12</sup> or if the respective authority has not excluded a material impact on the territory of the locality important in European standard or the birds area<sup>11</sup>, the procurer mentions the requirement for the assessment of the impact on the area sustainable development in the specifications.

(4) Upon the applied requirements and instigations, the procurer in cooperation with the determined community representative modifies the specifications and submits them for approval.

(5) The plan specifications are approved by the community council of the municipality, for whose territory the plan is procured. In justified cases or from the inventive of the respective authority<sup>11, 12</sup> the community council of the municipality orders, within the frame of specifications, the elaboration of the plan draft verifying the variant solutions of the plan.

(6) Contents' essentials of the plan specifications are determined by the statutory implementing regulation.

## Plan draft

### § 48

(1) If it is stipulated within the plan specifications, the procurer ensures for the municipality the processing of the plan draft and the assessment of the impacts on the area sustainable development.

(2) Regarding to the plan draft it is held a public debate. The procurer notifies of the place and the time of the public debate related to the interpretation by means of the public notice not less than 15 days in advance and ensures that for the period of 30 days from the date of the public notice delivery the plan draft would be put up for the public examination at the procurer and at the municipal office, for which the plan is procured. Within 15 days from the date of public debate anybody may submit his/her remarks. Within the identical period the owners of the grounds and structures, which are affected by the proposal of the public works, public benefit measures and areas with development potential and the representative of the public may submit their remarks. The objections and remarks submitted later are not taken into account.

(3) The procurer notifies of the place and time of the public debate to the respective authorities, regional office and neighbouring municipalities separately not less than 30 days in advance. The procurer calls upon the respective authorities to submit their assessments no later than within 15 days from the date of the public debate. If at the latest at the public debate the respective authority documents material reasons, the period for assessment application is extended minimally by 30 days. The opinions submitted later are not taken into account.

(4) Neighbouring municipalities may submit their remarks related to the use of the adjacent areas within 15 days from the date of the public debate. Within the identical period they notify of their remarks the regional office. The remarks submitted later are not taken into account.

(5) Within 30 days from the public debate of the plan draft, the regional office notifies of its opinion containing the conditions for ensuring the coordination of the use of the area, especially in terms of wider territorial relations, for ensuring the accordance of the plan contents with the spatial development policy, planning documentation of the administrative region, this Act and its statutory implementing regulations. Within the disputes settlement it is proceeded according to § 136 part. 6 of the rules of administrative procedure as relevant.

(6) The assessment of the impacts on the area sustainable development of the area is debated by the Council of municipalities. This body expresses its opinion to the assessment of the impact on the area sustainable development with recommendation of one variant to the procurer within 30 days from the submission of the materials, otherwise it is not taken into account.

(7) If the regional office in its opinion on the environmental impact assessment stipulates that the plan has a negative impact the locality significant within European standards or the birds area, which was not a subject to the consideration of the issued development principles in terms of these impacts, it is proceeded pursuant to § 37 par. 5 as relevant.

(8) Contents' essentials of the assessment of the impacts on the area sustainable development are determined by the statutory implementing regulation.

### § 49

(1) Upon the result of the debate about the plan draft the procurer processes in cooperation with the determined community council the draft of instructions for processing of the plan before approval, including the proposal of the decision on selection of the final variant.

(2) Procurer appends to the draft of instructions for elaboration the plan before approval the reasoning, which contains especially

- a) assessment of the impacts on the area sustainable development,
- b) assessment of accordance with the opinions of the respective authorities, opinion of the regional office, or the results of the disputes settlement, spatial development policy and the planning documentation issued by the regional office,
- c) reasoning of selection of variants taking into account the assessment of the variants' impacts on the area sustainable development,
- d) assessment how the objections and remarks were taken into account.

(3) Instructions for elaboration of the plan before approval are approved by the local council.

## § 50

### Plan before approval

(1) Upon the approved plan specifications or the approved instructions for elaboration of the plan before approval the procurer procures for the municipality the copy of the plan before approval; the assessment of the impacts on the area sustainable development is not a part of the plan if it was a part of the draft, or if the specifications do not contain the requirement for its elaboration.

(2) The procurer notifies of the place and the time of the joint negotiation on the plan before approval not less than 15 days in advance separately to the respective authorities, regional office, the municipality, for which the plan is being procured and the neighbouring municipalities. The procurer calls upon the respective authorities to submit their assessments within the period of 30 days from the date of the debate. Within the identical period the neighbouring municipalities may submit their remarks. During this period the procurer makes possible to the mentioned authorities to inspect the plan before approval. If the respective authority documents at the latest at the joint debate the material reasons, the period for application of the assessment is extended by 30 days maximally. The assessments submitted later are not taken into account. If it is requested by the special regulation, the procurer ensures also the appropriate decision.

(3) The assessment of the impacts on the area sustainable development is debated by the Council of municipalities. This body notifies of its opinion to the procurer within 30 days from submission of the materials, otherwise it is not taken into account. It is possible to refrain from the debate about the plan before approval at the Council of municipalities, if the body debated the plan draft and the plan before approval contains the variant, which was recommended by this body.

(4) If the regional office in its opinion on the environmental impact assessment stipulates, that the plan has a negative impact on the territory of the locality significant within European standards or the birds area, which was not the subject to the consideration of the issued development principles in terms of these impacts, it is proceeded pursuant to § 37 par. 5 as relevant, if it was not made within the plan draft.

## § 51

### Consideration of the plan before approval by the regional office

(1) The plan before approval is assessed before the proceedings on its issuance by the regional office, to which the procurer submits the plan before approval and the report on its debate.

(2) The regional office assesses the plan before approval in terms of

- a) securing the coordination of the use of the area, especially in respect to wider territorial relations,
- b) accordance with the spatial development policy and the planning documentation issued by the regional office.

(3) The regional office notifies the procurer of its assessment within 30 days from the date of submission of all the specified materials. If the body does not notify of its assessment within the determined period, it is applied that it agrees with the submitted plan before approval. In the case that the regional office notifies in its assessment the procurer of the imperfections as stated in paragraph 2, it is possible to commence the proceedings on the issuance of the plan only upon the certification of the regional office on the remedy of these imperfections. Within the dispute settlement it is proceeded pursuant to § 136 par. 6 of the rules of administrative procedure.

(4) Contents' essentials of the report on the debate of the plan before approval are determined by the statutory implementing regulation.

#### Plan proceedings

#### § 52

(1) Regarding to the altered and considered plan before approval it is held the public debate<sup>21</sup>. The procurer ensures that during the period of 30 days from the date of the public notice delivery the plan before approval would be put up to the public examination at the procurer and in the municipality, for which the plan is being procured. The procurer invites to the public debate separately the municipality, for which the plan is being procured, respective authorities and the neighbouring municipalities, not less than 30 days in advance.

(2) Remarks against the plan before approval may be submitted only by the owners of the grounds and structures, which are affected by the draft of the public works, public benefit measures and the areas with development potential, and the representative of the public.

(3) At the latest at the public debate anybody may submit their remarks and the affected persons their objections pursuant to paragraph 2, within which they must state the reasoning, data from the Land Registry documenting the affected rights and delimit the area, which is affected by the objection. At the end of the public debate the respective authorities submit their statements on the remarks and objections. The assessments, remarks and objections applied later are not taken into account. The affected persons authorized to submit objections, must be notified of this fact.

(4) The assessments, remarks and objections in the cases, which have been decided at the issuance of the plan principles, are not taken into account.

#### § 53

(1) The procurer in cooperation with the determined municipal representative assesses the results of the debate and elaborates the draft of the decision on the assessments submitted to the plan draft and to the plan before approval. If necessary, the procurer ensures for the municipality the modification of the plan before approval in accordance with the assessments of the respective authorities, or possibly with result of the disputes settlement.

(2) If upon the public debate there comes to material modification of the plan before approval, it is assessed according to § 50 and there is held the repeated public debate with participation of the respective authorities. The assessments of the respective authorities, remarks and objections may be submitted at the latest upon the repeated public debate, otherwise they are not taken into account.

(3) If upon the debate it is necessary to rewrite the plan before approval, the procurer processes in cooperation with the determined community representative the instructions for processing the plan before approval and submits them for approval to the community council of the municipality, for which the plan is procured. Contents of the instructions is governed by the provision of § 49 as relevant.

(4) Procurer examines the accordance of the plan before approval especially with

a) spatial development policy and planning documentation issued by the regional office,

- b) objectives and tasks of the plan, especially the requirements for protection of architectural and urban values within the area and the requirements for protection of the non-developed area,
- c) requirements of this Act and its statutory implementing regulations,
- d) requirements of special regulations and the assessments of the respective authorities pursuant to special regulations<sup>4</sup>, or the results of the disputes settlements.

(5) Parts of the reasoning of the plan elaborated by the procurer are

- a) result of the examination of the plan pursuant to paragraph 4,
- b) assessment of the impacts on the area sustainable development,
- c) assessment of the regional office on the environmental impact assessment<sup>12</sup> with the notification, how it was taken into account,
- d) assessment of purposeful use of the developed area and the assessment of the need of delimitation of the areas with development potentials.

(6) If the procurer comes to conclusion in the course of the proceedings that the plan before approval is in contradiction to the law or to requirements stated in paragraph 4, he submits the motion for its dismissal.

#### § 54

##### Plan issuance

(1) Procurer submits to the community council of the appropriate municipality the motion to issue the plan with its reasoning.

(2) The community council issues the plan after verification that it is not in contradiction to the spatial development policy, planning documentation issued by the regional office or to the result of the dispute settlement and to the assessments of the respective authorities or to the assessment of the regional office.

(3) In the case that the community council does not agree to the submitted plan before approval or to the results of its debate, the community council returns the submitted plan before approval to the procurer together with its instructions for modification and a new debate, or the body dismisses it.

(4) If it comes at alteration or cancellation of the decision on objections, the municipality is obligated to make the plan accordant to the mentioned decision; until then it is not possible to make decision and proceed according to those parts of the plan, which are specified within the decision on objections.

(5) The municipality is obligated to make the plan accordant to the documentation, which is subsequently issued by the regional office and to the subsequently approved spatial development policy. Until then it is not possible to make decision according to those parts of the plan, which are in contradiction to the planning documentation subsequently issued by the regional office or to the spatial development policy.

(6) The plan can not be altered by the decision pursuant to § 97 par. 3 of the rules of administrative procedure.

#### § 55

##### Assessment of the plan and its alterations

(1) Procurer submits the community council of the municipality at the latest within 4 years after the issuance of the plan and after that regularly minimally once per annum the report on application of the plan within the past period. Before the submission to the community council of the municipality for approval, the draft of the report has to be consulted with the respective authorities and the regional office. If the draft of the report contains the instructions for elaborating the draft of the plan alteration and the consulted authority in its assessment applies the requirement for the environmental impact assessment or it does not exclude the material impact on the territory of the location significant within European standards or the birds area, the procurer supplements the draft of instructions with the requirement for the assessment of the impacts on the area sustainable development.

(2) At procuring and issuing the alterations of the plan it is proceeded according to § 43 to 46 and § 50 to 54 and according to § 47 to 49. Within the decision on procurement of the alteration of the plan the community council may refrain from the specifications and plan draft in such cases, when the assessment of the impacts on the area sustainable development is not prepared, and if the instructions for processing the draft of the plan alterations are a part of the approved report on application of the plan.

(3) Other areas with development potential may be delimited by the alteration of the plan only upon the documenting of the impossibility to use the already delimited developed areas and the need of delimitation of new developed areas.

(4) Procurer ensures for the municipality the elaboration of the plan, which includes the legal conditions after the issuance of its alteration, and the procurer furnishes this copy with the record on the effectiveness.

(5) Contents' essentials of the report on application of the plan and its alteration are determined by the statutory implementing regulation.

#### § 56

##### Measures against delays at the plan procurement

If at processing and debate of the specifications draft, or the plan draft exceeded the period of 1 year from the preceding decision of the community council of the municipality, and the activity of the procurer is being ensured pursuant to § 6 par. 1 letter c) or pursuant to § 6 par. 2, the procurer is obligated without undue delay to submit to the community council of the municipality, for which the local plan is being procured, the proposal of the decision on further procedure of the plan procurement, if the community council of the municipality does not determine a longer period.

#### § 57

##### Joined procurement of the plan and the regulatory plan

In justified cases it is possible, under the decision of the community council of the municipality, to join the procurement of the plan and the regulatory plan. The joint public debate must meet the requirements for debate about the plan and the regulatory plan.

#### § 58

##### Developed area

(1) Within the territory of the municipality there is delimited one or possibly more developed areas. The boundary of one developed area is formed by the line, which is drawn on the plot boundaries, in exceptional cases it is formed by the connecting line of the bend points of the existing boundaries or the points within these boundaries.

(2) Into the developed area there are included the grounds within the urban area, with the exception of vineyards, hop gardens, agricultural land determined for ensuring the special agricultural production (garden centres with nursery) or the grounds adjacent to the boundary of the urban area, which are

returned to the plough-land<sup>22</sup> or to the forest land<sup>22</sup>, and further the land outside the urban area, and namely

a) developed building grounds,

b) building vacant spaces,

c) roads or their parts, from which there are approaches to the other grounds of the developed area,

d) other public places<sup>1</sup>,

e) other grounds, which are surrounded by the other grounds of the developed area, with the exception of vineyards, hop gardens and garden centres with nursery.

(3) The developed area is delimited within the plan and is updated with its alteration.

### Developed area delimitation

#### § 59

(1) If there is not issued the plan, the municipality may apply for procurement of the developed area delimitation to the town and country planning authority, to which at the same time the municipality hands over a copy of the cadastral map of the relevant area and a copy of a map with the marked urban area, unless the urban area is marked in the cadastral map.

(2) The developed area is delimited pursuant to § 58 par. 1 and 2 and it is issued in the form of the general nature measure<sup>23</sup>.

(3) Within 60 days from receiving the application and the appropriate map materials the town and country planning authority suggests the delimitation of the developed area and calls the local inquiry with the participation of the respective municipality and the respective authorities defending the public priorities in the sphere of the protection of nature and landscape, protection of the agricultural land resources, protection of forest and the state preservation of monuments; the authority notifies of the holding of the local inquiry not less than 15 days in advance.

(4) The respective authorities submit their assessments within 30 days from the date of the local inquiry, otherwise they are not taken in account.

(5) The town and country planning authority modifies the draft of the delimitation of the developed area in accordance with the assessment of the respective authorities, or the results of the disputes settlements.

#### § 60

(1) The town and county planning authority conducts the proceedings on the issuance of the proposal of the developed area debated with the respective authorities; objections may be submitted only by the owners of the grounds mentioned in § 58 par. 2 and the owners of the adjacent plots.

(2) The draft for delimitation of the developed area is published at the appropriate municipality.

(3) Upon the submitted opinions and the assessment of the objections the town and country planning authority modifies the draft of the developed area, including the reasoning, which always contains also the assessment of the accordance with § 58 par. 1 and 2.

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22 Act No. 344/1992 Coll., on Land Registry of the Czech Republic (the Land Registry Act), as amended by subsequent regulations.

23 § 171 to 174 of Act No. 500/2004 Coll.

(4) If upon the proceedings there comes to the alteration of the draft, the town and country planning authority debates this alteration with the respective municipality and the respective authorities at the local inquiry; the authority notifies of the place of the local inquiry not less than 15 days in advance. The authority makes the record on the debate, within which the respective authorities may apply their assessments; the assessments submitted later are not taken into account.

(5) The delimitation of the developed area may be issued only then, if it is in accordance with the debate results. In the case that the community council board does not agree with the submitted draft or with the results of the debate about it, it approves the instructions for rewriting the draft and returns it to the town and country planning authority for modification and a new debate. The instructions for rewriting shall be in accordance with § 58 par. 1 and 2.

(6) If there comes to cancellation of the decision on objections or on its alteration, which implies the necessity to alter the delimited developed area, the delimitation of the developed area expires. The delimitation of the developed area expires by the issuance of the plan, which adopted this developed area. The delimitation of the developed area can not be altered within the examination proceedings pursuant to the rules of administrative procedure.

### Section 3 Regulatory plan

#### § 61

(1) The regulatory plan within the settled area determines the detailed conditions for the use of the grounds, for location and spatial arrangement of structures, for protection of values and character of the area, and for creation of a favourable environment. The regulatory plan always determines the conditions for delimitation and the use of the grounds, for location and spatial arrangement of the structures of the public infrastructure, and delimits the public works or the public benefit measures.

(2) The regulatory plan replaces the planning permission within the investigated area in the approved extent, and it is binding for the decision-making within the area. The regulatory plan issued by the regional office is further binding for the plans and regulatory plans, which are issued by municipalities. The regulatory plan does not replace the planning permission within the non-developed area.

(3) The regulatory plan may replace the plan of joint facilities of the complex land consolidation<sup>TN1</sup> pursuant to the special regulation<sup>24</sup>.

(4) Contents' essentials of the regulatory plan are determined by the statutory implementing regulation.

#### § 62 Regulatory plan procurement

(1) The regulatory plan is issued, at the incentive or the request, in the form of the measure of the general nature pursuant to the rules of administrative procedure.

(2) On the regulatory plan procurement at the incentive may be decided at the own incentive or at another one by

a) regional council within an area or a corridor delimited by the development principles,

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TN1 Trans.note: land consolidation means a process that is governed by a special regulation and that resolves the arrangement of plots in an area based on the agreement of their individual owners; land consolidation relates to ownership rights.

24 Act No. 139/2002 Coll., on land consolidations and land offices and on alteration of Act No. 229/1991 Coll., on regulation of proprietary relations to land and another agricultural property, as amended by subsequent regulations.

- b) community council of the municipality within an area or a corridor, which is investigated by the plan,
- c) community council, if there is not issued a plan, within the developed area or the non-developed area only then, if there is not altered the area's character or if it is replaced the plan of the joint facilities of the complex land consolidation TN1 pursuant to the special regulation,
- d) the Ministry of Defence within the area, which is a part of the military area; procurement and issuance of the regulatory plan is governed by the provisions of § 61 to 75 as relevant.

(3) At the request the regulatory plan may be issued to a natural person or a legal entity, if the development principles or the plan stipulate so, and if the specifications are part of it.

### § 63

#### Expenses reimbursement for the regulatory plan procurement

(1) The expenses for elaboration of the regulatory plan draft by the designer shall be reimbursed by the municipality or the administrative region, which is competent to its issuance. If the elaboration of the regulatory plan is incited by an exclusive need of another person, the community council may, within the decision, condition its procurement by a partial or a full reimbursement of the expenses for elaboration of the regulatory plan draft by the designer.

(2) At procurement of the regulatory plan at the request, the applicant ensures and reimburses its elaboration, map materials and marking of the investigated area with the signing boards.

(3) The expenses related to the debate of the regulatory plan are reimbursed by the procurer. The municipality, for whose territory the regulatory plan is procured by the town and country planning authority, reimburses the expenses related to marking of the investigated area with signing boards and the necessary map materials, unless the municipalities agree otherwise.

#### Regulatory plan procurement at the incentive

### § 64

(1) The incentive to procure the regulatory plan contains, apart from general elements of the application, the basic data on the requested programme, identification of the grounds, data on the present use of the delimited area, reasons and purpose of procurement of the regulatory plan, the draft, which planning permission shall be replaced by the regulatory plan, and the draft of its specifications, unless it is a part of the planning documentation. The incentive is submitted at the regional office or the municipality competent to issue the regulatory plan. The appropriate community council decides on the regulatory plan procurement and hands over the draft of the specifications adapted according to its requirements to the procurer, otherwise it does not proceed with the incentive.

#### (2) The specifications draft

a) shall be put up by the procurer for the period not shorter than 15 days to public examining at the municipality, for whose territory the regulatory plan shall be procured; the procurer notifies of putting up on the official notice board of the municipality and in a manner, which enables remote access,

b) shall be sent by the procurer to the respective authorities; in the case that the procurer is the town and country planning authority, which was requested to procure the regulatory plan, it sends the draft of the specifications of the regulatory plan to the municipality, for which the regulatory plan is being procured.

(3) Anybody may submit the request for specifications content within the period of 15 days from the date of publication, within 30 days from receiving of the specifications draft the affected persons may submit at the procurer their requirements for the content of the specifications arising from the regulations. The requirements submitted later are not taken into account.

(4) Upon the submitted requirements the procurer modifies the draft of the regulatory plan specifications and submits it to the appropriate community council for approval. The procurer submits to the community council the draft of the specifications with the assessment of how the submitted requirements were incorporated into the draft.

(5) The specifications are approved by the community council of the municipality or the Regional Council, which decided on the regulatory plan procurement, unless the specifications are part of the issued planning documentation.

(6) Contents' essentials of the instigation are determined by the statutory implementing regulation.

## § 65

(1) Upon the approved specifications the procurer ensures for the municipality or the administrative region the elaboration of

a) draft of the regulatory plan, including the data on the impact of the programme on the area and on its demands on the public transport and technical infrastructure, and the statements of the owners of this infrastructure,

b) documentation of the impacts of the programme realization on the environment, if a special regulation stipulates so<sup>11</sup>,

c) assessment of the impact of the program on the location significant within European standards or the birds area<sup>12</sup>, unless the nature conservation authority in its assessment to the draft of the specifications excluded such an impact.

(2) Procurer notifies of the place and the time of holding of the joint debate about the regulatory plan draft separately to the respective authorities and the municipality, for which the regulatory plan is being procured by the procurer, not less than 15 days in advance. The procurer calls upon the respective municipalities to submit their assessments within the period of 30 days from the date of the debate. During this period the procurer enables the respective authorities to inspect into the draft of the regulatory plan. If it is required by the special regulation<sup>11</sup>, or if the respective authority documents material reasons at the latest at the joint debate, period for submission of the assessment is extended by maximally 30 days. The assessments submitted later are not taken into account. If it is required by the special regulation, the procurer ensures the appropriate decision.

(3) If the assessment pursuant to paragraph 1 proves a negative impact on the territory of the locality significant within European standards or the birds area, which was not the subject to the assessment of the issued development principles in terms of these impacts, it is proceeded pursuant to § 37 par. 5 similarly.

## § 66

### Regulatory plan procurement at the request

(1) Application for issuance of the regulatory plan contains, apart from general elements of the submission, the basic data on the requested programme, identification of the grounds, data on the existing use of the delimited area, reasons and the purpose of procurement of the regulatory plan and the draft stating, which planning permissions are replaced by the regulatory plan. The application is submitted at the appropriate procurer.

(2) The applicant for the issuance of the regulatory plan may conclude a contract with the owners of the grounds and structures, which are affected by the suggested programme, which must contain a consent with this programme and a consent with the distribution of costs and benefits related to its realization (hereinafter referred to as "agreement on the land subdivision"). The municipality or the region may condition the issuance of the regulatory plan by concluding the contract for participation of the

applicant in construction of a new public infrastructure or adaptation of the existing one (hereinafter referred to as "contract for planning").

(3) The applicant attaches to the application

a) assessments, or possibly the decisions of the respective authorities pursuant to special regulations, including the opinion on the assessment of the impacts of the programme realization on the environment<sup>11</sup>, if the programme being solved by the regulatory plan requires such an assessment,

b) assessment of the impact on the locality significant within the European standards or the birds area<sup>12</sup>, unless the nature conservation authority in its opinion to the draft of the specifications excluded such an impact,

c) draft of the regulatory plan adapted upon the assessments of the respective authorities,

d) assessment of the the regulatory plan draft accordance with the specifications,

e) data on the impact of the programme on the area and on its demands on the public transport and public infrastructure, and the statements of the owners of this infrastructure,

f) documents proving his/her proprietary right or a document on the right based on the contract to realize the structure or the measure to the grounds or the structures within the investigated area, if it is not possible to verify these rights in the Land Registry, or a consent of the owners of the grounds and structures within the investigated area or the agreement on the land subdivision, to which the applicant has not the necessary right; a consent or an agreement on the land subdivision is not expected if it is possible to expropriate or to exchange the grounds,

g) draft of the contract for planning.

(4) Procurer assesses the completeness of the submitted application, mutual accordance of the submitted opinions and ensures the settlement of possible disputes. At the same time the procurer ensures the submission of the draft of the contract for planning to the competent community council for approval.

(5) If the assessment pursuant to paragraph 3 letter b) proves a negative impact on the territory of the locality significant within European standards or the birds area, which was not subject to the assessment of the issued development principles or the issued plan in terms of these impacts, it is proceeded pursuant to § 37 par. 5 similarly.

(6) Contents' essentials of the application and its attachments are determined by the statutory implementing regulation.

### Proceedings on regulatory plan

#### § 67

(1) A public debate is held on the regulatory plan draft debated with the respective authorities<sup>21</sup> with the participation of the respective authorities and the municipality, for which the regulatory plan is procured, which are notified of its holding separately by the procurer not less than 30 days in advance. The objections and remarks to the regulatory plan draft and the assessments of the respective authorities regarding to it may be submitted at the latest at the public debate; the objections and remarks submitted later are not taken into account. The affected persons, which are authorized to submit the objections, must be notified of this fact.

(2) Procurer, in cooperation with the appropriate municipality or the administrative region, ensures the marking of the affected area with boards containing the basic information on the draft of the regulatory plan not less than 30 days before the date of the public debate. In the case of regulatory plan procurement at the request, it is up to the applicant to make so. If the investigated area is outside the

developed area or if it is too large, the information is put up in the place, which is determined by the procurer.

(3) The procurer delivers the regulatory plan draft by means of a public notice and displays it for public examination in the municipality and at the procurer not less than 15 days before the date of the public debate, and for the period of 30 days.

(4) The persons mentioned in § 85 par. 1 and 2 may submit the objections against the motion for issuance of the regulatory plan. At the latest at the public debate anybody may submit their remarks. The objections and remarks submitted to the matters, on which there was decided within the plan or the development principles are not taken into account.

(5) Upon the results of the debate of the regulatory plan draft the procurer ensures the modification of the draft or he/she hands over it to modification.

(6) If upon the public debate there comes to a material modification of the regulatory plan draft, it is held a repeated public debate with the participation of the respective authorities and the municipality, for the territory of which the regulatory plan is procured. The assessments of the respective authorities, objections and remarks may be submitted at the latest during the repeated public debate, otherwise they are not taken into account.

## § 68

(1) Procurer examines the accordance of the regulatory plan draft with

- a) the issued planning documentation,
- b) the objections and tasks of the town and country planning, especially the character of the area, requirements for protection of the architectural and urban planning values in the area,
- c) requirements of this Act and its statutory implementing regulations,
- d) requirements for public transport and public infrastructure,
- e) assessments of the respective authorities pursuant to special regulations<sup>4</sup>, or possibly with the result of the disputes settlement and to protection of rights and the right of the protected interests of the affected persons.

(2) The examination result must be stated in the reasoning.

(3) However, if during the proceedings the procurer comes to conclusion that the local regulatory draft at the request is in contradiction with the law or the requirements mentioned in the paragraph 1, the procurer submits the motion for dismissal.

## § 69

### Regulatory plan issuance

(1) Procurer submits to the community council of the appropriate municipality or the administrative region (hereinafter referred as to "appropriate community council") the motion for the issuance of the regulatory plan with its reasoning, in the case of procurement of the draft at the request also with the approved contract for planning.

(2) The appropriate community council issues the regulatory plan after the verification stating that the plan is not in contradiction with the results of the debate and the requirements stated in § 68 par. 1.

(3) In the case that the appropriate community council does not agree with the submitted regulatory plan draft or with the results of the debate, the council returns the draft with the instructions for its rewriting and for a new debate or it dismisses the draft.

(4) If there comes to the alteration or cancellation of the decision on the objections, the municipality or the administrative region, whose respective community council issued the regulatory plan, must make it accordant with this decision; until then it is not possible to proceed according to its affected parts.

(5) Rights and duties arising from the regulatory plan at the request may be transferred by means of the written public law contract, the annex of which is the regulatory plan. For these public law contracts there are applied the appropriate provisions of the rules of administrative procedure for the public law contracts<sup>25</sup>.

(6) It is not possible to alter the regulatory plan by the decision pursuant to § 97 par. 3 of the rules of administrative procedure.

#### § 70

##### Concurrent procurement of the regulatory plan and the alterations of the plan

The community council of the municipality may, within the justifiable cases, decide on concurrent procurement and issuance of the regulatory plan, which is procured at the incentive, and the alteration of the plan, which is incited by this regulatory plan. In this case the regulatory plan need not be in accordance with the parts of the plan, which are being altered by means of the concurrently procured alteration of the plan. The issuance of the alteration of the plan is the condition for the issuance of the regulatory plan, which incited the alteration.

#### § 71

##### Period of validity, alteration and cancellation of the regulatory plan

(1) The regulatory plan procured at the request is valid for 3 years from the date of coming into its effect, unless there is stipulated a longer period in it. The regulatory plan procured at the request expires, if within the period of validity there was not submitted a complete application for the building permit, notification or another decision pursuant to this Act or the special regulations, if it was not commenced with the use of the area for the determined objectives, or if the building permit proceedings or another permitting proceedings discontinued or the application was dismissed after the expiration of the period of its validity.

(2) The regulatory plan procured at the request may be altered at the request of the subject, which is competent to perform the rights arising from it, regulatory plan at the incentive may be altered at the incentive of the community council, which is authorized to its issuance, except when provided by the law otherwise. At the alteration of the regulatory plan it is proceeded according to provisions § 61 to 69 as relevant.

(3) The municipality is obligated to make the regulatory plan at the incentive accordant to the subsequently issued planning documentation of the administrative region or subsequently issued regulatory plan or to its alteration delimiting the public works or the public benefit measures, until then it is not possible to proceed according to its affected parts. In the case of this alteration of the regulatory plan the municipality proceeds in a same way as in case of the alteration at its own incentive.

(4) Administrative region is obligated to make the regulatory plan issued at the incentive of the region accordant to subsequently issued development principles and the spatial development policy, until then it is not possible to proceed according to its appropriate parts.

##### Assessment of the regulatory plan impacts on the environment

## § 72

The regulatory plan procurement is connected with the procedures at the environmental impact assessment pursuant to the special regulation<sup>11</sup> in the case that the appropriate authority<sup>26</sup> is the regional office. In this case it is proceeded pursuant to the special regulation and this Act.

## § 73

### Assessment of the regulatory plan procured at the incentive

(1) At the assessment of the regulatory plan at the incentive the informant<sup>26</sup> is the procurer. The procurer by agreement with the appropriate authority sends the notification of the programme<sup>26</sup> for an opinion to the respective authorities together with the draft of the specifications. Concurrently the procurer publishes<sup>27</sup> the information on the notification of the programme. Anybody may send the opinion on the notification of the programme to the procurer within the identical period, within which it is possible to submit the requirements for the contents of the specifications. The procurer immediately makes the appropriate authority familiar with the opinions and requirements of the public and the respective authorities.

(2) The appropriate authority sends the conclusion of the determining proceedings<sup>28</sup> to the procurer within 45 days from the date of publishing of the notification on the programme. Upon the submitted requirements and the conclusion of the determining proceedings the procurer modifies the specifications.

(3) If the specifications of the regulatory plan are part of the draft of the development principles or the plan before approval, it is proceeded pursuant to paragraphs 1 and 2 as relevant; the opinion to the notification is submitted within the period of 20 days from the date of publication of the notification of the programme and the appropriate authority sends the conclusion of the determining proceedings within the period for the submission of the opinions of the respective authorities to the draft of the development principles or to the plan before approval.

(4) Procurer submits the documentation on the impacts of the programme on the environment<sup>28</sup> (hereinafter referred to as "documentation of the impacts") to the appropriate authority. The appropriate authority ensures the elaboration of the expert opinion on the impact of the programme on the environment<sup>29</sup> (hereinafter referred to as "opinion"), however, it does not publish the documentation of the impacts.

(5) The procurer sends, in the agreement with the appropriate authority, the documentation of the impacts together with the notification of the joint debate on the draft of the regulatory plan to the respective authorities. The respective authorities may express their opinions to the documentation of the impacts within the same period as within which they may submit their assessments to the regulatory plan draft. The procurer makes the appropriate authority familiar with their statements immediately.

(6) The processor of the expert opinion hands over the opinion to the appropriate authority and the procurer within 60 days from the date, when the documentation was delivered to him/her.

## § 74

### Assessment of the regulatory plan procured at the request

The applicant attaches to the application on issuance of the regulatory plan the expert opinion and the documentation of the impacts. The opinion on the assessment of the impacts of the programme realization on the environment<sup>30</sup> is not attached to the application in this case.

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26 § 6 par. 1 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

27 § 16 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

28 § 7 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

29 § 8 par. 4, § 9 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

30 § 10 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

## § 75

### Proceedings on the regulatory plan being assessed

(1) Procurer in an agreement with the appropriate authority publishes<sup>27</sup> the information on the expert opinion and on the documentation of the impacts. Concurrently the procurer publishes the expert opinion and the documentation of the impacts in such a manner, which enables a remote access and puts up them together with the draft of the regulatory plan.

(2) Anybody<sup>31</sup> may send to the procurer a statement to the expert opinion and to the documentation of the impacts within the same period as within which it is possible to submit the objections and remarks to the draft of the regulatory plan. The procurer makes the appropriate authority familiar with the statements immediately.

(3) The expert opinion, documentation of the impacts and the statement pursuant to paragraph 2 must be discussed at the public debate with the participation of the appropriate authority. The procurer notifies of the holding of the public debate not less than 15 days in advance. The procurer may join this debate with the public debate on the regulatory plan draft.

(4) At the latest within 15 days from the date of the public debate the appropriate authority sends the opinion of the assessment of the impacts of the programme realization on the environment<sup>30</sup> to the procurer. The procurer takes into account this opinion in the manner pursuant to a special regulation<sup>30</sup>. The opinion is a part of the reasoning of the regulatory plan.

## Section 4

### Planning permission

## § 76

(1) To site the structures or facilities, their alterations, to alter their impacts on the use of the area, to alter the use of the area, and protect the significant interests within the area is possible only on the basis of the planning permission or the planning approval, except when the law specifies otherwise.

(2) Everybody, who moves for the issuance of the planning permission or the planning approval, is obligated to take care of the requirements mentioned in § 90 and be considerate of the interests of the owners of the adjacent grounds and structures, for this purpose anybody may apply for the planning information, if he/she is not familiar with the conditions of the use of the area and the ones of the issuance of the planning permission or the planning approval.

## § 77

(1) Planning permission is the decision on

- a) location of the structure or the facility (hereinafter referred to as "decision on the location of the structure"),
- b) change in use of the area,
- c) alteration of the structure and on the alteration of the impact of the structure on the use of the area,
- d) division or consolidation of the plots,
- e) protective zone.

(2) Planning permission is not issued for the area, for which the regulatory plan has been issued, and to the extent, to which the plan replaces the appropriate planning permissions.

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31 § 9 par. 8, § 8 par. 3 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

## § 78

(1) Pursuant to the rules of administrative procedure the building office may join the planning permission proceedings with the building permit proceedings, if the conditions within the area are clear, especially if there is approved the plan or the regulatory plan for the area.

(2) The building office may, within the planning permission in case of a simple structures, landscaping and the facilities stated in § 104 par. 2 letter d) to m), if it is not excluded by the nature of the matters, protection of the public priorities pursuant to special regulations, or by the protection of rights and the justifiable interests of the participants to the proceedings, determine at the request that the authority will not request the notification or the building permit for their realization.

(3) The building office may, with the approval of the respective authority, conclude with the applicant the public law contract on location of the structure, on the change in use of the area and on the alteration of the impact of the structure on the use of the area, which replaces the planning permission and under the conditions pursuant to § 161 to 168 of the rules of administrative procedure; provision of § 167 par. 3 of the rules of administrative procedure is not applied.

(4) Contents' essentials of the public law contract, which replaces the planning permission, are determined by the statutory implementing procedure.

(5) Within 7 days from the submission of the draft of the public law contract the building office notifies of the procedure pursuant to paragraph 3 to the persons, who would be the participants of the planning permission proceedings pursuant to the special law.

## § 79

### Decision on location of the structure

(1) Decision on location of the structure delimits the building plot, sites the designed structure, determines its type and purpose, conditions for its location, for processing the project documentation for issuance of the building permit, for notification of the structure, and for connection to public and technical infrastructure.

(2) Building office may join the issuance of the planning approval with the issuance of the approval to the realization of the notified structure, and the authority proceeds according to the provisions of § 105 to 107 as relevant.

(3) Decision on location of the structure or planning approval is not required for

a) information and advertising installations in total area smaller than  $0.6 \text{ m}^2$  located outside the protective zones of roads,

b) flag poles up to height of 8 m,

c) surface installations for water distribution or drainage in the agricultural land or on the grounds designated for fulfilling the forest functions, if they are not water management works,

d) sirens, including their supporting structures and relating devices up to height of 1.5 m,

e) signal towers, signals and pyramids for geodetic purposes,

f) lightning conductors and devices, which form their parts,

g) informative signs and notices on ground roadways,

h) retaining walls up to height of 1 m, which do not border with the public accessible ground roadways and a public spaces,

- i) culverts in purpose roads,
- j) portable structures, devices and structures with period of location on the ground shorter or equal to 30 days in a year,
- k) signal and monitoring device located in the existing structures,
- l) mine workings, mine structures under the surface and the structures in opencast quarries and overburdens, on condition that they are subject to approval and supervision of the state mining authority pursuant to mining regulations,
- m) circus tents for maximum of 200 persons and scenic structures for film, television or theatre,
- n) slip roads from surface roadways to adjacent real property,
- o) marking of the buildings of state authorities and public administration authorities, marking of public utility structures, marking of structures of legal entities and natural persons doing business pursuant to special regulations and marking of the real estates cultural monuments pursuant to special regulation<sup>32</sup>, or with a sign determined under the international treaty.

(4) Provision of paragraph 3 does not apply to cultural monuments and the provision of paragraph 3 letter a), b), h) and i) does not apply to the real estates, which are not the cultural monuments, but they are in a conservation area, a conservation zone, or in a protective area of a real estate cultural monument, a real estate national cultural monument, a conservation area or a conservation zone<sup>32</sup>.

(5) If the structures mentioned in paragraph 3 require the implementation of the ground works or landscaping, the developer is obligated to procure the information on the existence of the underground structures of public infrastructure and to ensure their protection.

## § 80

### Decision on alteration of the use of the area

(1) The decision on alteration of the use of the area determines a new way of the use of the ground and the conditions of its use.

(2) The decisions on alteration of the use of the area are required for

- a) landscaping pursuant to § 3 par. 1,
- b) determining of the mining allotment,
- c) manipulation area, floor space and market place,
- d) cemeteries,
- e) alterations of type of land exceeding the area of 300 m<sup>2</sup>, particularly planting, liquidating and rearrangement of vineyards, hop gardens, forests, parks, gardens and orchards, unless the conditions are determined by the approved land consolidation TN1 or by another planning permission,
- f) ground and terrain modifications, which have impact on the water absorbing capacity.

(3) The decision on alteration of the use of the area or the planning approval is not required for the slip roads from the roads to the adjacent real estates.

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<sup>32</sup> Act No. 20/1987 Coll., on state monuments conservation, as amended by subsequent regulations.

(4) Provision of paragraph 3 does not refer to the area, which has proved to be a locality of archaeological finds.

## § 81

Decision on alteration of the structure and on alteration of the impact of the structure on use of the area

(1) The decision on alteration of the structure and on alteration of the impact of the structure on the use of the area (hereinafter referred to as "decision on alteration of the structure") determines the conditions for the required alteration of the structure and its new use or the conditions regulating the impact on the environment and requirements for the public transport and public infrastructure.

(2) The decision on alteration of the structure are required for

- a) superstructures,
- b) annexed buildings,
- c) changes in use of the building, which materially alter the demands of the structure for surroundings.

(3) The decision on alteration of the structure and the planning approval is not required for

- a) building adaptations,
- b) maintenance works.

(4) Building office may join the decision on alteration of the structure with the proceedings on alteration of the use of the structure pursuant to § 126 and 127.

## § 82

Decision on division or assemblage of plots

(1) The decision on division or assemblage of plots determines the conditions for a new division or assemblage of plots.

(2) The decision on division or assemblage of plots may be issued only at the application submitted by all the owners of all the affected grounds and structures built on them, which are subjects to the decision.

(3) The decision on division or assemblage of plots is not issued if the conditions for division or assemblage of plots are given as a result of the regulatory plan, as another decision of the building office or under the decision pursuant to a special regulation<sup>33</sup>, or if there are not substantial reasons for determining conditions for division or assemblage of plots.

## § 83

Decision on protective zone

(1) The decision on protective zone protects a structure, facility or a ground against negative impacts of the surroundings or it protects the surroundings of a structure or a facility against their negative impacts.

(2) The decision on protective zone is issued usually concurrently upon decision-making pursuant to § 79 to 81; it is possible to issue it separately.

(3) The decision on protective zone is not issued, if the conditions of protection are determined pursuant to a special regulation<sup>34</sup> or on its basis.

## Section 5

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<sup>33</sup> § 2, 3 and 11 Act No. 139/2002 Coll., on land consolidations and land offices and on alteration of Act No. 229/1991 Coll., on regulation of proprietary relations to land and another agricultural property, as amended by subsequent regulations.

<sup>34</sup> For example, Act No. 266/1994 Coll., on railways, as amended by subsequent regulations, Act No. 13/1997 Coll., on roads, as amended by subsequent regulations.

## Planning permission proceedings

### § 84

#### Jurisdiction of the planning permission proceedings

(1) The planning permission is issued by the competent building office on the basis of the planning permission proceedings or the summary planning permission proceedings.

(2) If for the planning permission proceedings, by which the decision on change in use of the area or the protective zone is issued, there is another administrative body competent pursuant to special regulations than the building office, the mentioned body decides only in accordance with the binding assessment of the building office.

### § 85

#### Participants in the planning permission proceedings

(1) The participants in the planning permission proceedings are

- a) the applicant,
- b) the municipality, within the territory of which the required programme shall be realized.

(2) Furthermore the participants in the planning permission proceedings are

- a) owner of the ground or the structure, within which the required programme shall be realized, if the participant is not the applicant, or the subject, which has a real right to this land or the structure, if it does not refer to the case mentioned within letter d),
- b) persons, whose proprietary or another real right to the neighbouring structures or neighbouring grounds or the structures built up on them may be directly affected by the planning permission,
- c) persons, who are specified in the special regulation,
- d) associations of the owners of flat units pursuant to the special regulation<sup>35</sup>; in the event that the association of the owners of flat units, pursuant to a special legal regulation, has not a legal status, the owner, whose co-owner's share in house property is more than one half.

(3) The participants in the proceedings are not the tenants of flats, non-residential facilities or land.

### § 86

#### Application for the issuance of the planning permission

(1) The application for the issuance of the planning permission contains, apart from general elements, the basic data on the required programme and identification data of the grounds and structures.

(2) The applicant attaches to the application

- a) documents proving his/her proprietary right or the document on the right based on the contract to realize the structure or the measure to grounds or structures; these documents are attached if it is not possible to verify these rights in the Land Registry,
- b) decision of the respective authorities pursuant to special regulations, binding assessments, if they were procured before the commencement of the proceedings, if it is not a coordinated binding assessment

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<sup>35</sup> Act No. 72/1994 Coll., by which there are regulated certain co-ownership relations to buildings and certain relations to flats and non-residential spaces and are supplemented certain acts (the Act on ownership to flats), as amended by subsequent regulations.

pursuant to § 4 par. 6 issued by the administrative authority, which is competent to issue the planning permission,

c) assessments of the owners of the public transport and technical infrastructure,

d) documentation of the programme.

(3) If the applicant has not the proprietary right or a document on the right, based on the contract to realize the structure or the measure, to the ground or the structure, the applicant submits the consent of their owner or the agreement on the land subdivision; this is not applied if it is possible to expropriate or to exchange the ground or the structure.

(4) If it is required by the programme of the environmental impact assessment, the applicant attaches to the application the assessment of the appropriate authority pursuant to a special regulation<sup>11, 36</sup>. If the assessment is performed concurrently with the planning permission proceedings, the applicant will attach the documentation of the impact of the programme on the environment.

(5) If a special regulation stipulates or if the proposed programme, with its negative impacts, shall exceed the limit values stipulated by special regulations beyond the ground boundaries determined for its realization, the applicant submits concurrently the application for the issuance of the decision on the protective zone.

(6) Contents' essentials of the application for the issuance of the planning permission and its annexes are determined by the statutory implementing regulation.

## § 87

### Planning permission proceedings commencement

(1) Building office notifies of the commencement of planning permission proceedings and orders the public oral debate about the application, if it is purposeful, the authority joins it with the inspection on the spot; the authority notifies of holding of the public oral debate not less than 15 days in advance. If within the area there has been issued the plan or the regulatory plan, the notification of commencement of the planning permission proceedings is delivered to the participants mentioned above in § 85 par. 1 and to the respective authorities separately, to the participants in the proceedings mentioned in § 85 par. 2 by means of a public notice.

(2) The applicant ensures that the information on his programme and on the fact that he/she submitted the application for the issuance of the planning permission proceedings would be immediately put up after the public oral debate was ordered, in the place determined by a building office or in a publicly accessible place at the structure or the ground, on which the programme shall be realized, and this until the public oral debate holding. Part of the information is the graphic representation of the programme, or possibly another material, from which it is possible to conclude about the architectural and urban planning form of the programme and its impact on the surroundings. If the applicant does not meet the mentioned duty, the building office orders the repeated public oral debate.

(3) If more persons from the public take part in the public oral debate and if this fact could lead to obstruction of the purpose of the public oral debate, the building office calls upon them to elect their common authorized person. Provision on the common authorized person and the common representative pursuant to the rules of administrative procedure is applied accordingly.

(4) Contents' essentials of the information stated in paragraph 2 are determined by the statutory implementing regulation.

## § 88

### Planning permission proceedings suspension

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36 For example, § 70 of Act No. 114/1992 Coll., on protection of nature and landscape, as amended by Act No. 218/2004 Coll., § 23 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

Building office suspends the planning permission proceedings, apart from the reasons mentioned in the rules of administrative procedure, also in the case that the programme places such requirements on public transport and public infrastructure that it is not possible to realize the programme without building the appropriate new structures and facilities or the adaptation of the existing ones, and the building office, at the same time, calls upon the applicant to submit the contracts for planning.

## § 89

### Assessments, objections and remarks

(1) The binding assessments of the respective authorities, objections of the participants in the proceedings, and the remarks of the public must be submitted not later than at the public oral debate, otherwise they are not taken into account. The participants in the proceedings must be notified of this fact.

(2) The binding assessments and objections to the matters, which have been decided upon the issuance of the planning permission proceedings or the regulatory plan, are not taken into account.

(3) The participant in the proceedings states in his/her objections the facts, which form his/her position as a participant in the proceedings, and the reasons of submission of the objections; the objections, which do not meet the mentioned requirements, are not taken into account.

(4) Within the planning permission proceedings the municipality applies the objections on protection of the interests of the municipality and the interests of the municipality's citizens. The person, who is the participant in the proceedings pursuant to § 85 par. 2 letter a), b) and d), may submit the objections against the discussed programme to the extent, by which his/her right is directly affected. The person, who is the participant in the proceedings pursuant to § 85 par. 2 letter c), may, within the planning permission proceedings, submit the objections, if there is affected the public interest by the discussed programme, the protection of which is guarded by that person pursuant to a special regulation.

(5) The building office decides on the objection, where there did not come to an agreement between the participants in the proceedings, on the basis of general requirements on construction, general requirements on the use of the area, binding assessments of the respective authorities, or the technical standards, if such an objection does not exceed the scope of its jurisdiction. If there did not come to an agreement on the objection of civil nature, the building office makes its opinion about it and decides on the merits; this does not apply in the case of objections referring to the existence of the right or the scope of the proprietary rights.

## § 90

### Assessment of the applicant's programme

Within the planning permission proceedings the building office considers whether the applicant's programme is in accordance with

- a) the issued planning documentation,
- b) the objectives and tasks of the town and country planning, especially the character of the area, requirements for protection of architectural and urban planning values within the area,
- c) requirements of this Act and its statutory implementing regulations, especially with general requirements for the use of the area,
- d) requirements for the public transport and public infrastructure,
- e) requirements of special regulations and the opinions of the respective authorities pursuant to special regulations<sup>4</sup>, or with the results of the disputes settlement and protection of rights and the right of protected interests of the participants in the proceedings.

## § 91

### Environmental impact assessment within the planning permission proceedings

(1) Planning permission proceedings is joined with selected procedures upon the environmental impact assessment pursuant to the special regulation<sup>11</sup> in the case that the appropriate authority<sup>26</sup> is the regional office and the variants of the programme solution are not elaborated in terms of location. In this case it is proceeded pursuant to the law regulating the environmental impact assessment and of this Act; if it refers to a public debate, it is proceeded pursuant to § 22 and 23 similarly.

(2) The applicant attaches to the application for the issuance of the planning permission proceedings the expert opinion and the documentation of the impacts. The opinion on the assessment of the impacts of the programme on the environment<sup>30</sup> is not attached to the application in this case.

(3) Building office publishes the notification on the commencement of the planning permission proceedings together with the information on the expert opinion and the documentation on the impacts immediately<sup>27</sup> and delivers to the participants in the proceedings and the respective authorities in a manner pursuant to § 87 par. 1 and to a special regulation. Concurrently the building office publishes the expert opinion and the documentation of the impacts in a manner enabling remote access.

(4) Anybody<sup>31</sup> may send to the building office a statement on the expert opinion and the documentation of the impacts in the identical period, within which there may be submitted the binding assessments, objections and remarks. Procurer makes the appropriate authority familiar with the opinions immediately.

(5) The expert opinion, documentation of the impacts and statement pursuant to paragraph 4 must be discussed at the public debate with the participation of the appropriate authority. The building office notifies of the holding of the public debate not less than 15 days in advance; and the authority may join the proceedings with the public oral debate.

(6) No later than within 30 days from the date of the public debate the appropriate authority sends the opinion on the assessment of the impacts of the programme realization on the environment to the building office. The building office publishes this opinion immediately<sup>27</sup> and continues in the proceedings pursuant to § 92.

## § 92

### Planning permission

(1) Building office approves by means of the planning permission the suggested programme and determines the conditions for the use and protection of the area, conditions for further preparation and realization of the programme, especially for the design preparation of the structure; if it is required by the assessment of the public priorities at the structure realization, the control inspection of the structure or in the case of the issuance of the final inspection approval, the authority may impose elaboration of the statutory documentation of the structure. Within the decision the building office decides on the objections of the participants in the proceedings, within the reasoning it assesses the remarks of the public and determines the period of validity of the decision on condition that it shall be longer that it is stipulated by this Act. In case of the temporary structure or within the decision on alteration of the use of the area for the temporary activities the authority determines the period for removal of the structure or termination of the activity and the subsequent method of the site arrangement. In the cases pursuant to § 78 par. 2 it determines, in the necessary extent, the conditions for the realization of the programme.

(2) If the programme of the applicant is not in accordance with the requirements stated in § 90 or if by location and by realizing the programme there could be endangered the interests protected by this Act or the special regulations, the building office dismisses the application for the issuance of the planning permission.

(3) If within the area there is issued the plan or the regulatory plan, the planning permission is delivered to the participants in the proceedings stated in § 85 par. 1 and to the respective authorities

separately. The planning permission is delivered to the participants in the proceedings stated in § 85 par. 2 by means of a public notice.

(4) After the date when the planning permission comes into force the building office hands over to the applicant one copy of the planning permission furnished with the record on the effectiveness together with the certified graphic enclosure in the scale of the cadastral map; planning permission furnished with the record on the effectiveness is sent also to the municipality, if it is not the building office and possibly to the special building office, which conducts the building permit proceedings.

(5) Contents' essentials of the appropriate types of the planning permission are determined by the statutory implementing regulation.

### § 93

#### Period of validity of the planning permission

(1) The planning permission on location of the structure, alteration of the use of the area, alteration of the structure and on division, or the land consolidation is valid for 2 years from the date of its coming into force, unless the building office determines a longer period in justified cases.

(2) Conditions of the planning permission on location of the structure, alteration of the use of the area, or the alteration of the structure are valid for the period of duration of a structure or a facility or use of the area, if due to the nature of the matter there did not come to their consummation.

(3) Upon a justified application the building office may extend the period of validity of the planning permission; by submitting the application the running of expiration period is stopped. To the proceedings on the extension of the period there accordingly refer the provisions on the planning permission proceedings provided that the public oral debate is not held, and the binding opinions, objections or remarks may be submitted within the period of 15 days from the date of the delivery, otherwise they are not taken into account.

(4) The planning permission expires if within the period of validity there was not submitted a complete application for the building permit, notification or another similar decision pursuant to this Act or special regulations, if there was not commenced with the use of the area for the determined purpose, or if the building permit proceedings or other permission proceedings was discontinued, or if the submitted application was dismissed after the period of validity of the planning permission.

(5) The planning permission expires also on the day, when the building office received the notification of the applicant, that he/she refrained from the programme, to which the decision refers; this does not applied on condition that the realization of the programme has been already commenced.

(6) The decision on the protective zone is valid for the period of duration of the structure, facility or the protected unit, unless the building office stipulates another period.

### § 94

#### Alteration and cancellation of the planning permission

(1) The planning permission may be altered at the request of the authorized person, if the planning documentation has changed, or other materials for the planning permission have changed, or the conditions within the area have changed, in such a manner, that its existing part is replaced by a new planning permission. The motion to alter the planning permission is debated by the building office to the extent of this alteration.

(2) The decision on the protective zone may be altered or cancelled also at the request of the subject, to whom the duties from the decision relate to; if it is required by the public interest, the decision on the protective zone may be altered or cancelled also at the incentive of the respective authority pursuant to a special regulation. Building office may permit the time limited exception of the decision on

the protective zone at the request of the subject, to whom the duties from the decision relate to, for the purpose of realization of the non-repeated activity.

(3) The planning permission may be, by virtue of office, altered or cancelled within the proceedings on location of the public works or the public benefit measure.

(4) At the alteration or cancellation of the planning permission or at permitting the exception the provisions on the planning permission proceedings apply accordingly.

(5) If there comes to cancellation of the planning permission after the building permit came into force or after granting the consent of the building office (§ 106 par. 1), the planning permission is not issued anymore.

## § 95

### Summary planning permission proceedings

(1) Building office may decide on location of the structure, on alteration of the use of the area, on the alteration of the structure, and on division and land consolidation within the summary planning permission proceedings on condition that

a) the programme is situated within the area with development potential or in the developed area,

b) the programme does not require the assessment of the impacts on the environment,

c) the application has all the prescribed elements and

d) the application is documented by binding assessments of the respective authorities and the consent of the participants in the proceedings, who have the proprietary or other real rights to the lands, which are subjects to the planning permission proceedings, or have a common boundary with these grounds, and the structures on them; binding assessments and the consents of the participants in the proceedings must contain the express assent to the summary proceedings.

(2) If the application does not meet the conditions for the summary planning permission proceedings, the building office decides by means of resolution to execute the planning permission proceedings, otherwise the authority publishes the draft of the decision statement; the authority delivers the draft of the statement to the applicant and the respective authorities separately.

(3) The applicant ensures that the draft of the statement would be immediately put up in a proper publicly accessible place at the structure or the ground, in which the programme shall be realized, for the whole period of publication of the draft of the statement. Part of the information is a graphic representation of the programme, or possibly another material, from which it is possible to conclude about the architectural and urban planning form of the programme and its impact on the surroundings.

(4) The reservations of the respective authorities or the objections of the participants against the summary planning permission proceedings may be submitted in writing within the period of 15 days from the date of publication of the draft, remarks of the public may be submitted within the identical period only on the assumption that there would be endangered protection of the public priorities according to special regulations<sup>4</sup>. After submission of a reservation, an objection or a remark the building office proceeds according to paragraph 2 similarly. If within the period there were not submitted reservations, objections or remarks, the decision is deemed as to be issued and comes into force.

(5) After the date when the planning permission came into force the building office hands over to the applicant one copy of the planning permission furnished with the record on the effectiveness together with the verified graphic attachment in the scale of the cadastral map; the building office sends the planning permission furnished with the record on the effectiveness to the municipality, unless it is not the building office, and possibly to the special building office, which conducts the building permit proceedings.

(6) Contents' essentials of the information stated in paragraph 3 are determined by the statutory implementing regulation.

§ 96  
Planning consent

(1) Instead of the planning permission the building office may issue the planning consent – on the basis of the notification of the programme, on condition that the programme is situated within the developed area or the area with development potential, that conditions within the area do not materially alter, and the programme does not introduce new requirements for the public and technical infrastructure. The planning consent can not be issued if the binding assessment of the respective authority contains the conditions, or if by means of such a binding assessment there is expressed the disagreement, or if the programme is subject to the environmental impact assessment pursuant to the special regulation<sup>11</sup>.

(2) Planning assent is sufficient in the following cases

- a) structures, their alterations and the facilities, which do not require the building permit or the notification pursuant to § 103 par. 1 and 2,
- b) notified structures, their alterations and the facilities,
- c) structures for advertisements,
- d) structures sited within the enclosed spaces of the existing structures on condition that the impact of the structure on the surroundings does not alter,
- e) surface treatments of the ground, embankments and excavations up to 1.5 m of height or depth, if their areas are not larger than 300 m<sup>2</sup> and they do not border with public roads and public spaces, or if there does not come to waste disposal,
- f) warehouse, exhibition and handling areas up to 200 m<sup>2</sup> apart from the scrapyards and waste dumps,
- g) alteration of the type of the land of the area up to 300 m<sup>2</sup>,
- h) changes in structures.

(3) Notification on the programme within the area contains, apart from general elements, the data on the required programme and the identification data of the affected grounds and structures. The applicant attaches to the notification

- a) documents proving his/her proprietary right or the document on the right based under the contract to realize the structure or the measure to grounds or structures; these documents are attached if it is not possible to verify these rights in the Land Registry,
- b) binding assessments, or the decisions of the respective authorities pursuant to special regulations,
- c) opinions of the owners of the public transport infrastructure,
- d) simple technical description of the programme with the appropriate drawings,
- e) consents of the persons stated in § 85 par. 2 letter a) and b) marked in the site general layout.

(4) If the programme is in accordance with the requirements stated in § 90, the building office issues the planning approval with the programme, and this within 30 days from the date of its notice, and furnishes the site general layout with the verification clause. However, if the building office comes to conclusion that the programme does not meet the conditions for the issuance of the approval, or if it is

necessary to determine the conditions for its realization, the authority decides by means of a resolution, which is issued by the authority within the period of 30 days from the notice of the programme, on the debate of the programme within the planning permission proceedings. The resolution is delivered to the informant and the appropriate municipality.

(5) The applicant ensures that the information on his/her programme would be put up in the public accessible place at the structure or the ground in which the programme shall be realized, immediately after he/she notified of it for the period of at least 30 days.

(6) If there comes at the cancellation of the planning approval after the legal force of the building permit or granting the approval by the building office (§ 106 par. 1), the planning approval or the planning permission is not issued anymore.

(7) Planning approval applies 12 months from its issuance. The planning approval expires if within this period there was not submitted the application for the building permit, notification or the application for another decision pursuant to this Act or a similar decision pursuant to special regulations, if there was not commenced with the use of the area for the determined purpose, or if the building or another permission proceedings after the period of validity of the planning approval was discontinued or the application was dismissed. The planning approval to division or the land consolidation expires if within the mentioned period the division or land consolidation was not implemented within the Land Registry.

(8) Contents' essentials on the notice of the programme and its attachments are determined by the statutory implementing regulation.

## Part 6

### Planning measure on building ban and the planning measure on redevelopmentTN2

#### § 97

(1) The planning measure on building ban, which is issued as a general nature measure pursuant to the rules of administrative procedure, limits or prohibits to the necessary extent the building activity within the delimited area, if it could deteriorate or make impossible the future use of the area according to the planning documentation being prepared if its task specification has been approved, or under another decision or measure within the area, by which the use of the area is regulated. By planning measure on building ban it is not possible to limit or prohibit the maintenance works.

(2) The planning measure on redevelopment, which is issued as a general nature measure pursuant to the rules of administrative procedure, is issued in the case of the area affected by a natural disaster or a serious accident, in which consequence there came at a material interference into the use of the area, and it is necessary to determine the conditions for removal of the impacts of the natural disaster or the accident and for further use of the area. The planning measure on redevelopment is issued also for the developed area, within which there are situated the defective structures, due to hygienic, security, fire protection, operational reasons and protection of the environment, within which it is necessary to order to remove the defects of the structures and adaptation of the structures as a public priority and to order the measures for redevelopment.

#### § 98

(1) Planning measure on building ban or the planning measure on redevelopment is issued within the delegated powers by the community council board. If the planning measure on building ban or the planning measure on redevelopment refers to more municipalities or in the case of inactivity of the appropriate community council board, the measure may be issued by the regional council board within the delegated powers.

(2) The proposal of the planning measure on building ban or the planning measure on redevelopment is debated in writing with the respective authorities, which may submit their opinions

within 30 days from the date of receiving the proposal. The opinions submitted later are not taken into account. The proposal of the planning measure on building ban or the planning measure on redevelopment must be agreed with the respective authorities, which submitted their statements.

(3) Objections against the proposal of the planning measure on building ban or the planning measure on redevelopment may be submitted, apart from the persons stated in § 172 par. 5 of the rules of administrative procedure, by a representative of the public and the persons, who are determined by the special regulation<sup>12</sup>.

## § 99

(1) The planning measure on building ban determines limitation or prohibition of building activity within the limited affected area and the period of duration of the building ban. As a part of the planning measure on building ban there is a graphic attachment in the scale of the cadastral map with marking of the affected area.

(2) Contents' essentials of the planning measure on building ban, including a graphic attachment, are determined by the statutory implementing regulation.

(3) The appropriate council board may, at the request, permit the exception from the limitation or the ban of the building activity pursuant to the planning measure on building ban, if the permission does not endanger the pursued purpose. It is not possible to appeal against the decision on the exception.

## § 100

(1) Planning measure on redevelopment is issued on the basis of a survey of the affected area and the assessment of the conditions of the structures and grounds in terms of danger to life and health of the persons or in terms of requirements for the use of the area due to recovery after a natural disaster or an accident.

(2) Planning measure on redevelopment determines the territorial and structural technical conditions for removal of the impacts of a natural disaster or the defects in the area and determines the conditions for future use of the delimited affected area; it contains the list of structures, including the grounds, which must be removed or secured due to danger to life or health or the danger of huge material damages. As a part of the planning measure on redevelopment there is a graphic attachment in the scale of the cadastral map with marking of the affected area.

(3) Content' essentials of the planning measure on redevelopment, including the graphic attachment, are determined by the statutory implementing regulation.

(4) On the date when the planning measure on redevelopment comes into force, within the affected area, the issued planning documentation expires till the date of issuance of its alteration or the issuance of a new planning documentation. The planning measure on redevelopment expires on the date of the issuance of a new planning documentation or its alteration for the affected area.

## Part 7

### Regulation of relations within the area

#### Section 1

#### Pre-emption right

## § 101

(1) To the land specified by the plan or the regulatory plan for the public works or the public benefit measure, the municipality or the administrative region, which delimited them within the planning

documentation, or the state according to jurisdiction to the property pursuant to special regulations<sup>37</sup>, has the pre-emption right. The municipality has also the pre-emption right to the ground determined by the plan or the regulatory plan for the public space<sup>1</sup>. The delimitation of the public works or the public benefit measure within the plan or the regulatory plan is, after the issuance of a general nature measure, sent to the appropriate cadastral authority for marking the pre-emption right in the Land Registry.

(2) The owner of the ground stated in paragraph 1 is obligated, in case of the intended transfer, to offer the ground to the municipality, administrative region or the state to purchase for a usual price assessed by the expert opinion of the sworn expert pursuant to the special regulation<sup>38</sup>. The offer to conclude the deed for transfer of grounds is delivered to the appropriate municipal office, regional office or the Authority for representation of the state in proprietary matters.

(3) The pre-emption right may be applied within 6 months from the date of delivery of the offer. After expiration of this period the pre-emption right terminates. The entitled municipality, administrative region or state may expressly waive the pre-emption right even before the expiration of the mentioned right.

(4) If a part of the ground is determined within the public priorities under the plan or the regulatory plan pursuant paragraph 1, as the subject of the offer there is the appropriate part of the ground, which is separated in accordance with the requirements of the special regulations<sup>22</sup>. In case of doubt on determination of the appropriate part of the ground, the town and country planning authority issues the decision upon a motion of the owner.

(5) The owner of the ground is entitled to offer the ground determined by the plan or the regulatory plan for the purposes pursuant to paragraph 1 for purchase to the municipality, administrative region or the state under the condition pursuant to conditions of paragraphs 2 to 4. In case of failure of concluding the purchase contract under this offer the pre-emption right of a municipality, administrative region or the state pursuant to paragraph 1 terminates within 6 months from its delivery.

## Section 2

### Compensation for an alteration within the area

#### § 102

(1) The owner of the ground or structure, whose rights were limited upon the use of the ground or the structure under the planning measure on building ban, is entitled to a compensation.

(2) The owner of the ground, which purpose for the development was terminated under the alteration of the plan or the regulatory plan, or by issuing a new plan or the regulatory plan, or by cancellation of the planning permission pursuant to § 94 par. 3, is entitled to a compensation. The compensation is determined in the amount of the difference between the price of the ground agreed within the purchase contract and the usual price ascertained by means of the expert opinion elaborated by the sworn expert pursuant to the special regulation<sup>38</sup> of the ground, which is not meant for development, in the case that the owner of the ground was the owner or he/she acquired it in the period of validity of the plan, regulatory plan or the planning permission as a ground meant for development. The owner is not entitled to compensation, if there came at the mentioned alteration on the basis of his/her motion. The person, who was authorized to realize the regulatory plan, which was altered or cancelled, or the planning permission, which was cancelled, is entitled to a compensation of the real expenses incurred upon the application of the rights arising from the regulatory plan or the planning permission, from their effective date till their alteration or the cancellation.

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37 For example, Act No. 13/1997 Coll., on roads, as amended by subsequent regulations, Act No. 274/2001 Coll., on water mains and sewage for public use and on alteration of certain acts (the Act on Water Mains and Sewage), as amended by subsequent regulations, Act No. 128/2000 Coll., on municipalities (local government), as amended by subsequent regulations, Act No. 129/2000 Coll., on regions (regional government), as amended by subsequent regulations.

38 Act No. 151/1997 Coll., on property assessment and on alteration of certain acts (the Property Assessment Act), as amended by subsequent regulations.

(3) Obligation to provide a compensation pursuant to paragraphs 1 and 2 under a written application of the applicant lies with the municipality or the administrative region, whose authorities issued the planning measure on building ban, issued the planning documentation or its alteration, or they cancelled the planning permission.

(4) Compensation is provided in cash. A proposal of the compensation amount must be documented with an expert opinion of the sworn expert. The municipality or the administrative region notifies the applicant of its assessment on the applied claim for the compensation within 6 months from the date of submission. In case of acknowledgement of the claim the municipality or the administrative region provides the compensation within 2 months from the date of notification of the applicant, otherwise a court decides on the claim. In the case of the acknowledgement of the claim they provide the compensation in cash, unless there comes to concluding an agreement for provision of the substitute land. In case of rejection of a claim the court decides on it.

(5) In case that there comes to the subsequent alteration of the plan and the appropriate ground, for which it was reimbursed a compensation, is returned into the regime of the area with development potential, the owner of the ground is obligated to return the reimbursed compensation in full amount to the provider of the compensation within 2 months from the notice on the alteration of the plan and the creation of the obligation to return the compensation.

## PART FOUR

### BUILDING CODE

#### CHAPTER I

#### STRUCTURES, LANDSCAPING, INSTALLATIONS AND MAINTENANCE WORK

##### Section 1

##### Permit and notification

##### § 103

Structures, landscaping, facilities and maintenance works do not require building permit or notification

(1) Building permit or notification to a building office is not required for

a) buildings and namely

1. structures of one above-ground floor up to 25 m<sup>2</sup> of the built up area and up to 5 m of height, basementless, if they do not contain the residence rooms, sanitary facilities or heating, they do not serve for animal housing and if they are not warehouses of flammable liquids and gasses;
2. structures for agriculture of one above-ground floor up to 70 m<sup>2</sup> of the built up area and up to 5 m of height, basementless, with the exception of animal housing, breeding and the agricultural structures, which should serve for storage and processing of flammable substances (e.g. haylofts, drying machines, warehouses of flammable liquids, warehouses of chemical fertilizers);
3. structures for fulfilment of forest functions up to 70 m<sup>2</sup> of the built up area and up to 5 m of height, without a basement;
4. structures for breeding of one above-ground floor of the built up area up to 16 m<sup>2</sup> and up to 5 m of height;
5. winter gardens of one above-ground floor and the glass houses up to 40 m<sup>2</sup> of the built up area and up to 5 m of height;
6. shelters of one above-ground floor, which serve for public transport, and other public accessible shelters up to 40 m<sup>2</sup> of the built up area and up to 4 m of height;

The structures mentioned in items 4 to 6 may have one basement floor,

b) public infrastructure and supporting technological equipment for distribution of water, energy, heating, for ensuring the services of electronic communications, for discharging the waste and rain water and ventilation, and namely

1. above-ground and underground communication lines of electronic communication systems, including their supporting and setting out points, and telephone boxes, including the connection communication lines of the public communication system and the supply transmission power lines, especially for the public payphone boxes and their structural alterations;
2. lines of technological equipment inside the buildings and their structural alterations;
3. surface equipment for distribution and discharge of water in the agricultural land in the grounds meant for fulfilment of the forest functions, if they are not water management works;
4. equipment, which is a part or the accessories of the energy supply system;
5. structural adaptation of boiler plants, if in case of their adaptation there does not alter materially their parameters, heating medium or a method of venting;
6. heating units, pumps and equipment for solar heating of water;
7. structural adaptation of energy supply lines, water mains and sewerage systems, if their route is not altered;
8. water mains, sewage and energy supply systems connections in length up to 50 m,

c) posts, antennas and other equipment, and namely

1. structures of hop gardens, vineyards and orchards;
2. antennas, including their frame structures and related electronic communication equipment up to the height of 15 m;
3. sirens, including their supporting structures and related equipment up to total height of 1.5 m;
4. signal towers, signals and pyramids for geodetic purposes;
5. supports of cableways, which do not go across the public communication areas and which serve for the cargo traffic, for which the decision on structure location was issued;
6. flagpoles;
7. lightning conductors and equipment, which forms their parts;
8. information and advertising installations in the total area smaller than 0.6 m<sup>2</sup>;
9. information and advertising installations for which there was, by the planning permission or by the planning approval, limited the period of duration maximally for 3 months and the total height of which does not exceed 10 m and the total area of 20 m<sup>2</sup>;
10. information signs and notices on the ground roadways;
11. marking of the buildings of the state authorities and the public administration authorities, marking of the public utility structures, structures of legal entities and natural persons doing business according to special legal regulations and marking of the real property cultural monuments according to special legal regulation<sup>32</sup>, or possibly with a mark stipulated by the international treaty,

d) reservoirs, water tanks and pools, if they are not water management works, retaining walls, fencing and namely

1. tanks for condensed hydrocarbon gases up to total volume of 5 m<sup>3</sup> determined exclusively for distribution output of the gaseous phase;
2. tanks for water or other inflammable liquids up to volume of 50 m<sup>3</sup> and up to height of 3 m;
3. tanks for storage of agricultural products, feeds and fertilizers up to volume of 50 m<sup>3</sup> and up to height of 3 m, which have a document of accordance with technical requirements pursuant to the special legal regulation<sup>39</sup>;
4. water tanks up to volume of 100 m<sup>3</sup> within the distance minimally 50 m from the buildings with housing or the residence rooms, if they are not the water management works;
5. pools up to 40 m<sup>2</sup> of the built up area;

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<sup>39</sup> Act No. 22/1997 Coll., on technical requirements for products and on alteration and supplement of certain acts, as amended by subsequent regulations.

Government decree No. 163/2002 Coll., by which there are determined the technical requirements for selected products for construction.

Government decree No. 190/2002 Coll., by which there are determined the technical requirements for the products for construction marked with CE, as amended by the Government decree No. 251/2003 Coll. and the Government decree No. 128/2004 Coll.

6. fences up to height of 1.8 m, which do not border with the public ground roadways and a public place<sup>1</sup>;
7. fencing of lands for agricultural and forestry purposes without the foundation wall;
8. retaining walls up to height of 1 m, which do not border with the public accessible roadways and a public place,

e) maintenance works, the performance of which cannot negatively impact the health of persons, fire safety, stability and the appearance of the structure, environment and safety in use, and they are not maintenance works in the structure, which is the cultural monument,

f) landscaping and the facilities of a small extent, and namely

1. landscaping of the ground, embankments and excavations up to 1.5 m of height or depth, if their areas are not larger than 300 m<sup>2</sup> and they do not border with public roadways and public spaces<sup>1</sup>;
2. excavations and embankments for location of the reservoirs pursuant to letter d) items 1 to 3;
3. warehouse, exhibition and handling areas up to 200 m<sup>2</sup>, which do not serve for storage and handling flammable substances and chemical agents, which may cause pollution of the environment;
4. parking lots for bicycles, including the structures for securing bicycles;
5. structures of weighbridges,

g) other structures and installations, and namely

1. mine workings, mine structures under the surface and the structures in opencast quarries and overburdens, on conditions that they are subject to approval and supervision of the state mining authority pursuant to mining regulations;
2. circus tents for maximum of 200 persons and scenic structures for film, television or theatre;
3. portable structures, structures and scaffoldings;
4. culverts in purpose roads;
5. products, which fulfil the function of a structure, including the supporting structures for them, basementless, if they do not serve for the use by persons or as animal housing,

h) structural adaptations, if they do not interfere into the supporting constructions of the structure, there is not altered the appearance of the structure or the method of the use of the structure, do not require the environmental impact assessment<sup>11</sup> and their workmanship cannot negatively impact the fire safety.

(2) Structural adaptations of roads and the maintenance works within them, which do not require the building permit or the notification, are specified within the special legal regulation<sup>40</sup>.

## § 104

### Notification of simple structures, landscaping, installations and maintenance works

(1) The notification without a prior planning permission or the planning approval is sufficient for the realization of simple structures stated in paragraph 2 letter a) to d), the design of which is in accordance with general requirements for construction, the planning information (§ 21), which are sited within the developed area or the area with development potential, they do not alter materially the conditions in the area and which do not require new demands for the transport and technical infrastructure. Together with the notification, the developer documents to the building office that he/she provably notified of his/her building programme the owners of the neighbouring grounds and structures on them; these owners may notify the respective building office their possible objections against the structure within 15 days from the date, when they were informed by the developer.

(2) Notification to a building office is required for

a) residential and leisure time buildings up to 150 m<sup>2</sup> of the developed area, with one underground floor up to the depth of 3 m and maximally with two above-ground floors and an attic,

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<sup>40</sup> Executive regulation No. 104/1997 Coll., by which the act on roads is executed, as amended by subsequent regulations.

- b) underground structures up to 300 m<sup>2</sup> of the developed area and the depth up to 3 m, unless the structures are not the water management works,
- c) structures up to 300 m<sup>2</sup> of the developed area and height of 10 m, with the exception of residential buildings and a hall up to 1000 m<sup>2</sup> of the developed area and the height of 15 m, if these structures and halls contain maximally one above-ground floor, are basementless and temporary for the maximum period of 3 years,
- d) structures up to 25 m<sup>2</sup> of the developed area and up to 5 m of height with one above-ground floor, basementless up to depth of 3 m,
- e) wind power station up to the height of 10 m,
- f) landscaping not stated in § 103 par. 1 letter f) item 1,
- g) structures of the building site establishment not stated in § 103 par. 1 letter a),
- h) connections not stated in § 103 par. 1 letter b) item 8,
- i) abutment wall structures up to the height of 1 m not stated in § 103 par. 1 letter d) item 8,
- j) information and advertising installations in the structure or the ground not stated in § 103 par. 1 letter c) items 8 and 9 and the advertising installations pursuant to § 3 par. 2,
- k) products, which fulfil the structure function and which are not stated in § 103 par. 1 letter g) item 5,
- l) circus tents not stated in § 103 par. 1 letter g) item 2,
- m) antennas, including their supporting structures and related electronic communication equipment, not stated in § 103 par. 1 letter c) item 2,
- n) adaptations for change in a part of structure use, by which there is not interfered into the load bearing construction of the structure, there is not changed its exterior and there is not required the environmental impact assessment<sup>11</sup>,
- o) slips from ground roadways to neighbouring grounds,
- p) maintenance works on the structure not stated in § 103 par. 1 letter e).

(3) Notification is not required for simple structures, landscaping and installations, for which the building office determined so pursuant to § 78 par. 2.

(4) Adaptation of roads and the maintenance works on them, which require the notification, are determined by the special regulation<sup>40</sup>.

## Notification

### § 105

(1) Notification of the structure contains the data on the developer, the ground, notified structure, its scope and purpose, on method and period of realization of the building project and its simple technical description, unless it refers to the cases stated in paragraph 2; in case of a temporary structure also the period of its duration and a proposal of the land treatment after its removal. To the notification there is attached a document proving the proprietary right or the right based on the contract to realize the structure or the measure or the right corresponding to easement to the ground or the structure, on condition that the building office cannot verify the existence of such a right within the Land Registry.

(2) In cases of the structures stated in § 104 par. 2 letter a) to d) there is attached to notification the design documentation. In case of the structures and landscaping stated in § 104 par. 2 letter e) to i) and n) there is attached to notification the design documentation, which is created by the position sketch according to the cadastral map with marking the structures' location, boundaries with the neighbouring grounds, structures' locations on them and simple construction or assembly drawings specifying the designed structure or the landscaping.

(3) Design documentation is attached in duplicate. If the municipal office of the municipality, on whose territory the structure will be erected, is not a building office, it is submitted in triplicate, except for the structures within the powers of the military or other building offices (§ 16); if the developer is not the owner of the structure, there shall be attached one more copy. There is attached to notification the binding assessment of the respective authority required by a special regulation<sup>4, 12, 32</sup>.

(4) Submission, which does not contain the essentials pursuant to paragraphs 1 to 3, is not a notification pursuant to this Act and the building office holds it off by its resolution. The resolution on holding off is sent to the developer within 15 days from the date of submission together with the instructions of correct notification procedure and of the fact that it is not possible to commence with the construction.

(5) Essentials of notification and the contents and scope of the design documentation in case of structures stated in § 104 par. 2 letter a) to d) are determined by the statutory implementing regulation.

## § 106

(1) Upon the written approval of the building office the developer may realize the notified structure, landscaping or the installation pursuant to § 104 par. 2; in case of a temporary structure the approval contains its period of duration. If the approval is not delivered to the developer within 40 days from the date when the notification was received by the building office, or the developer was not delivered the ban pursuant to § 107, it applies that the building office granted the approval.

(2) If the building office approves the realization of the notified structure, the office verifies the submitted design documentation. It keeps one copy, the other is sent to the developer.

(3) The approval applies for the period of 12 months; however, it does not expire, if within this period it was commenced with the notified structure. The period starts running on the day subsequent after the date, when the approval was delivered to the developer, or on the day subsequent the date, when 40 days expired from the notification.

## § 107

(1) If the notified structure pursuant to § 104 par. 1 was designed in contradiction to the planning information or the general requirements for construction, or it was located in the non-developed area, or it was in contradiction to the binding assessment of the respective authority (§ 105 par. 3), the building office prohibits the realization of the notified structure by resolution, which is the first act within the proceedings. This decision must be issued within 30 days from the date of notification of the structure.

(2) If the notified structure, landscaping or the installation pursuant to § 104 par. 2 letter d) to p) are in contradiction to general requirements for construction, regulatory plan, planning permission, or the planning approval, or the binding assessment of the respective authority (§ 105 par. 3), the building office prohibits the realization of the notified structure by resolution, which is the first act within the proceedings. This decision must be issued within 30 days from the date of notification of the structure.

## § 108

### Products fulfilling the function of the structure

(1) In case of a product that fulfils the function of a structure, there is attached to notification pursuant to § 105 a document pursuant to the special regulation<sup>39</sup> proving the accordance of its properties

with the requirements for the structure pursuant to § 156. If it is not possible to procure such a document, there is attached to notification a technical documentation of the producer or the importer, or another document, from which it is possible to verify the observance of the requirements for structures.

(2) The building office prohibits location or the use of the product that fulfils the function of the structure by resolution, which is the first act within the proceedings, if it was not documented the fulfilment of requirements pursuant to paragraph 1, or if it came to a negative environmental impact in its surroundings; due to same reasons the office may order also its removal pursuant to § 129 par. 1 letter a).

### Building permit proceedings

#### § 109

(1) Participant in the building permit proceedings is

- a) developer,
- b) owner of the structure where a change or maintenance works shall be realized, unless he/she is a developer, if it is not a case stated in letter g),
- c) owner of the ground where a structure shall be realized, unless he/she is a developer,
- d) owner of the structure on the ground where a structure shall be realized, and a subject who has the right to this ground or the structure corresponding to an easement, if their rights may be directly affected by the designed structure,
- e) owner of the neighbouring ground or the structure in it, if his/her right may be directly affected by the designed structure,
- f) subject who has the right to the neighbouring ground corresponding to an easement, if this right may be directly affected by the designed structure,
- g) association of the owners of the flat units pursuant to the special regulation<sup>35</sup> within the building permit proceedings, which refer to the house or the common parts of the house or the ground; in the case that the association of the owners of the flat units pursuant to the special regulation has not the legal status, the owner, whose co-owner's share in common parts of the house is more than a half.

(2) The participant in the proceedings is not a tenant of a flat, a non-residential space or a ground.

#### § 110

(1) Application for a building permit contains, apart from general essentials, the basic data on the required programme and the identification data on the grounds and structures.

(2) The developer attaches to the application

- a) documents proving his/her proprietary right or the right based on the contract to realize the structure or the measure or the right corresponding to easement to the ground or the structure, if the building office cannot verify the existence of such a right in the Land Registry,
- b) design documentation,
- c) plan of structure inspections,
- d) binding assessments, or the assessments or other documents required by special regulations<sup>4</sup>, if the developer procured them in advance.

(3) Design documentation is submitted in duplicate, and if the municipal office is not the building office in the area of the structure, except for the structures within the power of the military or other building offices, it is submitted in triplicate. If the developer is not the owner of the structure, there shall attached one more copy.

(4) If the design documentation is not made by the authorized person, the building office discontinues the proceedings.

(5) Contents' essentials of the application for a building permit, scope and contents of the design documentation are determined by the statutory implementing regulation.

#### § 111

(1) Building office revises the application and the attached material in the terms, whether it is possible to realize the structure according to it and especially verifies if

a) the design documentation is made in accordance with the planning documentation, conditions of the planning permission or the planning approval,

b) the design documentation is complete, clear, was made by the authorized person<sup>14</sup> and if there are resolved general requirements for construction in an appropriate degree,

c) the access to the structure is ensured, and timely construction of technical, or another equipment necessary to a proper use of the structure required by the special regulation is ensured,

d) submitted materials meet the requirements of the respective authorities.

(2) Building office verifies also the effects of a future use of the structure.

(3) If the building office ascertains that

a) within the design documentation there are not observed the requirements for construction,

b) the design documentation is not in accordance with the requirements of the respective authorities, the planning documentation, conditions of the planning permission or the planning approval,

the office calls upon the developer to remove the mentioned deficiencies and specifies a reasonable period for that.

#### § 112

(1) Building office notifies the participants in the proceedings, which are known to it, and the respective authorities of the commencement of the building permit proceedings minimally 10 days before the oral proceedings, which can be joined by the office with the local inquiry if it is purposeful. Simultaneously the office notifies the respective authorities and the participants in the proceedings of the fact that the assessments and objections or the proofs may be applied at the latest during the oral proceedings, otherwise they will not be taken into account.

(2) Building office may refrain from the local inquiry or the oral proceedings if the conditions of the site are well known to the office and the application provides sufficient materials for the assessment of the designed structure and for determining the conditions for its realization. If the office refrains from the oral proceedings, it determines the period, which must not be shorter than 10 days, until when the respective authorities may submit the binding assessments and the participants their objections, or the proofs. At the same time the office notifies them that the binding assessments, objections or proofs submitted later, will not be taken into account.

#### § 113

(1) Within the building permit proceedings the building office may, at its expense, invite the authorized inspector; if the developer suggests to invite the authorized inspector, he/she reimburses his/her expenses.

(2) Within the building permit proceedings the building office may, at its expense, invite the designer, who was authorized by the developer to coordinate the design documentation, if it was made by more designers, or to coordinate the author's supervision (hereinafter referred to as "chief designer"); if the developer suggests to invite the chief designer, he/she reimburses his/her expenses.

(3) If there is delivered to the participants in the proceedings the notice on the commencement of the proceedings by a public notice, then the notice to the developer and to the owner of the structure, within which there shall be made a change, shall be delivered in their own hands.

#### § 114

##### Objections of the participants in the proceedings

(1) The participant in the proceedings may submit the objections against the design documentation, method of realization and use of the structure, or against the requirements of the respective authorities, if they directly affect his/her proprietary rights, or the right under the contract to realize the structure, or the measure or the right corresponding to easement to the ground or to the structure.

(2) The objections of the participants in the proceedings, which were or could have been submitted within the planning permission proceedings, within the regulatory plan procurement, or within the issuance of the planning measure on building ban, or the planning measure on the area redevelopment<sup>TN2</sup>, are not taken into account.

(3) Building office decides on the objection, on which there did not come to an agreement between the participants in the proceedings, on the basis of general requirements for construction, binding assessments of the respective authorities or technical standards on condition that such an objection does not exceed the scope of its powers. If there did not come to an agreement on the objection of the civil nature, the building office forms a judgement about it and decides the case on its merits; this does not apply in case of the objections referring to the existence of the right or the scope of the proprietary rights.

#### § 115

##### Building permit

(1) In the building permit the building office determines the conditions for the realization of the structure, and if necessary also for its use, and it decides the objections of the participants in the proceedings. The office secures the protection of public priorities by conditions and it determines especially the relation to other conditional structures and installations, observance of general requirements for construction, including the requirements for a barrierless use of the structure, or technical standards. As necessary it determines which phases of construction will be notified to the office by the developer for the purpose of making the inspections of the structure, the office may also determine that the structure can be used only on the basis of the final inspection approval.

(2) In the building permit the building office may impose the execution of the test operation in case of the structure containing a technological equipment, where it is necessary to certify the serviceability for a safe operation, observance of conditions of the building permit, or the integrated permit pursuant to a special regulation<sup>9</sup>. In such a case the period of duration of test operation is considered together with the developer in advance.

(3) After the date when the building permit comes into force the building office sends to the developer one copy of the verified design documentation together with the label containing the identification data on the permitted structure. The office sends another copy of the verified design documentation to the owner of the structure, if he/she is not the developer.

(4) The building permit expires, if the construction was not commenced within 2 years from the date, when it came into force. The building office may extend the period of validity of the building permit at the justified request of the developer submitted before its expiration. By submitting the application the running of the period of validity of the building permit is suspended.

(5) The participants in the proceedings, who were notified by a public notice about the opening of the building permit proceedings, are notified about the building permit by a public notice. The developer and the owner of the structure, within which a change shall be made, however, shall receive the building permit into their own hands.

(6) Contents' essentials of the building permit and the label containing the identification data are determined by the statutory implementing regulation.

#### § 116

(1) With the approval of the respective authorities the building office may conclude with the developer the public law contract on realization of the structure or landscaping, which replaces the building permit, and this under the conditions pursuant to § 161 to 168 of the rules of administrative procedure; the provision of § 167 par. 3 of the rules of administrative procedure does not apply. Contents' essentials of the public law contract are determined by the statutory implementing regulation.

(2) Within 7 days from submission of the public law contract draft the building office notifies about the procedure pursuant to paragraph 1 the persons, who would be participants in the proceedings pursuant to special law.

#### Summary building permit proceedings

#### § 117

(1) If the developer concludes with the authorized inspector a contract on making a check of the design documentation for the structure, which he/she is going to realize, he/she may only notify the building office of the construction if there were procured the concurring binding assessments of the respective authorities and statements of the persons, who would be participants in the building permit proceedings (§ 109), and if it is not a structure, which is designated as incompetent for the summary building permit proceedings pursuant to the special regulation, to the planning documentation or by the decision of the town and country planning authority.

(2) The developer attaches to the notice of the structure the design documentation specified by the statutory implementing regulation and the certificate issued by the authorized inspector. Documentation is submitted in duplicate; if the municipal authority is not the building office, or the developer is not the owner of the structure, it is submitted in triplicate.

(3) The authorized inspector certifies by a certificate that he/she certified the design documentation and the attached material in terms of views stated in § 111 par. 1 and 2 and that the designed structure may be realized. The authorized inspector marks this fact in the design documentation, states his/her name and surname, date of issuance of the certificate and furnishes it with his/her signature and a stamp. He/she attaches to the certificate the plan of inspections, binding assessments of the respective authorities and statements of the persons, who would be the participants in the building permit proceedings (§ 109).

(4) If within the statements pursuant to paragraph 1 the objections against the realization of the structure were applied, the authorized inspector considers them and settles them with the persons, who submitted them. The authorized inspector attaches the method of dealing with the objections and conclusions, possibly also the materials, from which he/she took the information, to the certificate pursuant to paragraph 3. If it is impossible, within the dealing with the objections, to settle the conflicts between the persons, who would be the participants in the proceedings otherwise, the inspector submits

their statements together with the design documentation and the binding assessments of the respective authorities to the building office, which ensures the settlement of objections pursuant to § 114 or it decides by resolution on the objections within its powers or it decides by resolution on the incompetence of the structure for the summary proceedings.

(5) Certificate, verified documentation with marked data and the attachment pursuant to paragraph 3 are registered by the building office and used for inspections of the structure.

(6) Contents' essentials of notification pursuant to paragraph 1 as well as the content and structure of the certificate are determined by the statutory implementing regulation.

## § 118

### Change of a structure before its completion

(1) At the justified application of the developer or of his/her legal representative the building office may permit the change of a structure before its completion. Apart from general essentials the application contains the description of changes and their comparison to the building permit and the design documentation certified by the building office, or by authorized inspector within the summary building permit proceedings. To the application there is attached the design documentation of changes of the structure, or the copy of the verified design documentation with marking of the proposed changes.

(2) The building office debates the application for the change of a structure before its completion with the participants in the proceedings and respective authorities to the extent, within which the change affects the rights of the participants in the building permit or the planning permission proceedings, as well as the interests protected by special regulations, and the office decides on it. The provisions on the building permit or planning permission proceedings apply to the proceedings and permission accordingly. Change of a structure may be debated and permitted within the summary building permit or planning permission proceedings.

(3) Building office or the authorized inspector approves the change of a structure, which does not affect the rights of the participants of the building permit proceedings, if summary building permit proceedings were conducted in the merits, at the inspection in the form of a record into the site diary or of a simple record on the structure; as the case may be the office or the inspector marks the change also in the verified design documentation. The office or the inspector is allowed to make so, only if the change does not affect the planning permission, public priorities protected by special regulations, or when the appropriate respective authority approves the change in writing or by statement to report.

(4) Change of the notified structure may be performed under the approval of the building office with its notification. Appropriate parts of § 105 to 107 are taken into account in this case.

## Section 2

### Utilization of structures

## § 119

The completed structure, or a part of the structure, which is capable of a separate utilization on condition that it required the building permit or the notification to building office pursuant to § 104 par. 2 letter a) to e) and n), or if it has been realized under the public law contract (§ 116) or the certificate issued by the authorized inspector (§ 117) and was realized in accordance with the certificate, may be utilized under the notice to the building office (§ 120) or the final inspection approval. The developer ensures that before the commencement of the structure utilization there will be made and assessed the tests prescribed by special regulations<sup>41</sup>.

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41 For example, § 4 of the regulation No. 111/1981 Coll., on chimneys cleaning, § 15 and 19 of the regulation No. 428/2001 Coll., by which there is executed the Act No. 274/2001 Coll., on water mains and sewage for public use and on alteration of certain acts (the Act on Water Mains and Sewage), § 4 of regulation No. 85/1978 Coll., on controls, inspections and tests of gas appliances, as amended by Government decree No. 352/2000 Coll.

## § 120

(1) The developer is obligated to notify the building office of the intention to commence the structure utilization at least 30 days in advance, if it is not a structure stated in § 122. The structure utilization for the purpose, for which the structure was permitted, may be commenced if, within 30 days from the notice, the building office does not prohibit the structure utilization, which would be the first act within the proceedings.

(2) The building office prohibits the structure utilization if it ascertains, under the final inspection, that the conditions of protection the lives and health of persons or animals or the environment necessary for its utilization are not fulfilled, that the structure endangers the safety, or there are not observed the general requirements for construction, including the barrierless structure utilization, if it is required by the legal regulation. The building office proceeds accordingly in case of a structure realized in contradiction to the building permit or notified or utilized without a prior notice. The appeal against the decision on the prohibition of the structure utilization has no suspending effect.

(3) Only the developer is the participant in the proceedings pursuant to paragraph 2. If the structure was realized by a different person from the developer under an agreement with the owner, the owner of the structure is also the participant in the proceedings.

(4) After remedying the imperfections, for which the structure utilization was prohibited pursuant to paragraph 2, it is possible to commence its utilization only under the written approval of the building office stating that it is possible to utilize the structure.

(5) Contents' essentials pursuant to paragraph 1 are determined by the statutory implementing regulation.

## § 121

The developer submits to the building office together with the notice on the structure utilization pursuant to § 120 par. 1, or with the application for the issuance of the final inspection approval, the documentation of the actual realization of the structure, if there came to immaterial deviations as compared to the issued building permit during its realization, notification to the building office or the verified design documentation. If it is a structure of technical or transport infrastructure, the developer always submits the documentation of the actual realization of the structure. If the structure is subject to the Land Registry records, the developer documents also a copy of the layout plan for this structure.

## § 122

### Final inspection approval

(1) A structure with properties that cannot be affected by the future users, for example, hospital, school, block of flats, structure for trade and industry, structure for assembly of bigger number of persons, transport structure and the civil infrastructure structure, structure for accommodation of the convicted and accused persons, furthermore the structure, within which the performance of the test operation was prescribed, and a change in structure, which is the cultural monument, may be utilized only under the final inspection approval. The approval is issued at the request of the developer by the respective building office. Within the application the developer states the identification data on the structure and the expected term of its completion. For the purpose of the issuance of the final inspection approval the developer procures the binding assessments of the respective authorities to the structure utilization required by special regulations<sup>4</sup>. If the structure is subject to the Land Registry records<sup>22</sup>, the developer procures a copy of the layout plan.

(2) Within 15 days from the date of the developer's application delivery the building office determines the term of performance of the final inspection of the structure and at the same time the office states what documents shall be submitted at the inspection by the developer.

(3) At the final control inspection the building office especially inspects whether the structure was realized in accordance with the notification to the building office, pursuant to the issued building permit and the verified design documentation and if the general requirements for construction were observed, including the barrierless use of the structure, if this is required by the legal regulation. The office furthermore inspects if the actual realization of the structure or its utilization shall not endanger the life and public health, life and health of animals, safety or the environment. If the building office does not ascertain the defects preventing the safe structure utilization or the contradiction to the binding assessments pursuant to paragraph 1, within 15 days from the execution of the final inspection the office issues the final inspection approval, which is the document on the permitted purpose of the structure utilization. The final inspection approval is not an administrative decision.

(4) If there are ascertained defects in the structure preventing its safe utilization or the contradiction to the binding assessments pursuant to paragraph 1, the building office does not issue the final inspection approval and prohibits by decision, which is the first act in the proceedings, the structure utilization; the participant in the proceedings is the developer, or the future user of the structure. The appeal against a decision has not the suspending effect. The developer notifies in writing of the defects remedy the building office, which after verification, that the notification corresponds to reality, issues the final inspection approval within 15 days from the date, when the notice of the developer was delivered to the office.

(5) The developer may document the application for the issuance of the final inspection approval pursuant to paragraph 1 also with the expert opinion (certificate) of the authorized inspector. In such a case the building office may refrain from the final inspection of the structure and issue the final inspection approval on the basis of the expert opinion.

(6) Contents' essentials of the application for the issuance of the final inspection approval and the essentials of the final inspection approval are determined by the statutory implementing regulation.

## § 123

### Premature structure utilization

(1) At the request of the developer the building office may issue a timely limited permit for the premature structure utilization before its total completion, if this has not material impact on the structure usability, does not endanger the safety and health of persons or animals or the environment. In case of the structure realized by a contracting firm the developer attaches to the application the agreement with the structure general contractor, containing its consent, or the agreed conditions of the premature structure utilization; in case of the other structures the developer suggests the conditions of premature structure utilization within the application. The participant in the proceedings is the developer, general contractor and the owner of the structure.

(2) If there are not fulfilled the conditions pursuant to paragraph 1 for the permit of the premature structure utilization, the building office rejects the application.

(3) After completing the structure it is proceeded, as the case may be, pursuant to § 122, or pursuant to § 120 or 124.

## § 124

### Test operation

(1) During the test operation of the structure the functionality and properties of the realized structure according to the design documentation shall be verified. If the execution of the test operation was not imposed by a building permit, under the requirement of the respective authority or the application of the developer or in another reasoned case the building office may determine by decision, which is the first act in the proceedings, that the final inspection approval may be issued only after the execution of the test operation. Within the frame of this decision the office states especially the period of duration of the test operation of the structure and if necessary the office determines the conditions of it, or the conditions

of a continuous transition of the test operation into the structure utilization. The developer attaches the assessment of the test operation results to the application for issuance of the final inspection approval.

(2) The participant in the proceedings pursuant to paragraph 1 is the developer and the owner of the structure.

## § 125

### Documentation of the actual structure realization

(1) The owner of the structure is obligated to keep the verified documentation corresponding to its actual realization according to the issued permits for the whole period of duration of the structure. In the cases, when the structure documentation has not been procured at all, it does not exist anymore or it is not in a due state, the owner of the structure is obligated to procure the documentation of the actual structure realization. In the case of the change in ownership of the structure the existing owner hands over the documentation to the new owner of the structure.

(2) If the documents enabling to ascertain the purpose, for which the structure was permitted, do not exist anymore, it applies that the structure is determined for the purpose, for which it is equipped with its building technical arrangement. If the structure equipment suits several purposes, it is deemed that the structure is determined for such a purpose, for which it is utilized without defects.

(3) If the owner of the structure does not perform the duties pursuant to paragraph 1, the building office orders him/her to procure the documentation of the actual realization of the structure. If a complete documentation of the actual realization of the structure is not necessary, the building office imposes only the procurement of the simplified documentation (structure inventory), if the developer did not procure it by him/herself.

(4) If it is not necessary to update the documentation procured pursuant to paragraph 1 or 3, change or rewrite it in a different way, the building office certifies it and sends it in one certified copy to the owner of the structure and the municipal office, within whose municipal territory the structure is situated, if the office is not the building office. This applies also for the documentation of the actual structure realization submitted to the building office together with the notice on the structure utilization pursuant to § 120 par. 1, or with the application for the issuance of the final inspection approval.

(5) As the owner of the structure pursuant to paragraphs 1, 3 and 4 it is considered to be the association of the owners of the flat units pursuant to the special regulation<sup>35</sup>.

(6) Scope and contents of the documentation of the actual structure realization are determined by the statutory implementing regulation.

### Change in structure use

## § 126

(1) A structure can be used only for the purpose specified especially within the final inspection decree, within the notification of the structure, within the public law contract, within the certificate of the authorized inspector, within the building permit, within the notice of the structure utilization, or within the final inspection approval.

(2) A change in the structure use purpose, its operation equipment, method of production or in its substantial extension and a change in the activity the effects of which could endanger the life and public health, life and health of animals, safety or the environment, is admissible only on the basis of a written approval issued by the building office. The provision of § 81 par. 2 letter c) is not affected by this.

(3) A change in the structure use must be in accordance with the town and country planning aims, public priorities protected by this Act and with special regulations.

(4) If a change in the structure use is conditioned by the change in the completed structure, which requires the notification or the building permit, it is proceeded pursuant to § 105 to 117. After completing the change in the structure it is proceeded, as to the conditions, pursuant to § 120 or 122.

## § 127

(1) Building office issues the approval with the change in the structure use upon the notice by the person, who has the proprietary right to the structure or proves the right to change the structure use. The notice contains description and reasoning of the intended change, its scope and consequences. To the notice there is attached the document on the proprietary right to the structure, if the building office cannot verify the existence of such right in the Land Registry, or the consent of the owner of the structure to the change in the sue, and the binding assessments of the respective authorities required by special regulations<sup>4</sup>.

(2) If the building office approves the change in the structure use, within 30 days from the date of its notice it sends the approval to the person, who notified of the change. Otherwise it prohibits the change in the structure use within the same period by the decision, which is the first act in the proceedings. If within the period of 30 days from the date of the notice the building office does not approve the change in the structure use or it does not prohibit it, it is deemed that the office approves the change in the structure use.

(3) If the change affects the rights of the third persons or requires a more detailed assessment of its impacts on the neighbourhood, within 30 days from the date of the notice of the change the building office notifies in writing the person, who gave the notice, stating that the change is subject to the decision and concurrently it determines materials necessary for the proceedings. At the day of their submission there is commenced the proceedings on the change in the structure use.

(4) Essentials of the contents of the notice, approval and the decision on the change in the structure use are determined by the statutory implementing regulation.

## Section 3

### Removal of structures, landscaping and installations

## § 128

### Permit for removal of a structure, landscaping and installations

(1) The owner of the structure is obligated to notify the building office of the intention to remove the structure, with the exception of the structures stated in § 103, if it is not the structure, where the asbestos is present. If they are structures that require the building permit or the notification pursuant to § 104 par. 2 letter a) to e), the owner attaches to the notification the documentation of demolition works and the document proving the proprietary right to the structure, if the building office cannot verify existence of such a right in the Land Registry.

(2) A structure may be removed, if within 30 days from the notification of such an intention the building office does not notify that for the removal there is necessary the permit. Duties of the owner of the structure being removed, determined by special regulations<sup>4</sup>, are not affected.

(3) If the building office notifies the developer that the structure may be removed only under the permit, concurrently the office determines what materials are necessary to be updated. On the day of their submission to the building office the proceedings are commenced. The structure removal permit pursuant to paragraph 2 is issued by a decision of the building office after debating with the participants in the proceedings and the respective authorities.

(4) The owner of the structure is responsible for the fact that the structure removal will be performed by a building contractor. The structure, which does not require the building permit for the realization, may be removed by the owner himself, if he/she ensures the performance of the building supervision. In case of the structures, where asbestos is present, the owner ensures the performance of the

supervision by the person, who has the authorization for the expert conduction of realization of structures pursuant to the special regulation<sup>14</sup>.

(5) Removal of landscaping and installations does not require the notification, if the building office did not determine otherwise. In such a case the provision of paragraphs 1 to 4 applies accordingly.

(6) If the notified intention to remove the structure, landscaping or maintenance work refers to the real estate, which is not the cultural monument, but it is situated in the conservation area, conservation zone or in the protective zone of a real estate cultural monument, of a real estate national cultural monument, of a conservation area or of a conservation zone<sup>32</sup>, and the binding assessment of the state monuments conservation authority determines the conditions for realization of the intention, the building office notifies the developer within the period pursuant to paragraph 2, that it is possible to remove the structure, the landscaping or the installation only on the basis of the permit.

(7) Essentials of the notification, documentation of demolishing work and permit are determined by the statutory implementing regulation.

## § 129

### Order to remove a structure, landscaping and installation

(1) Building office orders the owner of the structure, or with his/her consent, a different person to remove the structure

a) which with its defective state endangers the life and health of persons and animals, safety, environment or the property of the third persons and its owner, despite the decision of the building office, did not remove the defective state of the structure within the determined period; if it is a structure or installation, which is the cultural monument, it is proceeded pursuant to the special regulation<sup>32</sup>,

b) being realized or realized without a decision or a measure of the building office required by this Act or being in contradiction to it, or

c) within which the building permit was cancelled pursuant to § 176 par. 5 and the structure cannot be preserved.

(2) The structure stated in paragraph 1 letter b) may be additionally permitted, if the developer or its owner proves that

a) it is not located in contradiction to town and country planning aims, especially to the planning documentation and the planning measure on the building ban or the planning measure on the area redevelopmentTN2,

b) is not being realized or realized in the land, where it is prohibited or limited by the special regulation,

c) is not in contradiction to general requirements for construction or the public priorities protected by the special regulation.

(3) In case of the structure being realized or realized without a decision or a measure of the building office, which is required by this Act or in contradiction to it, the building office opens the proceedings on its removal. If it is a structure stated according to paragraph 2, the developer or the owner applies for its additional permit and submits the materials in the identical extent as to the application for the building permit, the building office suspends the proceedings on removal of the structure and conducts the proceedings on the submitted application; within this proceedings it proceeds pursuant to § 111 to 115. If the structure is additionally permitted, the proceedings on the structure removal will be discontinued.

(4) If the additionally permitted, already completed, structure is the subject, the building office may approve its use. In case of a completed structure, which may be utilized only under the final inspection approval, the building office calls upon the developer to submit the application for its issuance.

(5) The building office orders removal of the temporary structure for which the determined period of its duration expired. If the owner of the structure applies for the extension of the period of duration of the structure or the change in its use, the building office suspends the proceedings on removal of the structure and conducts the proceedings on the submitted application; to the proceedings the provision of § 127 applies accordingly. If the application is admitted, the building office discontinues the proceedings on the structure removal.

(6) If there is necessary to order restoration of the previous state of the structure, within which the building adaptations, consisting in removal of some part of the structure, were performed without a building permit or notice to the building office for notification or in contradiction to it, the building office proceeds pursuant to paragraph 3.

(7) In case of landscaping, structures, which are subject only to a planning permission, and in case of the installations it shall be proceeded pursuant to paragraphs 1 to 4 accordingly. The additionally issued permit substitutes the planning permission.

### § 130

(1) In the permit or in the order to remove a structure, landscaping or installations, the building office determines conditions arising from the technical requirements for structures, conditions for the documentation archiving, or the requirements for the land arrangement after the structure removal. The building office may also impose the owner of the structure the obligation to submit the draft of technological procedure of works during the structure removal, including the necessary measures to exclude, limit or to compensate the possible negative impacts on the environment in the structure neighbourhood.

(2) If a court decided on the structural removal, the obligated person asks the building office to determine the conditions for the structure removal; the decision, by which the conditions are determined, is the first act in the proceedings.

### § 131

(1) Structure removal costs are paid by the entity, which was ordered to remove the structure.

(2) The entity, which was ordered to remove the structure, is responsible for the damage, which occurred in connection with the structure removal at the neighbouring structure or the land, if it was not caused by its defective state. Costs of necessary securing work, which must be performed due to the defective state of the neighbouring structure, are paid by the owner of that structure.

## CHAPTER II

### BUILDING SUPERVISION AND SPECIAL POWERS OF THE BUILDING OFFICE

#### § 132

##### Common principles

(1) Building offices execute a continuous supervision over ensuring the protection of public priorities, protection of rights and reasoned interests of legal entities and natural persons and over fulfilling of their duties arising from this Act and regulations issued for its execution.

(2) Within the public priorities the building office is authorized to

a) execute the inspections of the structure,

- b) order the emergency structure removal,
- c) order the necessary securing works within the structure,
- d) order the necessary adaptations within the structure, building ground or on the developed building ground,
- e) order the execution of maintenance works,
- f) order the structure evacuation,
- g) impose the measures on a neighbouring ground or structure.

(3) As the public priority there is to be understood the requirement that

- a) the structure would be realized in accordance with a decision or another measure of the building office,
- b) the structure would be utilized only for the permitted purpose,
- c) the structure would not endanger the life and health of persons or animals, safety, environment, priorities of the state conservation of monuments, archaeological discoveries and neighbouring structures, or it would not cause other damages or losses,
- d) during the construction and the use of the structure and the building ground there would be prevented the impacts of natural disasters or sudden accidents, faced their impacts or reduced the danger of such effects,
- e) would be removed the building technical, safety, fire or operational defects within the structure or on the building ground, including the obstructions of the barrierless use of the structure.

(4) Provision of paragraph 2 refers accordingly to landscaping and installations.

(5) Within the decision the building office justifies the actual public priority, which requires the intervention.

#### Structure inspection

#### § 133

(1) Building office executes the inspection of the structure under construction in the phase mentioned within the conditions of the building permit, the plan of the structure control inspections, before issuing the final inspection approval and in the cases, when an emergency structure removal, necessary securing works, necessary adaptations or the structure evacuation are to be ordered; the office may execute the inspection also within the ordered maintenance works, in case of the removed structure and in other cases, when it is necessary for fulfilling the tasks of the building code.

(2) At the inspection the building office ascertains especially

- a) the observance of the decision or of another measure of the building office referring to the structure or the ground,
- b) whether the structure is realized correctly in terms of technology, in due quality, or using the determined construction products, materials and structures,
- c) building technical state of the structure, if there is not endangered the life and health of persons and animals, safety or the environment,

- d) whether by realization or operation of the structure its neighbourhood is not annoyed above the admissible limit, whether there are made the prescribed tests and whether there is kept the site diary or the simple record on the construction,
- e) whether the developer carries out his duties arising from § 152,
- f) whether the structure is utilized only for the permitted purpose and in a determined manner,
- g) whether there is duly performed the structure maintenance,
- h) whether there is secured the safety when removing the structure.

(3) The inspection is executed based on the verified design documentation, or the documentation made up to level of the documentation for the structure realization.

(4) At the notice of the building office according to the nature of the matters there are obligated to participate in the inspection, apart from the developer, also the designer or the chief designer, contractor's site manager and the person executing the building supervision. According to the needs the building office invites to the inspection also the respective authorities, authorized inspector or the coordinator of health and safety protection at work, if they work on the site.

(5) Building office keeps simple record on the executed inspections of the appropriate structures. From the filling it must be obvious, when the inspection was executed, what structure it referred to and what the result was.

(6) To the structure inspection execution there do not relate the special regulations on the state inspection<sup>42</sup>. For the entrance to the ground and into the structure during the inspection there applies the provision of § 172 par. 2 to 6 accordingly.

#### § 134

(1) At the inspection the building office may approve the change in structure before its completion (§ 118 par. 3).

(2) If at the inspection of the structure the building office ascertains defects or if it is required by the accuracy and completeness of the detection pursuant to § 133 par. 2, according to the needs the office calls upon the developer, the person, who ensures the expert management of the structure realization and has the authorization for this activity pursuant to the special regulation<sup>14</sup> (hereinafter referred to as "contractor's site manager") or the person executing the building supervision or the owner of the structure, to rectify the situation within the specified period. Building office may also call upon these persons, to submit necessary documents, for example, certificates on acceptability of the used construction products.

(3) If the notice is not replied within the determined period, the building office issues the decision, by which it orders to rectify the situation; at the structure realization the office may decide on the discontinuation of works and determine the conditions for their continuation. If there is a danger of delay, the office decides without a prior notice. The building office's decision is the first act in the proceedings, the appeal has not a suspending effect.

(4) If the structure is realized without a decision or a measure of the building office or in contradiction to it, the building office calls upon the developer to stop the works immediately and opens the proceedings pursuant to § 129 par. 3. If the notice is not accepted, the building office issues the decision, by which it orders to stop the works on the site. The building office's decision is the first act in the proceedings, the appeal has not a suspending effect.

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<sup>42</sup> Act No. 552/1991 Coll., on state inspection, as amended by subsequent regulations.

(5) Provisions of § 133 and § 134 par. 1 to 4 apply accordingly also for an inspection of structures pursuant to § 103 and 104, of the product, which has the function of a structure, landscaping and installations, and for an inspection on the building ground.

(6) The scope and contents of documentation for the structure realization, essentials of the notice and the scope of ascertainment performed at the inspection of the structure under construction are determined by the statutory implementing regulation.

#### Structure emergency removal and necessary securing works

### § 135

(1) Building office orders the owner of the structure the structure emergency removal and ensures its removal, if there are endangered the lives of persons or animals by a possible structure collapse.

(2) Building office orders the owner of the structure the execution of necessary securing works, if the structure with its technical state endangers the health and lives of persons and animals, provided that its emergency removal is not necessary.

(3) If there is a danger of delay, the building office ensures the structure removal or the necessary securing works pursuant to paragraphs 1 and 2 by means of a building contractor, who is qualified for their execution; the building office may order such a contractor to execute the works.

(4) Within cases stated in paragraphs 1 and 2 the building authority, at the inspection of the structure, to which there are invited the participants in the proceedings, ascertains only its actual state and decides on the order of the structure emergency removal, necessary securing works, or the structure evacuation. An appeal has not the suspending effect.

(5) Building office may order the structure removal, necessary securing works, or the structure evacuation also without a prior debate with the owner of the structure.

(6) Cost incurred for the structure emergency removal and for the necessary securing works are paid by the owner of the structure. If the building office ensured the execution of works pursuant to paragraph 3 by the building contractor and the owner did not agree with this contractor on the reimbursement of the costs, the costs are reimbursed and enforced from the owner by the municipality, whose municipal office is the building office.

### § 136

(1) Building authority may order the structure emergency removal, execution of necessary securing works, or the structure evacuation also orally at the control inspection, if the defective state of the structure endangers the lives and health of persons and animals instantly.

(2) On the course of the inspection pursuant to paragraph 1 the building office makes a record, which contains the ascertained facts and has the essentials of the certificate on the orally announced decision pursuant to the rules of administrative procedure; it is received by the participants in the inspection. Building office delivers the written copy of the announced decision to the participants in the proceedings without undue delay additionally.

(3) Special regulations regulating the procedure at solving the emergency states and securing works<sup>43</sup> are not affected.

### § 137

#### Necessary adaptations

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43 Act No. 239/2000 Coll., on integrated rescue system and on alteration of certain acts, as amended by subsequent regulations.

Executive regulation No. 380/2002 Coll., for preparation and execution of the tasks of protection of inhabitants.

(1) Building office may order the owner of a structure, of a building ground or of a developed building ground, necessary adaptations

a) by which there is achieved that the structure utilization or its installation would not endanger the environment, inadequately annoy its users and the neighbourhood with noise, emissions including odour, shakes, vibrations, effects of non-ionizing or luminous radiation,

b) by which there are removed other hygienic, safety, fire and operational defects, and electric equipment defects of the structure,

c) by which there will be met the requirements of defence, security and protection of population applied by the respective authorities (§ 175),

d) within the interests of safety and continuity of traffic on roads,

e) consisting in connection of the structure to public infrastructure and further the adaptation, by which the structure is equipped with the sanitary or other hygienic facilities,

f) for ensuring the efficient discharge and disposal of waste water in accordance with legal regulations, to facilitate the storm water passage or to prevent the ground water penetration into the structures and to neighbouring grounds,

g) consisting in conservation of the structure under construction, the realization of which was discontinued or stopped,

h) by which there are ensured the barrierless access and use of the ground or the structure,

i) by which there is ensured the preservation of architectural or archaeological heritage.

(2) Provision of paragraph 1 applies accordingly also for the landscaping and the installations pursuant to this Act.

(3) Building office may order necessary adaptation pursuant to paragraph 1 in the case, that the structure or installations are not built and utilized in accordance with the conditions determined by the permit of the building office. If the structure or the installation is built and utilized in accordance with the conditions determined by the permit of the building office, the building office may order necessary adaptations pursuant to paragraph 1 only in the case of evident significant danger and for reimbursement of the detriment, which would be induced by the ordered adaptations.

(4) If the necessary adaptation, which shall be ordered, does not require the design documentation or other materials, the building office orders the execution of the adaptation and determines the scope, method and conditions of its realization.

(5) If the execution of the necessary adaptations requires the design documentation or other materials, at first the building office orders the owner of the structure or the building ground, on which the adaptations shall be executed, to procure them, and determines the period for their submission. Concurrently it decides on provision of the advance payment of the building grant for reimbursement of procurement of this documentation and on conditions of its disbursement. If the owner does not fulfil the imposed obligation, the building office procures the necessary materials at the owner's expense; the office must notify the owner of the method in advance.

(6) After procurement of the documentation or other materials the building office proceeds according to paragraph 4 similarly. The owner of the structure notifies the building office of completion of works related to necessary adaptations.

## Building grant

(1) The owner of the structure, building ground or the developed building ground, whom the execution of necessary adaptations pursuant to § 137 par. 1 letter c) to i) or necessary measures pursuant to the special regulation<sup>44</sup> was ordered, is entitled to a building grant for reimbursement of the costs, if he/she applies for it. The building grant is provided for reimbursement of that part of the costs, which directly relate to the execution of the ordered necessary adaptations.

(2) Within the application on provision of the grant there must be stated, for which ordered adaptations the grant is asked and in what amount.

(3) Building grant is provided in cash. With the exception of adaptations ordered pursuant to § 137 par. 1 letter c) the grant is provided by the building office, which ordered the necessary adaptations. On the provision of the grant there is issued a decision, within which the grant amount and method of its provision are determined. The participant in the proceedings is only the applicant.

(4) Building grant is not provided, if by the ordered necessary adaptations the defects incurred by breaching or failure to fulfil the duties of an owner stipulated by this Act or by another legal regulation, shall be remedied. The building grant is also not provided, if it is possible to ensure the reimbursement of the costs for the execution of the ordered necessary adaptations or for making the design documentation pursuant to special regulations.

(5) Contents' essentials of the decision on provision of the grant are determined by the statutory implementing regulation.

## § 139

### Structure maintenance

(1) If the structure is not duly maintained and its owner does not obey the notice of the building office to execute the maintenance works, the building office orders him/her to rectify the situation. The maintenance works costs are paid by the owner of the structure. Tenants of flats and non-residential spaces are obligated to enable execution of the ordered maintenance works.

(2) In case of a structure determined for the public use the building office may order its owner to submit the progress plan and real schedule of the maintenance works in respective parts of the structure and the technological or another equipment.

## § 140

### Structure evacuation

(1) If the defects in the structure endanger the lives and health of persons or animals instantly, or there shall be ordered the structure emergency removal or the necessary securing works pursuant to § 135 par. 1 and 2, the building office orders all persons, who stay in the structure, to leave it immediately. According to conditions the office also orders that the animals shall be lead out from the structure.

(2) Building office may order the execution of evacuation works to the authorized person<sup>2</sup>, who is capable to execute the evacuation. The office may also order this person the removal of portable things or also the parts of the structure and equipment, which are possible to be removed out of the structure without a danger to lives and health of persons.

(3) If the building office orders the evacuation of the structure and there exists a danger of delay, the office limits the proceedings to ascertainment of the state by an inspection and to issuance of the oral order on the evacuation; there must be made a record on the order's contents, which has the essentials of a certificate on the orally announced decision pursuant to rules of administrative procedure. The building office delivers the written decision on the order to evacuate the structure to the evacuated persons, the owner of the structure, the evacuating person and the municipality without undue delay additionally.

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<sup>44</sup> § 35 par. 1 of Act No. 13/1997 Coll., on roads, as amended by Act No. 102/2000 Coll.

(4) If there shall be ordered the evacuation of a flat or a room serving to housing, there must be ensured at least a shelter for the evacuated persons<sup>45</sup>; the municipalities are obligated to provide necessary cooperation at the notice of the building office.

(5) Special regulations regulating the structure evacuation for emergency danger to lives or health of persons<sup>43</sup> are not affected.

#### § 141

##### Measures on a neighbouring ground or structure

(1) For the purpose of creating the conditions to realize the structure or its change, necessary securing works, necessary adaptations, maintenance works and removal of the structure or the installation, the building office may impose to those subjects, who have the proprietary or other real rights to the neighbouring grounds or structures on them, to allow the execution of works from their grounds or the structures, if there did not come to agreement between the participating persons. The participant in the proceedings is the subject, for whose benefit the obligation shall be imposed, and that subject, from whose ground or the structure the works shall be made.

(2) That subject, for whose benefit the obligation pursuant to paragraph 1 was imposed, must pay attention to disturb the regular use of the neighbouring grounds or structures as little as possible, and not to cause damages by the executed works, which could have been prevented. After the completion of works the subject is obligated to restore the neighbouring ground or the structure; if the subject does not fulfil this obligation or there does not come to another agreement, it is proceeded pursuant to general legal regulations on the indemnification for caused damages.

#### § 142

##### Participants in the proceedings

(1) The participant in the proceedings pursuant to § 135, 137, 139 and 140 is the person, who have the proprietary right or another real right to the respective grounds and structures on them, including the neighbouring grounds and structures on them, provided that this right may be directly affected by a decision.

(2) Tenants of flats and non-residential spaces are the participants in the proceedings, only if their rights arising from the lease may be directly affected by the execution of the order of the building office pursuant to paragraph 1.

(3) The participant in the proceedings is also a building contractor, who shall be ordered the execution of the structure emergency removal or necessary securing works pursuant to § 135 par. 3, and the authorized person<sup>2</sup>, who was ordered the execution of the evacuation works pursuant to § 140 par. 2.

(4) If the participant in the proceedings pursuant to paragraph 1 to 3 submits an objection of civil nature, on which the building office can not decide on the basis of general requirements on construction, binding assessments of the respective authorities or technical standards, and it relates to the proceedings, where a danger of delay exists, the building office makes the judgement on the objection and decides in the merits. The office instructs the participant in proceedings on the right to submit an objection to the court.

### CHAPTER III

#### AUTHORIZED INSPECTOR

#### § 143

(1) After the statement of the Czech chamber of architects or the Czech chamber of authorized engineers and technicians active in construction (hereinafter referred to as "Chamber"), the minister for regional development may appoint as the authorized inspector a natural person, who

- a) applied to be appointed an authorized inspector,
- b) achieved the master's degree education of the architectural or constructional specialization and is an authorized person pursuant to the special regulation<sup>14</sup>,
- c) documented at least 15 years of practice within the design activity or in the management of structures realizations or at the building office, if he/she has a certificate on special professional competence pursuant to the special regulation<sup>17</sup>,
- d) proved his/her suitability by a clean crime register extract not older than 3 months,
- e) proved legal and expert knowledge and experience necessary for the position by an examination before the expert commission, whose members are appointed and removed by the minister for regional development.

(2) Under the conditions stipulated in paragraph 1 letter a), b), d) and e) as the authorized inspector may be exceptionally appointed also the expert from a university, research or scientific institutes, even if he/she can not prove the prescribed practice.

(3) At submission of the application for the appointment as the authorized inspector the applicant is obligated to pay an administrative fee pursuant to the special regulation<sup>46</sup>.

(4) Authorized inspector is appointed for the execution of the position with powers for the whole territory of the Czech Republic for the period of 10 years. At his/her request this period may be extended without passing an exam maximally by ten years, if he/she provably continuously performed the activity of the authorized inspector.

(5) Contents' essentials of the application to be appointed as the authorized inspector are determined by the statutory implementing regulation.

## § 144

(1) Position of the authorized inspector terminates

- a) upon the death or upon the declaration of death,
- b) upon a written declaration of the authorized inspector on termination of the activity, delivered to the ministry for regional development,
- c) upon expiration of the period pursuant to § 143 par. 4, or
- d) on the day of legal force of the court decision, by which the authorized inspector was deprived of legal capacity or by which his/her legal capacity was limited.

(2) Minister for regional development decides on recalling of the authorized inspector,

- a) if within his/her activity he/she repeatedly or materially breached the public priorities, which he had to protect, or he/she committed the activity being incompatible with the position of an authorized inspector, or
- b) if he/she ceased to be a person without a criminal record pursuant to § 145.

(3) Minister for regional development may decide on recalling of the authorized inspector also for his/her inactivity that is longer than 3 years.

(4) The activity of the authorized inspector is not a trade pursuant to the special regulation<sup>2</sup> and may be executed as a free profession.

(5) With the approval of the ministry the legal entities may execute the activity of the authorized inspector, only if they ensure their execution by the persons stated in § 143 par. 1 and 2. At submission of an application for the approval the applicant is obligated to pay an administrative fee pursuant to special regulation<sup>46</sup>.

#### § 145

(1) Honest person for the purpose of the appointment by the authorized inspector is not considered the person,

a) who was lawfully convicted of a crime, which was committed in connection to a preparation or realization of the structure or to the activity of the authorized inspector under this Act,

b) who was imposed a penalty or a suspension or withdrawal of the authorization by the Chamber as the disciplinary measure, if it was not terminated by court at the motion of the authorized person<sup>47</sup>.

(2) The Chamber immediately notifies the minister for regional development of the final and legitimate imposing the disciplinary measure on the authorized inspector.

#### § 146

(1) The authorized inspector executes his activity for a payment, which is agreed in a written form. Within the contract there may be also agreed reimbursement of the incurred costs.

(2) Authorized inspector is responsible for the damage caused by the execution of his/her activity. Before the commencement of the activity and for its whole duration the inspector must have the damage liability insurance. At the request of the person with whom the inspector concludes the contract pursuant to paragraph 1, he/she is obligated to disclose the amount for which he/she is insured.

(3) Authorized inspector is obligated to keep record on his/her acts and to preserve it for the minimum period of 5 year. At this he/she proceeds pursuant to the special regulation<sup>48</sup>.

#### § 147

Authorized inspector is responsible for the expert quality of the certificates, opinions, which are processed and issued by him/her, as well as for other documents and executed acts, for due and unprejudiced assessments of the ascertained facts, structure documentation and other materials according to the requirements determined in this Act and he/she is also responsible for the draft of the structure inspection plan.

#### § 148

Authorized inspector must not execute his/her activity at the structures where he/she participated, is participating or shall participate at their preparation or realization by him/herself or the person close to him/her, by whom we understand for the purposes of this Act

a) a relative in a direct line, a sibling and a spouse,

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47 § 22 par. 3 of Act No. 360/1992 Coll., as amended by Act No. 224/2003 Coll.

48 Act No. 499/2004 Coll., on archival, filing, and record service and on alteration of certain acts, as amended by subsequent regulations.

b) persons to whom he/she is in relation of

1. business as a partner of a company, or as a member of an association, or as a member of a cooperative;
2. employment or a service contract.

#### § 149

(1) Under the contract with the developer and at his/her expense the authorized inspector is authorized to

a) certify, in a manner determined in § 117, that the designed structure may be realized,

b) make the expert opinion (certificate) for issuance of the final inspection approval or for other purposes pursuant to this Act,

c) supervise the structure construction.

(2) At the notice of the building office and its expense the authorized inspector is obligated to provide the expert cooperation.

(3) Authorized inspector is obligated to heed the deepening of his/her expert and legal knowledge necessary to a due execution of his/her position by a continuous education. For this purpose, apart from the self-study, he utilizes especially the educational courses organized by the Chamber and universities.

#### § 150

(1) The Chamber organizationally ensures the execution of preparations and examinations of the applicants, keeping the record of the authorized inspectors and other acts related to that. To ensure the united approach there is established a joint coordination body approved at the motion of the Chamber by the minister for regional development. The costs related to the preparation to the exam and its passing are paid by the applicant.

(2) The Chamber collects, records, updates and provides information necessary for the activity of the authorized inspector. Authorized inspector participates with the contribution for the benefit of the Chamber every year for reimbursement of the costs related to these activities. The benefit amount is the same as the benefit specified for the Chamber members.

(3) Procedure at appointing the members of the coordination body and its activity, preparation and the examination contents and the essentials and method of keeping the record of the authorized inspectors are determined by the statutory implementing regulation.

#### § 151

(1) Ministry supervises the preparation for an examination, curriculum and procedure at sitting for the exams, materials for appointment and recalling the authorized inspectors, activity of the Chamber and performing the agenda related to it. In cooperation with the building offices the ministry also supervises the activity of the authorized inspectors and may submit a motion for the measure pursuant to § 144 par. 2.

(2) Exams of the authorized inspectors are not subject to the rules of administrative procedure.

### CHAPTER IV

#### DUTIES AND RESPONSIBILITY OF PERSONS AT PREPARATION AND REALIZATION OF STRUCTURES

#### § 152

## Developer

(1) Developer is obligated to take care of a due preparation and realization of the structure; this obligation also refers to landscaping and installations. At the same time the developer must particularly bear in mind the protection of lives and health of persons or animals, protection of the environment and property, and a considerate treatment of the neighbourhood. The developer has these duties also in case of structures and their changes not requiring the building permit or notification or in another similar programme, for example, establishing the advertising installation. Within the structures realized by self-help the developer is also obligated to harmonize the spatial positions of the structure with the verified design documentation. The developer is obligated to notify of commencement of works on the structures exempted from permits the persons directly affected by these works sufficiently in advance.

(2) The developer is obligated to procure the prescribed documentation for the purpose of proceeding of the programme pursuant to this Act. If the law requires making the design documentation by the person authorized to that, the developer is obligated to ensure elaboration of the design documentation by such a person, if he/she him/herself has not such an authorization.

(3) At realization of the structure, if it would require a building permit or a notification to the building office, the developer is obligated to

a) notify the building office in advance of the term of the structure commencement, name and the registered office of the building contractor who will realize the structure, in case of a self-help form of construction the name and surname of the contractor's manager or the person, who will make a building supervision; the developer notifies, immediately, the building office of changes in these facts,

b) before the commencement of the construction to position the plate on structure permit in a visible place at the entrance to the building site and keep it there until the completion of the structure, or until the issuance of the final inspection approval; extensive structures may be marked in another suitable manner stating the info data from the sign,

c) ensure that the certified structure documentation and all the documents related to the realized structure or its change, or their copies are available at the construction or at the building site,

d) notify the building office of the construction phases according to the inspection plan draft, to enable execution of an inspection, and if serious reasons do not prevent it, to participate in this inspection,

e) notify, immediately after their ascertaining at the structure, the building office of the defects which endanger the lives and health of persons, or the structure safety; the developer has its duty also in case of the structures pursuant to § 103.

(4) In case of a structure financed from the public budget, which is realized by the building contractor as the contractor, the developer is obligated to ensure the technical supervision of the developer of the structure realization. If the design documentation for this structure may be made only by a person authorized pursuant to the special regulation, the developer ensures the author's supervision of the designer, or of the chief designer, over the conformity of the realized structure with the verified design documentation.

## § 153

### Contractor's site manager and the building supervision

(1) Contractor's site manager is obligated to manage the structure construction in accordance with the decision or another measure of the building office and the verified design documentation, to ensure the observance of duties related to protection of life, health, environment and labour safety arising from the special regulations, to ensure a due building site arrangement and the operation there and observance of general requirements for construction (§ 169), or other technical regulations and standards. In case of existence of public infrastructure structures in the location the contractor's site manager is obligated to ensure the laying out the routes of public infrastructure in the location of their collision with the structure.

(2) Furthermore the contractor's site manager is obligated to act in order to remove the defects during structure construction and notify the building office, immediately, of the defects, which could not be successfully removed at the construction, to create conditions for the structure inspection, to cooperate with the person executing the technical supervision of the developer or the author's supervision of the designer, if they are established, and with the coordinator of the health and safety protection at work, if he/she works at the building site.

(3) The person making the building supervision together with the developer is responsible for the conformity of the spatial location of the structure with the verified documentation, the observance of general requirements for construction, barrierless use of the structure and other technical regulations and for observance the decisions and other measures issued for the structure realization.

(4) The person making the building supervision monitors the manner and procedure of the structure realization, especially the safety of installations and operation of technical devices at the site, appropriateness of laying and application of products for construction and keeping the site diary or a simple record on the construction; acts to remove the defects at the structure construction and if the person did not succeed in removing such defects during the supervision, he/she notifies the building office of such defects immediately.

#### § 154

##### Owner of the structure and installations

(1) The owner of the structure is obligated to

- a) maintain the structure pursuant to § 3 par. 4 for the whole period of its existence,
- b) notify the building office, immediately, of the defects in the structure, which endanger lives and health of persons or animals,
- c) enable the structure inspection and to participate in this inspection, if serious reasons do not prevent that,
- d) archive the site diary for the period of 10 years from the issuance of the final inspection approval, or from the construction completion, if the final inspection approval is not required,
- e) to archive, for the whole structure duration, the documentation of its actual realization, decision certificates, approvals, verified design documentation, or other documents related to the structure.

(2) Owner of the installation, which is subject to this Act, is obligated

- a) maintain the installation in a proper state for the whole period of its existence,
- b) notify the building office, immediately, of the defects in the installation, which endanger lives or health of persons and animals,
- c) enable the inspection of the installation and to participate in this inspection, if serious reasons do not prevent that,
- d) archive the documentation of the actual installation realization, decisions, approvals and other significant documents related to the installation for the whole period of its existence.

#### § 155

Legal entities and natural persons carrying on the business in construction and the structure owners are obligated to notify, immediately, the ministry and the appropriate building authority of the

accidents and often repeating structure failures and of the results of investigation of their causes, if there came to losses of lives, danger to lives of persons or to material damage.

## § 156

### Requirements for structures

(1) For the structure, there may be designed and applied only products, materials, and constructions with properties ensuring, in terms of the structure ability for the designed purpose, that the structure at a correct realization and standard maintenance for the period of the expected existence fulfils the requirements for mechanical resistance and stability, fire safety, hygiene, protection of health and environment, safety at maintenance and utilizing the structure including the barrierless use of the structure, noise protection and energy savings and thermal insulation.

(2) The products for construction, which have material importance for the resulting quality of the structure and which represent the increased rate of endangering of the justifiable priorities, are determined and assessed pursuant to special regulations<sup>39</sup>.

## § 157

### Site diary

(1) At the structure construction requiring the building permit or the notification to the building office there must be kept a site diary, into which there are regularly recorded the data related to the structure construction; in case of the notified structures stated in § 104 par. 2 letter f) to j) and n) and letter l), m), o) and p) a simple record on the construction is sufficient.

(2) Site diary or a simple record on the construction must be kept by the contractor of the structure, in case of a structure realized by self-help it is the developer's duty. The site diary records may be entered by the developer, contractor's site manager, person executing the building supervision, and the person executing the structure inspection, and the person responsible for executing certain geodetic works. Records may be further made by the persons executing a technical supervision of the developer and the author's supervision, if such supervisions are established, coordinator of health and safety protection at work, if such coordinator works on the building site, authorized inspector at the structure, for the realization of which he/she issued a certificate pursuant to § 117, and other persons authorized to fulfil the tasks of the administrative supervision pursuant to special regulations<sup>4</sup>.

(3) After the construction completion the contractor hands over the original of the site diary or a simple record on the construction to the developer.

(4) Contents' essentials of a site diary and a simple record on the construction and the method of their keeping are determined by the executing implementing regulation.

## PART FIVE

### COMMON PROVISIONS

#### CHAPTER I

### SPECIFIED CONSTRUCTION ACTIVITIES AND COOPERATION OF THE OWNERS OF PUBLIC INFRASTRUCTURE

## § 158

### Specified construction activities

(1) The specified activities, the result of which has impact on the protection of public priorities in construction, may be executed only by natural persons, who gained the authorization for their performance pursuant to a special regulation<sup>14</sup>. The specified activities are the designing activity in construction, by which we understand the making of planning documentation, planning study,

documentation for the issuance of a planning permission, and design documentation for the issuance of a building permit, for the notified structures pursuant to § 104 par. 2 letter a) to d), for the structure realization and for necessary adaptations, and expert management of the structure realization or its changes.

(2) Design documentation is the documentation for the issuance of a building permit, design documentation of the structure notification pursuant to § 104 par. 2 letter a) to d), design documentation for the structure realization, and the design documentation for the necessary adaptations pursuant to § 137.

## § 159

### Design activity in construction

(1) Designer is responsible for the correctness, wholeness and completeness of the planning documentation, planning study and the documentation for the issuance of a planning permission made by him/her, especially for respecting the requirements in terms of protection of public priorities and for their coordination. He/she is obligated to observe the legal regulations and act in coordination with the appropriate authorities of the town and country planning and the respective authorities.

(2) Designer is responsible for correctness, wholeness, completeness and safety of the structure realized according to the design documentation made by him/her and feasibility of the construction according to this documentation, as well as for a technical and economic level of the design of the technological equipment, including the impacts on the environment. He/she is obligated to observe the regulations and general requirements for construction related to the actual building programme. Static or other calculation must be made in a verifiable manner. If a designer is not able to make some part of the design documentation by him/herself, he/she is obligated to invite to its elaboration a person authorized for the appropriate branch or specialization, who is responsible for the design made by the person. The designer's responsibility for the design documentation as a whole is not affected by this.

(3) Documentation of the notified structures stated in § 104 par. 2 letter e) to i) and n) may be, apart from the designer, made also by the person, who has a university level education of civil engineering or architectural direction or a secondary education of civil engineering direction with a leaving exam or at least 3 years of practice in the structure designing. Provisions of paragraph 2 apply to this person accordingly.

## § 160

### Structure realization

(1) A structure may be realized only by the building contractor as a contractor, who, at its realization, ensures the expert management of the structure construction by the contractor's site manager, unless paragraphs 3 and 4 stipulate otherwise. Furthermore he/she is obligated to ensure that the works at the structure, for the performance of which a special authorization is required<sup>49</sup>, would be made by the persons, who are holders of such an authorization.

(2) The structure contractor is obligated to realize the structure in accordance with the decision or another measure of the building office and the verified design documentation, observe the general requirements for construction, or other technical regulations and technical standards, and ensure the observance the obligation for life, health, and environment protection and labour safety arising from the special regulations.

(3) A developer may realize by a self-help for him/herself

a) structures, landscaping, installations and maintenance works stated in § 103,

b) structures, landscaping, installations and maintenance works stated in § 104.

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<sup>49</sup> For example, Act No. 360/1992 Coll., Act No. 200/1994 Coll., on geodesy and on alteration and supplement of certain acts relevant to its introduction, as amended by subsequent regulations.

(4) Structures stated in paragraph 3 may be realized, provided that the developer ensures the building supervision, if he/she him/herself is not professionally qualified for such an activity. If it is a structure for housing or a change in the structure, which is a cultural monument, the developer is obligated to ensure the expert management of the structure realization by a contractor's site manager.

#### § 161

##### Owners of public infrastructure

(1) Owners of public infrastructure are obligated to keep records on it, which must contain a positional location and protection, and within reasoned cases, with respect to the character of the infrastructure also altitudinal location. At the request of the procurer of the planning analytical materials, planning documentation, of a municipal office, of an applicant for the issuance of the regulatory plan or the planning permission, of a developer or a person authorized by him/her, the owner of public infrastructure owner, within 30 days, notifies of the data on its location, connection conditions, protection and other data necessary for the design activity and the structure realization.

(2) Upon the summons of the town and country planning office and the building office the owners of public infrastructure are obligated to provide, without undue delay, the offices with necessary cooperation at fulfilling the task pursuant to this Act.

### CHAPTER II

#### PLANNING ACTIVITY FILING, ARCHIVING DOCUMENTS AND INSPECTION OF THEM

#### § 162

(1) Planning activity filing is maintained by the Ministry, or by an organizational branch of the state, and that branch inputs data at the motion of the Ministry of Defence.

(2) Subject of planning activity filing is the data on

- a) planning documentation and its procurement course,
- b) areas with development potential over 10 ha and their purpose of use,
- c) planning studies.

(3) Planning activity filing is published in a manner making a remote access possible.

(4) Regional office, or the town and country planning authorities authorized by this office, input the data into the planning activity filing for its administrative unit.

(5) The town and country authority submits to the regional office the motions to input data into the planning activity filing for its administrative unit.

(6) Municipal office, which meets the conditions for performance of the procurer, submits to the regional office the drafts to input the data into the planning activity filing.

(7) Contents' essentials of the planning activity filing are determined by the statutory implementing regulation.

#### § 163

(1) The Ministry imposes the spatial development policy and the report on its application.

(2) The Ministry publishes in a manner making possible the remote access the approved spatial development policy and the report on its application and the place, where there is possible to inspect it and its material documentation, and the Ministry sends it to regional offices.

#### § 164

(1) The development principles, including the documents and their procurement are imposed by the regional office; the development principles furnished with the record on effectiveness are provided in the extent necessary for the powers execution to the building offices, town and country planning authorities and regional offices of neighbouring regions. The development principles furnished with the record on effectiveness are sent to the Ministry by the regional office.

(2) Regional office publishes in a manner making possible the remote access the issued development principles together with the resolution of the regional council and the place, where there is possible to inspect it and its material documentation; the office notifies individually the respective authorities not stated in paragraph 1.

#### § 165

(1) Plan and the regulatory plan, including the documents on its procurement, are placed by the procurer at the municipality, for which it was procured; furnished with a record on efficiency and the procurer provides the building office, town and country planning authority and the regional office with them.

(2) Procurer publishes in a manner making the remote access possible the data on the issued plan, on the regulatory plan, and on the places, where there is possible to inspect this planning documentation and its material documentation; the procurer notifies individually of this fact the respective authorities not stated in paragraph 1. Procurer publishes also in a manner making the remote access possible the report on the plan application approved by the municipal council.

#### § 166

(1) Planning analytical materials and their updating are archived by the procurer and he/she provides them to the building offices to the extent necessary for their powers execution. Procurer provides the planning analytical materials on the basis of the application of the data provider, from which, he/she is authorized, with the exception of the public administrative authorities and the organizations established by them, to request the reimbursement of the costs related to provision of the planning analytical materials, maximally up to the price of the costs of procurement of their copies, data carriers and the costs of their delivery to the applicant.

(2) Procure publishes the planning analytical materials and their updating to the extent and in a manner making the remote access possible.

(3) Planning study is archived by its procurer; he/she provides it to the subject, for whose motion or application the study was procured, to the municipality and the building office. The places, where there is possible to inspect the planning study, are notified of by the procurer to the individual authorities.

#### § 167

(1) All the final decisions and other measures of the building office pursuant to this Act, materials for the administrative proceedings and for other measures, including the certified design documentation and certificates from an authorized inspector, are filed and archived by the appropriate building office.

(2) General building office sends its final decisions and other measures pursuant to this Act, including the certified design documentation and certificates from an authorized inspector, to the locally relevant municipal office, if not delivered by the municipality.

(3) Locally relevant municipal office, which is not the building office, files and archives the decisions and other measures of the building office and the certified design documentation related to the structure.

(4) In case of the structures within the powers of military and other building offices the materials and design documentation are archived exclusively by the appropriate building office.

## § 168

(1) General nature measure after the date of coming into force is furnished with a record on its effectiveness by the appropriate authority; provision of § 75 of administrative procedure rules applies accordingly.

(2) Administration of filing service and inspection the file is regulated by provisions of the administrative procedure rules and the special regulation<sup>50</sup>. The building office provides a copy of the structure documentation, if the applicant submits the consent of the subject, who procured the documentation, or the consent of the owner of the structure, which relates to the documentation. In reasoned cases it may be withheld by resolution to inspect the selected parts of documentation that relate to structures significant for the state defence, structures of civil defence a security, or due to protection of persons and their property.

## CHAPTER III

### GENERAL REQUIREMENTS FOR CONSTRUCTION, EXPROPRIATION PURPOSES AND REGULATION OF CERTAIN OTHER RIGHTS AND DUTIES

## § 169

### General requirements for construction

(1) Within the planning and design activities, permitting, executing, utilizing and removing the structures the legal entities, natural persons and the appropriate public administrative authorities are obligated to respect the town and country planning programmes and general requirements for construction [§ 2 par. 2 letter e)] determined by the statutory implementing regulations.

(2) An exception from general requirements for construction, as well as a solution of the plan or the regulatory plan at variance with them may be permitted in respective reasoned cases only from the provisions of the statutory implementing regulation, of which this regulation expressly makes possible the permission of an exception, and only if there is not endangered the safety, protection of health and lives of persons and the neighbouring grounds or structure. Solution pursuant to the permitted exception must achieve the purpose pursued by general requirements for construction.

(3) An exception from general requirements for the area utilization at procuring the plan and the regulatory plan is decided by the appropriate procurer. An exception from general requirements for the area utilization and the planning permission proceedings is decided by the building office, which is appropriate to decide in the merits. For a planning approval there is no exception admitted.

(4) An exception from technical requirements for the structures and technical requirements securing the barrierless structure utilization is decided by the building office, which is appropriate to decide in the merits.

(5) Proceedings on the exception are conducted at the request either separately, or may be joined with planning permission, building permit or other proceedings pursuant to this Act; however, it need not be finished by a common administrative act.

(6) Decision on permitting the exception or the differing solution pursuant to paragraphs 2 to 5 may be issued only by an agreement or with the approval of the respective authority protecting the priorities protected pursuant to special regulations, that relate to this differing solution.

§ 170  
Expropriation purposes

(1) Rights and duties to grounds and structures, necessary for realization of the structures or of other public benefit measures pursuant to this Act, may be removed or limited, if they are specified within the issued planning documentation and if it refers to

- a) public works of transport and technical infrastructure, including the area necessary to ensure their construction and proper utilization for the determined purpose,
- b) a public benefit measure, and namely reduction of danger caused by floods and other natural disasters in the area, increase of the retention capacity of the area, establishment of elements of the territorial system of ecological stability and the archaeological heritage protection,
- c) structures and measures to secure the state defence and security,
- d) redevelopmentTN2 (reclamation) of an area.

(2) Right to a ground may be removed or limited also in order to create conditions for necessary access, for proper utilization of a structure, or for the access road to a structure or a ground.

(3) Proceedings on expropriation of the rights to grounds and structures, competence to their conducting and the expropriation conditions are regulated by the special regulation<sup>51</sup>.

§ 171  
State supervision in the cases of the town and country planning and the building code

(1) State supervision in the cases of the town and country planning and the building code is executed by the Ministry, regional offices as the town and country planning bodies, and by the town and country planning authorities and the building offices. At the execution of these powers they supervise the observance of the provision of this Act, regulations issued for its implementation, as well as the observance of the general nature measures and the decisions issued on the basis of this Act.

(2) At executing the state supervision the Ministry monitors, how the public administration authorities execute the powers determined by this Act, and the state supervision over the activities of the authorized inspectors, which is a part of the state supervision in the matters of the building code.

(3) In case of ascertaining insufficiencies and with the respect to their nature and consequences or possible consequences the authority cited in paragraph 1 calls on their remedy or, by its decision, it imposes an obligation to remedy such insufficiencies within a reasonable period; within the decision, until the remedy is completed, the authority may discontinue or reduce the execution of the activities, within which there comes to breaching legal obligation.

(4) Powers of other public administration authorities are not affected by provisions of paragraphs 1 to 3.

§ 172  
Entrance to grounds and structures

(1) The authorized employee of the building office, town and country planning authority and the authority of a municipality (hereinafter referred to as "authorized official person")<sup>52</sup>, if he/she fulfils the tasks pursuant to this Act, is authorized to enter somebody else's grounds and structures with knowledge of their owners when

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51 Act No. 184/2006 Coll., on taking or reduction of ownership to the ground or the structure (the Expropriation Act).

52 § 15 par. 2 of Act No. 500/2004 Coll.

a) ascertaining the state of the structure and ground,

b) collecting the proofs and other materials for the issuance of an administrative decision or a measure.

(2) In case of an immediate danger to life or health of persons or animals that appeared in connection to the preparation and execution of structure emergency removal, necessary securing works or the evacuation of the structure within the public priorities, the authorized official person may enter the ground and the structure even without their owner's knowledge. The person must notify of the fact the owner without undue delay and state the reasons, which led the person to do so.

(3) The authorized official person may enter the housing unit only if it is necessary for protection of lives, health or the safety of persons. If the housing unit is utilized also for business or performing of other business activity, the authorized official person may also enter the unit, if it is necessary for fulfilling the tasks of the public administration pursuant to this Act. Within the mentioned cases the user of the housing unit is obligated to enable the entry for the authorized official person into the housing unit.

(4) Authorization for the entry is proved by a special card, within which there is stated the name, surname, employer and the position of the authorized official person, scope of authorization and determination of the card's validity. The card must be furnished with an official stamp and signed with stating the name, surname and position of the person, who issued the authorization. If necessary, the authorized official person invites to the ground and on/into the structure, the expert, authorized inspector or the authorized worker of the respective authority, or other persons stated in § 134 par. 2. The authorized official persons and the invited persons are obliged to take care that at entering the ground or the structure there comes to no damage, which could have been prevented.

(5) If the owner of the ground or the structure prevents the entry of the authorized official person or the person invited by him/her, the building office may order, by decision, which is the first act in the proceedings, to make the entry possible. Appeal from this decision has no suspensive effect.

(6) Special regulations on entering grounds or structures within the scope of priorities of defence, safety or other state priority are not affected.

### § 173

#### Procedural fine

(1) By issuing a decision the building office may impose a procedural fine up to CZK 50 000 to a subject, who hinders, significantly, the course of proceedings, or executing the inspection, or fulfilling the tasks pursuant to § 172 by such an activity that

a) makes impossible for the authorized official person or the person invited by him/her to enter a ground or a structure,

b) at the notice of the building office, he/she does not participate in the inspection, although he/she is obligated to do so pursuant to this Act.

(2) Building office may impose the procedural fine up CZK 50 000 to the owner of technical infrastructure, who did not provide necessary cooperation pursuant to § 161 par. 2, although he/she was called upon to do so.

(3) At imposing the procedural fine pursuant to paragraphs 1 and 2 it is proceeded pursuant to provisions of the rules of administrative procedure on the procedural fine<sup>53</sup>.

### § 174

#### Expert cooperation

(1) In connection to the planning permission and building permit proceedings, the assessment of the structure's use-worthiness, of the changes in the structure utilization, of the structure removal, of supervision, and of executing its special powers the building office may ensure the cooperation of the authorized inspector, expert and scientific or another specialized expert establishment.

(2) If it is a measure imposed within the public priorities, when the state of the structure or the measures of the building office are not incited by a failure to fulfil the obligations of the structure's owner, the costs of expert works, especially making the opinions, assessments and other materials are reimbursed by the building office. In other cases and according to the circumstances these costs or their part are paid by the structure's owner, or the developer; the obligation to reimburse the costs or their part is imposed by decision of the building office. If the building office orders to take samples and test them, to test the building materials, or to perform other expert operations and tests, it is proceeded similarly.

(3) Regulation of the reimbursement of other costs, especially the administrative proceedings costs, is not affected by that.

## CHAPTER IV

### PROTECTION OF PUBLIC PRIORITIES AND COOPERATION OF ADMINISTRATIVE AUTHORITIES

#### § 175

(1) Within the areas limited by the Ministry of Defence or the Ministry of Interior there may be issued, within the priorities of state defence and security, the planning permission and permit the structure only upon their binding assessments. The delimited areas are notified to the procurers of the planning analytical materials and the building offices, within whose administrative units they are situated.

(2) The Ministry of Defence or the Ministry of Interior may apply, within the areas determined pursuant to paragraph 1, requirements for the necessary arrangements within the already established structures or to reserve within them a prior binding assessment to the changes of a structure. Costs of necessary arrangements made upon a special requirement of the Ministry of Defence or the Ministry of Interior are reimbursed by these mentioned authorities.

#### § 176

(1) If at a procedure pursuant to this Act or in connection to it there comes to unforeseen discoveries of culturally precious objects, or details of a structure, or conserved parts of nature, or the archaeological discoveries, the developer is obligated to notify the discovery to the building office and to the state monuments conservation authority or the nature conservation authority immediately and concurrently to take the necessary measures in order not to damage or destroy the discovery, and to discontinue the works in the location of the discovery. Under a contract the developer may transfer this obligation to the building contractor or to the person ensuring the preparation of the structure or executing other works pursuant to this Act. By agreement with the appropriate respective authority the building office determines the conditions how to secure the priorities of the state monuments conservation and of the conservation of nature and landscape, or it decides on the discontinuation of works.

(2) If there is a danger in delay and there are not sufficient conditions determined by the building office pursuant to paragraph 1, the state monuments conservation authority or the nature conservation authority may, within 5 working days from the notice of the discovery, determine the measures to conserve the discovery and decide on discontinuation of works. In this case the developer may continue the works only under a written approval of the authority, which decided on the discontinuation of the works. Copy of the decision and approval shall be sent to the appropriate building office.

(3) Under the notice of the discovery pursuant to paragraph 2 the building office may, by an agreement with the state monuments conservation authority or the nature conservation authority, alter the issued building permit in order to protect the public priorities.

(4) At the motion of the state monuments conservation authority, or of the nature conservation authority, or of the Archaeological Institute of the Academy of Sciences of the Czech Republic, the Ministry of Culture may decide that it is a discovery of an extraordinary importance, and at its incentive it declares the discovery as the cultural monument<sup>32</sup>. Copy of the decision is sent to the appropriate building office.

(5) Under the decision pursuant to paragraph 4, after agreement with the Ministry of Culture, the building office may alter or terminate the issued building permit in order to protect the public priorities.

(6) Developer may submit a claim for the compensation of costs, which were incurred to him/her due to the procedure pursuant to paragraphs 2 and 3, at the state monuments conservation authority or at the nature conservation authority, or due to a procedure pursuant to paragraph 5 at the Ministry of Culture; this within 6 months from the date when the decision, on the basis of which this costs incurred to him/her, came into force; otherwise the claim for these costs reimbursement expires.

## § 177

### Extraordinary procedures

(1) If after announcing the state of danger, emergency state, state of the state endangering or the belligerency pursuant to the special regulation<sup>54</sup> or under directly endangering natural disaster or serious accident it is necessary to take measures to prevent or moderate possible impacts of an emergency accident immediately, it is possible to deviate within the limits of paragraphs 2 to 4 from the procedures determined by this Act.

(2) Measures on the structures and grounds consisting also in, according to the circumstances, the structure realizations, landscaping or removal of structures, by which immediate endangering consequences of a natural disaster or a serious accident shall be prevented, their impacts shall be faced, and the danger to lives or health of person, or other damages shall be prevented, may be commenced without a prior decision or another measure pursuant to this Act, unless special regulations determine otherwise. The building office must be immediately notified that such measures are being executed. Within the subsequent building permit proceedings on the structure, if it is required pursuant to this Act, it is possible to proceed pursuant to paragraphs 3 and 4.

(3) If the structures or the landscaping, which are destroyed or damaged by a natural disaster or a serious accident may be restored, in accordance with special regulations, in compliance with the original decisions or other measures of the building office, it is sufficient that such a measure is notified to the building office in advance. For this procedure the provision of § 106 par. 1 applies similarly and the period for a written notice of the building office stating that the office has no objections to the structure restoration, is 7 days. The notification contains data on the structure or the landscaping, which shall be restored, a simple technical description of works and the person, who will perform the activity.

(4) The building office approval pursuant to paragraph 3 applies for the period of 12 months; however, it does not expire, if within this period there has been commenced with the execution of the notified works. The period starts on the day subsequent to the day, when the developer was delivered the written approval, or on the day subsequent to the day, when 7 days expired from the notification date.

(5) In case of the structures and landscaping, which are necessary for immediate moderation or prevention of the impacts of a natural disaster or a serious accident, there may be

a) refrained from the issuance of the planning permission or the planning approval after the debate with the building office, or it may be determined that for the realization of the structure or landscaping the approval of the building office to its notification is sufficient,

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<sup>54</sup> Act No. 239/2000 Coll., as amended by subsequent regulations.

Act No. 240/2000 Coll., on crisis management and on alteration of certain acts (the Crisis Act), as amended by subsequent regulations.

Act No. 254/2001 Coll., as amended by subsequent regulations.

- b) limited the contents of the application and its annexes to the most necessary scope being necessary for the decision, after the debate with the building office,
- c) determined within the decision, that certain documents prescribed as the annexes to the application, or other documents would be submitted within the determined period additionally,
- d) in reasoned cases, issued the preliminary permit, within which there is determined the period of the additional submission of materials; after their submission the proceedings take place and the decision is issued,
- e) shortened the summary period for the execution of a legal act of the participants in the proceedings, however, maximally to a half of the period determined pursuant to this Act or the special regulation; the building office instructs the participants in the proceedings on shortening the terms within the notice on the commencement of the proceedings.

(6) Appeal against a decision issued within the proceedings pursuant to paragraph 5 has no suspensive effect.

(7) The developer is obligated to notify, without delay, the building office of completion of structures and works executed pursuant to paragraphs 2, 3 a 5.

## CHAPTER V

### ADMINISTRATIVE DELICTS

#### Delicts

#### § 178

(1) A natural person commits a delict, if

- a) he/she realizes the structure or its change, landscaping, installation or maintenance work, which should be notified to the building office, without such a notification, or uses such a structure, change in a structure, landscaping, or an installation (§ 104),
- b) a structure, to which there relates an obligation of notification pursuant to § 120 par. 1, is utilized by such natural person without tests and their assessments, which the developer is obligated to procure pursuant to § 119,
- c) he/she removes a structure, landscaping or an installation stated in § 104 without notifying of such a programme pursuant to § 128 par. 1, or he/she executes this removal without a permit despite the fact that the building office pursuant to § 128 par. 3 said that a permit for the removal would be necessary,
- d) he/she executes the specific construction activities without authorization pursuant to the special regulation<sup>14</sup> (§ 158),
- e) he/she does not put up the information on the programme and on the fact that he/she submitted an application for the issuance of a planning permission (§ 87 par. 2),
- f) he/she executes the activities, for which a planning permission is necessary, without this permission or in contradiction to that, or without the planning approval or in contradiction to that, or he/she executes the activities, which are prohibited under the planning permission,
- g) he/she executes a change in structure without a building permit (§ 115), a public law contract (§ 116), or a certificate of the authorized inspector (§ 117),

h) he/she utilizes a change in structure in contradiction to the final inspection decree, or to the building permit, or in contradiction to the purpose of the change in structure realized on the basis of a notification, or if he/she enables such utilization to another person (§ 126 par. 1),

i) he/she utilizes a change in structure in contradiction to the notice of the developer pursuant to § 120 par. 1, or to the final inspection approval issued to the developer pursuant to § 122, or in contradiction to the permitted change in utilization, or he/she enables such utilization to another person,

j) he/she removes the structure, which requires a building permit, without any notification about the structure removal pursuant to § 128 par. 1, or he/she executes the structure removal without a permit despite the fact that the building office said pursuant to § 128 par. 3, that a permit for the removal would be necessary,

k) he/she realizes a new structure without a building permit (§ 115), a public law contract (§ 116), or a certificate of the authorized inspector (§ 117),

l) he/she utilizes the structure without a final inspection decree, if such a decree is necessary, or he/she enables utilization of the structure without a final inspection decree (§ 126 par. 1),

m) he/she utilizes the structure without a notice of the developer pursuant to § 120 par. 1, or despite a prohibition of the building office pursuant to § 120 par. 2, or without a final inspection approval issued pursuant to § 122, or he/she enables such a utilization of the structure to another person, or

n) he/she realizes the structure or its change in a preserved area, or in a protective zone, or on a ground without development potential, or in an undeveloped area without a building permit (§ 115), a public law contract (§ 116), or a certificate of the authorized inspector (§ 117), or without a notification.

(2) Developer, contractor's site manager, natural person executing the building supervision or the structure owner commits a delict if he/she does not remove the defect ascertained at an inspection of the structure within the period determined in the notice of the building office pursuant to § 134 par. 2.

(3) Developer commits a delict if

a) he/she realizes the structure or its change, landscaping, installation or maintenance work, which should be notified to the building office, in contradiction to the notification, or he/she utilizes such structure, change in structure, landscaping or installation (§ 104),

b) he/she breaches the obligation determined in § 152 par. 1 or does not meet the obligation imposed in § 152 par. 3,

c) despite the notice of the building office pursuant to § 134 par. 4 he/she does not discontinue the work at the structure,

d) he/she realizes the structure in contradiction to a building permit (§ 115), a public law contract (§ 116), or a certificate of the authorized inspector (§ 117),

e) he/she realizes a new structure in contradiction to a building permit (§ 115), a public law contract (§ 116), or a certificate of the authorized inspector (§ 117),

f) he/she does not meet the obligation of the public priorities protection pursuant to § 176 par. 1, or

g) he/she realizes the structure or its change in a preserved area, or a protective zone, or on a ground without development potential, or in an undeveloped area in contradiction to a building permit (§ 115), a public law contract (§ 116), or a certificate of the authorized inspector (§ 117), or without a notification.

(4) Contractor's site manager commits a delict if he/she does not fulfil the obligation at preparation and realization of the structure pursuant to § 153 par. 1 or 2.

(5) A natural person executing the building supervision commits a delict if he/she does not fulfil the obligation at preparation and realization of the structure pursuant to § 153 par. 3 or 4.

(6) The public infrastructure owner commits a delict if he/she does not fulfil the obligation pursuant to § 161.

#### § 179

For the delict pursuant to § 178 it is possible to impose a fine

a) up to CZK 200 000, if it refers to a delict pursuant to paragraph 1 letters a), b), c), d) or e), paragraph 3 letters a), b) or c), or paragraphs 2, 4, 5 or 6,

b) up to CZK 500 000, if it refers to a delict pursuant to paragraph 1 letters f), g), h), i) or j), or paragraph 3 letter d),

c) up to CZK 1 000 000, if it refers to a delict pursuant to paragraph 1 letters k), l) or m), or paragraph 3 letters e) or f),

d) up to CZK 2 000 000, if it refers to a delict pursuant to paragraph 1 letter n), or paragraph 3 letter g).

Administrative delicts of legal entities and natural persons carrying out business

#### § 180

(1) Legal entity or a natural person carrying out business commits an administrative delict, if

a) he/she realizes a structure or its change, landscaping, installation or maintenance work, which should be notified to the building office, without such a notification, or he/she utilizes such structure, change in a structure, landscaping or the installation (§ 104),

b) he/she utilizes a structure, to which a duty of notification applies pursuant to § 120 par. 1, without tests and their assessments, which the developer is obligated to procure pursuant to § 119,

c) he/she removes a structure, landscaping or installation stated in § 104 without notifying of such a programme pursuant to § 128 par. 1, or he/she executes this removal without a permit, despite the fact that the building office pursuant to § 128 par. 3 said, that a permit for the removal would be necessary,

d) he/she executes specific construction activities with the help of natural persons, who have not authorization pursuant to the special regulation<sup>14</sup> (§ 158),

e) he/she does not put up the information on the programme and on the fact that he/she submitted an application for the issuance of a planning permission (§ 87 par. 2),

f) he/she executes the activities, for which a planning permission is necessary, without this permission or in contradiction to that, or without the planning approval or in contradiction to that, or he/she executes the activities, which are prohibited under the planning permission,

g) he/she executes a change in structure without a building permit (§ 115), a public law contract (§ 116), or a certificate of the authorized inspector (§ 117),

h) he/she utilizes a change in structure in contradiction to the final inspection decree, or to the building permit, or in contradiction to the purpose of the change in structure realized on the basis of a notification, or if he/she enables such utilization to another person (§ 126 par. 1),

i) he/she utilizes a change in structure in contradiction to the notice of the developer pursuant to § 120 par. 1, or to the final inspection approval issued to the developer pursuant to § 122, or in contradiction to the permitted change in utilization, or he/she enables such utilization to another person,

j) he/she removes the structure, which requires a building permit, without any notification about the structure removal pursuant to § 128 par. 1, or he/she executes the structure removal without a permit despite the fact that the building office said pursuant to § 128 par. 3, that a permit for the removal would be necessary,

k) he/she realizes a new structure without a building permit (§ 115), a public law contract (§ 116), or a certificate of the authorized inspector (§ 117),

l) he/she utilizes the structure without a final inspection decree, if such a decree is necessary, or he/she enables utilization of the structure without a final inspection decree (§ 126 par. 1),

m) he/she utilizes the structure without a notice of the developer pursuant to § 120 par. 1, or despite a prohibition of the building office pursuant to § 120 par. 2, or without a final inspection approval issued pursuant to § 122, or he/she enables such a utilization of the structure to another person, or

n) he/she realizes the structure or its change in a preserved area, or in a protective zone, or on a ground without development potential, or in an undeveloped area without a building permit (§ 115), a public law contract (§ 116), or a certificate of the authorized inspector (§ 117), or without a notification.

(2) Legal entity or natural person carrying out the business as the developer or the structure owner commits an administrative delict if he/she does not remove the defect ascertained at an inspection of the structure within the period determined in the notice of the building office pursuant to § 134 par. 2.

(3) Legal entity or natural person carrying on the business as the developer commits an administrative delict, if

a) he/she realizes the structure or its change, landscaping, installation or maintenance work, which should be notified to the building office, in contradiction to the notification, or he/she utilizes such structure, change in structure, landscaping or installation (§ 104),

b) he/she breaches the obligation determined in § 152 par. 1 or does not meet the obligation imposed in § 152 par. 3,

c) despite the notice of the building office pursuant to § 134 par. 4 he/she does not discontinue the work at the structure,

d) he/she realizes the structure in contradiction to a building permit (§ 115), a public law contract (§ 116), or a certificate of the authorized inspector (§ 117),

e) he/she realizes a new structure in contradiction to a building permit (§ 115), a public law contract (§ 116), or a certificate of the authorized inspector (§ 117),

f) he/she does not meet the obligation of the public priorities protection pursuant to § 176 par. 1, or

g) he/she realizes the structure or its change in a preserved area, or a protective zone, or on a ground without development potential, or in an undeveloped area in contradiction to a building permit (§ 115), a public law contract (§ 116), or a certificate of the authorized inspector (§ 117), or without a notification.

(4) Legal entity or natural person carrying out the business as the owner of the technical infrastructure commits an administrative delict if he/she does not fulfil the obligations pursuant to § 161.

(5) Building contractor commits an administrative delict if as a contractor executes for another subject

a) activities, for which a planning permission is necessary, without such a permission or in contradiction to that, or without the planning approval or in contradiction to that, or he/she executes the activities prohibited by the planning permission,

b) structure or a change in structure, landscaping, installation or maintenance work, which has to be notified to the building office, without such a notification or in contradiction to that (§ 104), or

c) structure or a change in structure without the building permit (§ 115), a public law contract (§ 116), a certificate of the authorized inspector (§ 117) or in contradiction to them.

## § 181

For the administrative delict pursuant to § 180 a fine shall be imposed

a) up to CZK 200 000, if it refers to an administrative delict pursuant to paragraph 1 letters a), b), c), d) or e), paragraph 3 letters a), b) or c), paragraphs 2 or 4, or paragraph 5 letter b),

b) up to CZK 500 000, if it refers to an administrative delict pursuant to paragraph 1 letters f), g), h), i) or j), paragraph 3 letter d), or paragraph 5 letters a) or c),

c) up to CZK 1 000 000, if it refers to an administrative delict pursuant to paragraph 1 letters k), l) or m), or paragraph 3 letter e) or f),

d) up to CZK 2 000 000, if it refers to an administrative delict pursuant to paragraph 1 letter n), or paragraph 3 letter g).

## § 182

### Common provisions

(1) Legal entity is not liable for an administrative delict if it is proved that the entity made all the effort, which could be requested, to prevent breaching the legal obligation.

(2) At the assessment of a fine to a legal entity the seriousness of the administrative delict is taken into consideration, especially the manner of its commitment and its consequences and circumstances, under which it was committed.

(3) Liability of the legal entity for the administrative delict expires, if the building office did not commence the proceedings on it within 1 year from the day, when the office learned about it, however, at the latest within 3 years from the day, when it was committed.

(4) Administrative delicts pursuant to this Act in first instance are debated by the relevant building office pursuant to § 13, 15 and 16. If, pursuant to this Act, the administrative delict is committed by a municipality, whose municipal office is the relevant building office to conduct the proceedings on the administrative delict, the superior authority determines, which other municipal office, that is the building office, shall conduct the proceedings and issue the decision.

(5) To responsibility for actions, which happened at carrying a business by a natural person<sup>55</sup> or in direct connection to that, the provisions of the law on liability and sanction against a legal entity apply.

## § 183

(1) Fines are collected and enforced by the administrative authority, which imposed them.

(2) Revenue from the fines is the revenue of the budget, from which the activity of the administrative authority, which imposed the fine, is reimbursed.

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<sup>55</sup> § 2 par. 2 of the Commercial Code, as amended by subsequent regulations.

(3) At collecting and enforcing the fines it is proceeded pursuant to the special regulation<sup>56</sup>.

## CHAPTER VI

### COMMON PROVISION ON JUDICIAL REVIEW

#### § 184

At the review of general nature measures, which are issued pursuant to this Act, the court proceeds from the state of facts and legal situation, which existed in the time when the administrative authority made the decision.

## PART SIX

### INTERIM AND FINAL PROVISIONS

#### Interim provisions

#### § 185

(1) Data providers provide data on the area for procurement of the planning analytical materials at the latest within 9 months after this Act's coming in force to the town and country planning authorities and to the regional offices. If within this period the data provider documents serious reasons, the term may be extended by 3 months maximally.

(2) Within the period of 9 months after this Act's coming in force the owner of the technical infrastructure, which was completed and underwent the final inspection, provides to the town and country planning authority the planimetry situation of the technical infrastructure. Within 6 years after this Act's coming in force the owner provides the planimetry data of this situation in coordinate system of the Unified trigonometric cadastral system<sup>18</sup> in the scale of the cadastral map or in a more detailed scale.

(3) The planning analytical materials shall be procured for its municipal territory by the town and country planning authority within 24 months and by the regional office within 30 months after this Act's coming in force. If the planning analytical materials are not procured, the procurement of the planning documentation shall always include also surveys and analyses of the area concerned to the extent corresponding to the planning analytical materials.

(4) Urban studies, area specialized analytical studies and area prognosis, made before this Act's coming in force, which do not extend the boundaries of one town and country planning authority powers, are examined by this authority in cooperation with the respective municipalities in terms of their up-to-dateness; in other cases their up-to-dateness is examined by a regional office in cooperation with the respective town and country planning authorities. The authority, which certified the up-to-dateness of the urban study, the area specialized analytical study and the prognosis, submits a motion for the data entry, or the authority inputs the data on them into the planning documentation filing.

(5) Assignment of the urban study, the area specialized analytical study or the prognosis, which are unfinished at the date of this Act's coming in force, are considered to be the assignment of a planning study.

#### § 186

The spatial development policy is procured and submitted for approval to the government by the Ministry within 2 years from the date of this Act's coming in force.

#### § 187

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<sup>56</sup> Act No. 337/1992 Coll., on administration of taxes and fees, as amended by subsequent regulations.

(1) Planning documentation approved before 1<sup>st</sup> July 1992 becomes invalid at the latest within 3 years from the date of this Act's coming in force.

(2) Regional office examines the regional plans in terms of their individual programmes up-to-dateness and fulfilling the criteria of their supra local importance. The office accepts the programmes meeting the mentioned standpoints without the material alteration into the draft of the development principles negotiated with the respective authorities. Regional plan and the legal regulation, by which there was declared its binding part, becomes invalid on the day when the plan principles for the area settled by these principles come in force.

(3) Development principles are procured by a regional office and issued by a regional council at the latest within 3 years from the date of this Act's coming in force. By expiring this period the regional plans become invalid.

(4) At procurement of the first development principles the regional office elaborates their assignments, that contain the main objectives and requirements for their solution. The assignment is sent separately to the respective authorities, respective municipalities, neighbouring regions and to the Ministry, which may, within 30 days after receiving, submit their requirements, including the requirements for the assessment of the development principles implementation impact on the sustainable development conditions in the area. The regional office debates the draft of assignment and submits the modified result of this debate for approval. The assignment for procurement of the development principles is approved by the regional council.

(5) Provision of § 45 par. 2 does not apply to the first issued development principles.

(6) The approved regional plan assignment and elaborated regional plan before approval, which meet the requirements of this Act for the development principles, are considered to be the approved development principles assignment and the development principles draft.

(7) Until the date of issuance of the development principles, the binding parts of the regional plan are considered to be the development areas of the supra local importance, areas and corridors enabling location of transport structures and public infrastructure structures of supra local importance, delimiting regional and supra regional territorial systems of ecological stability, limits of the use of the supra local importance area and areas for the public works contained in the approved regional plan; the other parts of solution become invalid on the date of this Act's coming in force. At debating and issuing the change in a regional plan it is proceeded pursuant to § 37 par. 2 to 5, § 38 to 41 as relevant.

## § 188

(1) Within 5 years from the date of this Act's coming in force the municipality replaces planning documentation of the residential formation or zone approved after 1<sup>st</sup> July 1992 by the plan or the regulatory plan. By vain lapse of the determined period this planning documentation becomes invalid. This period does not run in case of disputes being solved at procurement of a new plan or a regulatory plan.

(2) The local plan and the regulatory plan approved after 1<sup>st</sup> July 1998 may be modified within 5 years after the date of this Act's coming in force according to this Act, in the extent of the made modification it may be debated and issued, otherwise it becomes invalid. In case of disputes being solved this term is not running. If the local plans and regulatory plans approved before the date of this Act's coming in force, and the regulations, on the basis of which they were announced, are not replaced by the issued plans and regulatory plans, they become invalid after 5 years from the date of this Act's coming in force.

(3) Local plans, regulatory plans and their alterations, within which the procurement commenced before the date of this Act's coming in force, shall be modified according to this Act, debated and issued;

and the activities completed before the date of this Act's coming in force are governed pursuant to the existing regulations.

(4) At debating and issuing the draft of the change in local plan, regulatory plan or planning documentation of a residential formation or a zone approved before the date of this Act's coming in force there shall be proceeded pursuant to this Act. On the modification of the guiding part of the plan it is decide by the local office for its territory, in the other cases it is done by the town and country planning authority. Within the modification it is proceeded pursuant to the existing regulations.

#### § 189

(1) The developed area shall be considered the existing developed area of the municipality marked pursuant to the existing regulations within the local plan or in the regulatory plan, and for the period of validity of this planning documentation. In case of procuring and issuing of their alterations the developed area is updated according to this Act.

(2) Valid regional plans are, to the approved extent, binding for procurement of the plans, regulatory plans and for decision-making in the area. The valid local plans and planning documentation of the residential formations are binding for procurement of regulatory plans approved by local councils and for the decision-making in the area.

(3) Qualification requirements for the execution of the planning activities are met by the officer, who, at the date of this Act's coming in force, performs the planning activity at the Ministry, regional or local office and has appropriate certificate of special expert competence pursuant to the special regulation<sup>17</sup> issued before the date of this Act's coming in force.

#### § 190

(1) General building offices execute the powers pursuant to this act in the administration units, within which they executed the powers as of 31<sup>st</sup> December 2006.

(2) The municipality, whose municipal office is the general building office, may conclude a public law contract with another municipality on the matter that this municipality shall execute the powers of the building office on behalf of the other; and it proceeds pursuant to the rules of administrative procedure. Otherwise for such a municipality the powers of the general building office are executed by the authorized municipal office, within whose territory it is situated.

(3) Proceedings commenced before the date of this Act's coming in force are completed pursuant to the existing regulations, with the exception of

a) building permit proceedings not completed in the first instance, which refer to the structures, within which, pursuant to a new regulation it is sufficient the notification; such structures are regarded as to be notified pursuant to this Act, in this case as the notification it is considered the application for the issuance of the building permit and as the date of notification the date of this Act's coming into force,

b) proceedings on the administrative delict committed before the date of this Act's coming in force, if the new legal regulation is more favourable for the accused party,

c) proceedings on the administration infraction and administrative delict, when, pursuant to the new legal regulation the acting of the accused party is not considered as breaching of building discipline; in such a case the proceedings discontinue,

d) expropriation proceedings, which shall be completed pursuant to a special regulation.

(4) Uncompleted proceedings conducted pursuant to the existing legal regulation are completed by the building office, which becomes the relevant to conducting the proceedings in the appropriate matter pursuant to this Act.

(5) In case of the structures, lawfully permitted before the date of this Act's coming in force, there shall be performed final inspection proceedings pursuant to the existing regulations.

(6) In case of doubts the relevant regional office determines, which building office shall conduct the uncompleted proceedings.

## § 191

At the latest within 30 days from termination of the activity of the building office the municipal and local offices, which shall not execute the powers of the general building office, are obligated to hand over all the documents related to the uncompleted administrative proceedings conducted pursuant to the building act to the building offices, to which this agenda devolves, and to compose a protocol on the handing over.

## § 192

### Relation to the rules of administrative procedure

To the procedures and proceedings the provisions of the rules of administrative procedure apply, except the cases when this Act stipulates otherwise.

### Delegating provisions

## § 193

Ministry shall issue the regulations to execute § 21 par. 4, § 26 par. 2, § 36 par. 6, § 38 par. 6, § 40 par. 4, § 42 par. 4, § 43 par. 6, § 47 par. 6, § 48 par. 8, § 51 par. 4, § 55 par. 5, § 61 par. 4, § 64 par. 6, § 66 par. 6, § 78 par. 4, § 86 par. 6, § 87 par. 4, § 92 par. 5, § 95 par. 6, § 96 par. 8, § 99 par. 2, § 100 par. 3, § 105 par. 5, § 110 par. 5, § 115 par. 6, § 116 par. 1, § 117 par. 6, § 120 par. 5, § 122 par. 6, § 125 par. 6, § 127 par. 4, § 128 par. 7, § 134 par. 6, § 138 par. 5, § 143 par. 5, § 150 par. 3, § 157 par. 4, § 162 par. 7.

## § 194

To perform § 169

a) the Ministry determines by the regulation the general requirements for construction [§ 2 par. 2 letter e)],

b) the Ministry of Agriculture determines by the regulation the technical requirements for the water management works,

c) the Ministry of Transport determines by the regulation the technical requirements for aircraft structures pursuant to the Act of civil aircraft<sup>57</sup>, for construction of railways and in the railway including the facilities and installations in the railway, structures of motorways, roads, local communications and public accessible communications and the scope and contents of the design documentation to the mentioned structures,

d) the Ministry of Industry and Trade determines by the regulation technical requirements for the structures of uranium industry and for the structures of nuclear facilities and installations,

e) the Municipal Office of Prague determines by the regulation issued in the delegated powers the general technical requirements for construction in the Capital City of Prague.

## § 195

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<sup>57</sup> § 36 of Act No. 49/1997 Coll., on civil aircraft and on alteration and supplement of Act No. 455/1991 Coll., on trade (the Trade Act).

The exceptions of the qualification requirements for education pursuant to § 24 are granted by the ministry in the cases of demonstrable quality of work in the sphere of town and country planning.

#### Final provisions

#### § 196

(1) Notifications, applications, motions and other submissions pursuant to this Act, for which the executing regulation determines the forms, may be made only by means of these forms, and also an in electronic form undersigned according to special regulations<sup>58</sup>.

(2) If this Act or another regulation issued for its execution determines the obligation to proceed according to a technical standard (ČSN, ČSN EN), this technical standard must be publicly accessible free of charge.

#### § 197

#### Repealing clause

There are repealed

1. Act No. 86/1946 Coll., on building renovation.
2. Act No. 115/1947 Coll., by which there is altered and supplemented the act of 12<sup>th</sup> April 1946, No. 86, on building renovation.
3. Act No. 50/1976 Coll., on town and country planning and the building code (the Building Act).
4. Act No. 262/1992 Coll., by which there is altered and supplemented Act No. 50/1976 Coll., on town and country planning and building code (the Building Act), as amended by Act No. 103/1990 Coll.
5. Act No. 43/1994 Coll., by which there is altered and supplemented Act No. 50/1976 Coll., on town and country planning and building code (the Building Act), as amended by subsequent regulations.
6. Act No. 59/2001 Coll., by which there is altered Act No. 50/1976 Coll., on town and country planning and building code (building act), as amended by subsequent regulations.
7. Act No. 422/2002 Coll., by which there is altered Act No. 50/1976 Coll., on town and country planning and building code (Building Act), as amended by subsequent regulations.
8. Executive regulation No. 120/1979 Coll., on spatial identification of information.
9. Executive regulation No. 132/1998 Coll., by which certain provisions of the Building Act are executed.
10. Executive regulation No. 135/2001 Coll., on planning materials and planning documentation.
11. Executive regulation No. 492/2002 Coll., by which there is altered Regulation No. 132/1998 Coll., by which certain provisions of the Building Act are executed.
12. Executive regulation No. 570/2002 Coll., by which there is altered Regulation No. 135/2001 Coll., on planning materials and planning documentation.

#### PART SEVEN

#### EFFECT OF THE ACT

#### § 198

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<sup>58</sup> Act No. 227/2000 Coll., on electronic signature, as amended by subsequent regulations.

This Act becomes effective as from 1<sup>st</sup> January 2007, with the exception of provisions of § 143, 144, 145, 147 and 151, which become effective as from 1<sup>st</sup> July 2006, and with the exception of provisions of § 102 par. 2, which become effective as from 1<sup>st</sup> January 2012.

Zaorálek, in his own writing

Klaus, in his own writing

Paroubek, in his own writing

#### Annex

General contents of assessment of the spatial development policy, of the development principles and of the plan impacts on the environment for the purpose of assessments of the impacts of concepts on the environment (Part A assessments of the impacts on sustainable area development)

[As to § 19 par. 2 Act No. 183/2006 Coll., on town and country planning and building code (the Building Act)]

1. Assessment of spatial development policy relationship to environmental protection objectives adopted on the international or community level. Assessment of planning documentation relationship to environmental protection objectives adopted on intrastate level.
2. Data on the current state of the environment in the area concerned and its expected development, if the spatial development policy or the planning documentation were not applied.
3. Characteristics of the environment, which would be materially affected by applying the spatial development policy or the planning documentation.
4. Current problems and phenomena of the environment, which would be materially affected by applying the spatial development policy or the planning documentation, particularly in respect to specially preserved areas and bird's areas.
5. Assessment of the existing and expected impacts of the proposed variants of the spatial development policy or the planning documentation, including the secondary, synergic, cumulative, short-term, medium-term and long-term, permanent and transitional, positive and negative impacts; there are assessed the impacts on population, biologic variety, fauna, flora, soil, water, atmosphere, climate, tangible assets, cultural heritage including the architectural and archaeological heritage and impacts on landscape including the relations between the mentioned assessment areas.
6. Comparison of ascertained or expected positive and negative impacts according to the respective variants of solution and their assessments. Comprehensible description of the applied assessment methods including their limitations.
7. Description of proposed measures to prevent, reduce or compensate all the ascertained or expected material negative impacts on the environment.
8. Method assessment of incorporation of the environmental protection objectives adopted on international or community level into spatial development policy and taking them into consideration at selection of solutions. Method assessment of incorporation of intrastate objectives of environmental protection into the planning documentation and taking them into consideration at selection of the solution variants.
9. Proposal of indicators for monitoring the impacts of spatial development policy and the planning documentation on the environment.
10. Non-technical summary of the above mentioned data and facts.

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- 1) § 34 of Act No. 128/2000 Coll.
  - 2) Act No. 455/1991 Coll., on trades (the Trade Act), as amended by subsequent regulations.
  - 3) § 136 of Act No. 500/2004 Coll., rules of administrative procedure.
  - 4) For example, Act No. 254/2001 Coll., on waters and on alteration of certain Acts (the Water Act), as amended by subsequent regulations, Act No. 2 Coll., on protection of nature and landscape, as amended by subsequent regulations, Act No. 86/2002 Coll., on protection of air and on alteration of certain other acts (the Act on air protection), Coll., on protection of agricultural land resources, as amended by subsequent regulations, Act No. 20/1987 Coll., on state monuments preservation, as amended by subsequent regulations, Act No. 289/1995 Coll., on forests and on alteration and supplement of certain acts (the Forest Act), as amended by subsequent regulations, Act No. 133/1985 Coll., on fire protection, as amended by subsequent regulations, Act No. 13/1997 Coll., on roads, as amended by subsequent regulations, Act No. 44/1988 Coll., on protection and use of mineral resources (the Mining Act), as amended by subsequent regulations, Act No. 164/2001 Coll., on natural healing resources, resources of natural mineral waters, natural curative spas and spa locations and on alteration of certain relevant acts (the Spa Act), as amended by subsequent regulations, Act No. 62/1988 Coll., on geologic works, as amended by subsequent regulations, Act No. 258/2000 Coll., on public health and on alterations of certain related acts, as amended by subsequent regulations.
  - 5) § 149 of Act No. 500/2004 Coll.
  - 6) § 140 of Act No. 500/2004 Coll.
  - 7) Act No. 131/2000 Coll., on the Capital City of Prague, as amended by subsequent regulations.
  - 8) Act No. 314/2002 Coll., on determination of municipalities with designated local office and on determination the municipalities with extended powers, as amended by Act No. 387/2004 Coll.
  - 9) Act No. 76/2002 Coll., on integrated prevention and pollution reduction, on integrated pollution register and alteration of certain acts (the Registered Prevention Act), as amended by subsequent regulations.
  - 10) Act No. 18/1997 Coll., on peaceful use of nuclear energy and ionizing radiation (the Nuclear Energy Act) and on alteration of certain acts, as amended by subsequent acts.
  - 11) Act No. 100/2001 Coll., on environmental impact assessment and on alteration of certain relevant acts, as amended by Act No. 93/2004 Coll.
  - 12) Act No. 114/1992 Coll., as amended by subsequent regulations.
  - 13) § 139 of Act No. 500/2004 Coll.
  - 14) Act No. 360/1992 Coll., on practising occupation of authorized architects and on practising occupation of the authorized engineers and technicians active in construction, as amended by subsequent regulations.
  - 15) Act No. 133/2000 Coll., on register of citizens and birth registration numbers and on alteration of certain acts (the Act on Register of Citizens), as amended by subsequent regulations.
  - 15) Act No. 326/1999 Coll., on residence of foreigners in the territory of the Czech Republic and on alteration of certain acts, as amended by subsequent regulations.
  - 16) § 76 of Act No. 500/2004 Coll.

17) § 21 to 26 of Act No. 312/2002 Coll., on officers of territorial self-government units and on alteration of certain acts, as amended by Act No. 46/2004 Coll.

18) Government decree No. 116/1995 Coll., by which there are determined the geodetic reference systems, state map works, binding in the whole territory of the state and principles of their use.

19) Act No. 248/2000 Coll., on regional development support, as amended by Act No. 320/2002 Coll.

20) Act No. 123/1998 Coll., on right for information on the environment, as amended by subsequent regulations.

21) § 172 par. 3 of Act No. 500/2004 Coll.

22) Act No. 344/1992 Coll., on Land Registry of the Czech Republic (the Land Registry Act), as amended by subsequent regulations.

23) § 171 to 174 of Act No. 500/2004 Coll.

24) Act No. 139/2002 Coll., on land consolidationsTN1 and land offices and on alteration of Act No. 229/1991 Coll., on regulation of proprietary relations to land and another agricultural property, as amended by subsequent regulations.

25) § 159 to 170 of Act No. 500/2004 Coll.

26) § 6 par. 1 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

27) § 16 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

28) § 7 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

29) § 8 par. 4, § 9 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

30) § 10 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

31) § 9 par. 8, § 8 par. 3 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

32) Act No. 20/1987 Coll., on state monuments conservation, as amended by subsequent regulations.

33) § 2, 3 and 11 Act No. 139/2002 Coll., on land consolidationsTN1 and land offices and on alteration of Act No. 229/1991 Coll., on regulation of proprietary relations to land and another agricultural property, as amended by subsequent regulations.

34) For example, Act No. 266/1994 Coll., on railways, as amended by subsequent regulations, Act No. 13/1997 Coll., on roads, as amended by subsequent regulations.

35) Act No. 72/1994 Coll., by which there are regulated certain co-ownership relations to buildings and certain relations to flats and non-residential spaces and are supplemented certain acts (the Act on ownership to flats), as amended by subsequent regulations.

36) For example, § 70 of Act No. 114/1992 Coll., on protection of nature and landscape, as amended by Act No. 218/2004 Coll.,

36) § 23 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

37) For example, Act No. 13/1997 Coll., on roads, as amended by subsequent regulations, Act No. 274/2001 Coll., on water mains and sewage for public use and on alteration of certain acts (the Act on Water Mains and Sewage), as amended by subsequent regulations, Act No. 128/2000 Coll., on municipalities (local government), as amended by subsequent regulations,

- 37) Act No. 129/2000 Coll., on regions (regional government), as amended by subsequent regulations.
- 38) Act No. 151/1997 Coll., on property assessment and on alteration of certain acts (the Property Assessment Act), as amended by subsequent regulations.
- 39) Act No. 22/1997 Coll., on technical requirements for products and on alteration and supplement of certain acts, as amended by subsequent regulations.
- 39) Government decree No. 163/2002 Coll., by which there are determined the technical requirements for selected products for construction.
- Government decree No. 190/2002 Coll., by which there are determined the technical requirements for the products for construction marked with CE, as amended by the Government decree No. 251/2003 Coll. and the Government decree No. 128/2004 Coll.
- 40) Executive regulation No. 104/1997 Coll., by which the act on roads is executed, as amended by subsequent regulations.
- 41) For example, § 4 of the regulation No. 111/1981 Coll., on chimneys cleaning,
- 41) § 15 and 19 of the regulation No. 428/2001 Coll., by which there is executed the Act No. 274/2001 Coll., on water mains and sewage for public use and on alteration of certain acts (the Act on Water Mains and Sewage),
- § 4 of regulation No. 85/1978 Coll., on controls, inspections and tests of gas appliances, as amended by Government decree No. 352/2000 Coll.
- 42) Act No. 552/1991 Coll., on state inspection, as amended by subsequent regulations.
- 43) Act No. 239/2000 Coll., on integrated rescue system and on alteration of certain acts, as amended by subsequent regulations.
- Executive regulation No. 380/2002 Coll., for preparation and execution of the tasks of protection of inhabitants.
- 44) § 35 par. 1 of Act No. 13/1997 Coll., on roads, as amended by Act No. 102/2000 Coll.
- 45) The Civil Code.
- 46) Act No. 634/2004 Coll., on administrative fees, as amended by subsequent regulations.
- 47) § 22 par. 3 of Act No. 360/1992 Coll., as amended by Act No. 224/2003 Coll.
- 48) Act No. 499/2004 Coll., on archival, filing, and record service and on alteration of certain acts, as amended by subsequent regulations.
- 49) For example, Act No. 360/1992 Coll., Act No. 200/1994 Coll., on geodesy and on alteration and supplement of certain acts relevant to its introduction, as amended by subsequent regulations.
- 50) § 68 of Act No. 499/2004 Coll.
- 51) Act No. 184/2006 Coll., on taking or reduction of ownership to the ground or the structure (the Expropriation Act).
- 52) § 15 par. 2 of Act No. 500/2004 Coll.
- 53) § 58 and § 62 par. 3 to 6 of Act No. 500/2004 Coll.
- 54) Act No. 239/2000 Coll., as amended by subsequent regulations.

54) Act No. 240/2000 Coll., on crisis management and on alteration of certain acts (the Crisis Act), as amended by subsequent regulations.

Act No. 254/2001 Coll., as amended by subsequent regulations.

55) § 2 par. 2 of the Commercial Code, as amended by subsequent regulations.

56) Act No. 337/1992 Coll., on administration of taxes and fees, as amended by subsequent regulations.

57) § 36 of Act No. 49/1997 Coll., on civil aircraft and on alteration and supplement of Act No. 455/1991 Coll., on trade (the Trade Act).

58) Act No. 227/2000 Coll., on electronic signature, as amended by subsequent regulations.