PBL, byggesaksdel

Av. 2011

§ 20-1. *Projects that require an application and permission*

Unless otherwise specified in Sections 20-3 and 20-4, the following projects on or in the land, in watercourses or in sea areas must not be executed without having sent an application, and an application for dispensation if applicable, to the municipality beforehand and thereafter having been granted permission:

a) erection, addition to, or extension, underpinning or positioning of a building, structure or installation

b) a significant alteration or significant repair of projects mentioned under a.

c) alteration of the exterior

d) change of use or significant extension or significant alteration of previous operation of projects mentioned under a

e) demolition of projects mentioned under a

f) erection, alteration or repair of technical installations

g) division or combination of occupancy units in dwellings and other reconstruction intended to convert dwellings to another purpose

h) erection of fencing by a road

i) positioning of signs or advertising devices

j) positioning of temporary buildings, structures or installations

k) significant encroachment on the terrain

l) construction of roads, parking places and landing areas

m) establishment of new real property, new installation property, or new jointly owned common land, or establishment of new leased land for leasing out that may apply for more than 10 years, or area transfer, cf. the Act relating to Property Registration. This kind of permission is not necessary when a project pursuant to the first sentence is taken in the course of land consolidation in accordance with a legally binding plan.

Application, design, execution and control of projects as mentioned in the first paragraph shall be managed by enterprises with the right to accept responsibility in accordance with provisions specified in Chapters 22 and 23 unless otherwise specified by Sections 20-2 or 20-3. This does not apply, however, to projects mentioned in the first paragraph, litra m.

The Ministry may lay down regulations specifying which projects are covered by these provisions.

Effective 1 July 2010, cf. Section 34-3. According to Royal Decree no. 896 of 18 June 2010, installation of a new fireplace up to 1 July 2011 is exempted from requirements concerning an application and permission, cf. first paragraph, litra f, if the work is controlled by a qualified controller.

Added by Act no. 27 of 8 May 2009, amended by Act no. 48 of 25 June 2010.

§ 20-2. *Projects that require an application and permission and that may be managed by the developer*

The following projects that require an application pursuant to Section 20-1 are exempted from the rules in Section 20-1, second paragraph:

a) minor projects on developed property

b) general agricultural buildings

c) temporary buildings, structures or installations as specified in Section 20-1, first paragraph, litra j and that shall not be in place for a period of more than two years

d) other minor projects that, in the opinion of the municipality, may be managed by the developer.

The Ministry lays down regulations specifying which projects are covered by these provisions.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 20-3. *Projects that do not require an application and permission*

For the following projects, an application and permission pursuant to Section 20-1 is not necessary if they are in accordance with a plan:

a) small exposed building that is erected on developed property and that cannot be used as a dwelling

b) small exposed structures related to the operation of agricultural, forestry and reindeer husbandry areas

c) minor projects in existing structures

d) minor outdoor projects

e) alteration of the exterior that does not result in any change in the nature of the building, and restoration of the exterior to a previously documented design

f) other minor projects that the municipality finds that there are grounds for exempting from the requirement to submit an application.

The Ministry lays down regulations specifying minor projects in litra a-d.

Permission is likewise not necessary for projects specified in Section 20-1, first paragraph, litra j, when the project shall not be left standing for more than two months.

The Ministry may also exempt in regulations other projects from the provisions of Section 20-1, including the positioning of construction workers' huts for more than two months in direct connection with building or construction plots where work is underway.

The developer is responsible for seeing that projects specified in the first and third paragraphs are executed in accordance with the requirements that otherwise comply with provisions specified in or pursuant to statute.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009, amended by Act no. 48 of 25 June 2010.

Section 20-4. *Exemptions from statutory requirements for certain projects that are considered pursuant to other Acts and for secret military installations*

Projects specified in Section 20-1 do not require an application if the project is adequately considered pursuant to other laws. The Ministry lays down regulations

specifying which projects are exempted from the requirement to submit an application pursuant to the first sentence and the extent to which provisions in the Act apply here.

When an area, installation or structure has been declared secret pursuant to the Defence Secrets Act, it is incumbent on the appropriate military authority to ensure that provisions that are specified in or pursuant to this Act are complied with.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Chapter 21. Requirements for the content and processing of applications

Section 21-1. *Preliminary conference*

For further clarification of constraints and content in the project, a preliminary conference may be held between the developer, the municipality and other affected expert authorities. Other affected parties may also be invited. A preliminary conference may be requested by the developer or the planning and building authorities.

The Ministry may lay down regulations concerning the preparation and implementation of and minutes from the preliminary conference.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 21-2. *Application for permission*

An application for permission shall be in writing and be signed by the developer and the applicant. The application shall provide the information that is necessary in order for the municipality to grant permission to the project. It shall be specified in the application whether dispensation has been applied for, cf. Chapter 19.

If the project cannot be managed by the developer, cf. Section 20-1, second paragraph, an application shall be submitted, if necessary, for local approval of the right to accept responsibility for the responsible applicant, responsible designer, responsible contractor and responsible controller for design and execution, cf. Chapters 22 and 23, together with an application for permission. The application shall provide the information that is necessary in order for the municipality to delegate the right to accept responsibility. An application for local approval of the right to accept responsibility shall be signed by the enterprise that applies for the right to accept responsibility.

In addition, the application shall provide the information that is necessary in order for the municipality to decide whether the project shall be subject to independent control pursuant to Section 24-1.

Documentation so that neighbours are legally notified, together with a declaration, if there is one, concerning notification of those who have financial charges on a property for which an application has been submitted to demolish; cf. Section 21-3, shall be attached to the application. Any comments from adjoining or opposite neighbours, as well as an account from the applicant of what may have been done, if anything, in order to accommodate these comments, shall be attached.

Any decisions or statements obtained from other authorities shall also be attached to the application when the project requires them, cf. Section 21-5.

An application may be divided into an application for general permission and permission to start the work. The municipality may permit a division of the application for permission to start the work. Projects may not be initiated before permission to start the work has been granted.

Those who are mentioned in Section 9 of the Act relating to property registration may apply for permission to establish new real property, new installation property, new leased land or new jointly owned common land, or permission for area transfer. The application must designate how the unit is intended to be designed, including designating the boundary courses on a map. The application must show how the new units or the area transfer may be included in a future utilisation of the area in an appropriate way, also including the ways in which requirements for the size of the lot, common area and the positioning of the buildings may be met.

The Ministry may lay down regulations concerning requirements for applications, including application documentation and requirements for signatures.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 21-3. *Notice to neighbours*

Before an application is submitted, adjoining and opposite neighbours shall be notified by the applicant if they have not stated in writing that they do not have any comments on the application. In the notice, notification shall be given that any comments must have been received by the applicant by a time limit of at least two weeks after the notice has been sent and the basic material for the application has been made available. If the landowner's address is not known or is not provided in the Cadastre, notification is not necessary.

The municipality may exempt the applicant from notifying adjoining and opposite neighbours when their interests are not or are only slightly affected by the work. The municipality may require that other owners or lessees beside those who are mentioned in the previous paragraph shall also be notified.

If the application concerns demolition pursuant to Section 20-1, first paragraph, litra e, the applicant shall notify those who have financial charges on the property.

In the event of a divided application, a notice to neighbours shall only be sent for an application for general permission and an application for projects specified in Section 20-1, first paragraph, litra m, which have not been clarified in the general permission or the application to amend said general permission.

The Ministry may lay down regulations with further provisions concerning the notification of neighbours.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 21-4. *Processing of the application in the municipality*

When the application is completed, the municipality shall grant permission as soon as possible and no later than the time limit specified in Section 21-7 if the project does not contravene provisions specified in or pursuant to this Act. In its administrative procedures, the municipality shall base its decision on the developer's or the responsible enterprise's information about whether the project meets technical requirements unless the circumstances indicate otherwise.

Before the municipality makes a decision on the application, it shall assess whether there are grounds for requiring a new notice to adjoining and opposite neighbours.

The municipality shall decide applications for local approval of the right to accept responsibility, cf. Section 22-3 and the scope of independent control, cf. Chapter 24.

In accordance with the applicant's wishes, the permission may be divided into general permission and permission to start the work. Permission to start the work cannot be granted before conditions for the general permission have been met, the right to accept responsibility has been delegated and the extent of the control has been decided together with the granting of permission, if any, from other authorities, cf. Section 21-5, first paragraph. Permission to start the work may be divided up.

The municipality shall immediately provide written information about the decision to the applicant and to those who have offered comments. In the processing of divided applications, it is sufficient that only the applicant be informed of the permission to start the work.

The municipality may specify conditions in order to grant permission for fees to be paid pursuant to Section 33-1. Furthermore, the municipality may specify as conditions that:

a) a survey be conducted when there is a need to clarify the borders for the unit(s) in the Cadastre to which the project applies

b) properties that are to be used jointly be joined pursuant to the Act relating to Property Registration.

c) the developer notifies the municipality when temporary projects of the type mentioned in Section 20-2, litra c are removed.

In the event of an application to establish new leased land for leasing out that may apply for more than 10 years, the municipality may specify as conditions for the permission that the ground leasehold interest shall apply to a specially limited area or that the unit will be established as real property.

The Ministry lays down in regulations more detailed provisions concerning the municipality's processing of the application.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009, amended by Act no. 48 of 25 June 2010.

Section 21-5. *The municipal building authorities' duty to coordinate*

When the project requires permission or consent from other authorities or when plans for the project shall be submitted to these authorities, the municipality may wait to decide the case until a decision has been made or consent has been given as

mentioned. The municipality may also grant general permission within its area of authority on the condition that permission to start the work will not be granted before the relationship to other authorities has been clarified; cf. Section 21-4, fourth paragraph. In cases as mentioned above, the municipality shall submit the matter to the authorities pursuant to the regulations if a decision or opinion has not been obtained in advance.

The Ministry specifies in regulations the authorities that are covered by the duty to coordinate.

Other authorities must make a decision or give an opinion within four weeks after submission. In special cases, the municipality may extend the time limit before it has expired. When the project does not require permission or consent from other authorities, the matter may be decided when the time limit has expired.

The Ministry may lay down regulations concerning the duty of the municipality to report to other authorities.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009, amended by Act no. 48 of 25 June 2010.

Section 21-6. *Private-law matters*

Unless otherwise specified by this Act, the building authorities shall not make a decision about private-law matters in the processing of building applications. If it is evident to the building authorities that the developer does not have the private-law rights required by the application, the application may be rejected. Any permission granted pursuant to this Act does not entail any decision of private-law matters. The municipality may set a time limit for the developer for supplementing the application.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 21-7. *Time limits in special cases*

Applications for permission for projects pursuant to Sections 20-1 and 20-2, which do not entail dispensation from plans, shall be decided by the municipality within twelve weeks after a complete application is ready unless otherwise specified in the second and third paragraphs. In the event of failure to comply with the time limit, the municipality shall refund the building application fee in accordance with more detailed provisions in the regulations; cf. Section 21-8, third paragraph.

An application for permission for a project pursuant to Sections 20-1 and 20-2, where the project is in accordance with provisions specified in or pursuant to this Act, where there are not any comments from adjoining or opposite neighbours, and further permission, consent or opinions from other authorities are not necessary shall be decided by the municipality within three weeks. If the municipality has not decided the application by the expiration of the time limit, the permission will be regarded as granted.

An application for permission for a project pursuant to Section 20-2 where there have been protests from adjoining or opposite neighbours, but other terms and conditions in the second paragraph have been met, shall also be processed by the

municipality within three weeks, but in such cases permission will not be regarded as granted even if the municipality has not made a decision by the time limit.

A certificate of completion shall be issued by the municipality within three weeks after the requirement has been received together with necessary documentation. When the certificate of completion has not been issued by the time limit, the structure may be put to use.

In individual cases, a longer time limit than that which is specified may be agreed to in the individual paragraphs in this section.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 21-8. *Other time limits*

The Ministry may lay down regulations concerning time limits for holding a preliminary conference, processing an application for permission to start the work, an application for temporary use, an application for provisional permission for use, the municipality's decisions in matters involving refunds, the municipality's preparatory consideration of appeals and the administrative appeal body's consideration of appeals in planning and building matters.

In an individual matter, a longer time limit may be agreed to than that which is specified in the regulations.

The Ministry lays down regulations concerning the calculation of time limits pursuant to Sections 21-7 and 21-8, permission to extend time limits and consequences of failure to comply with a time limit.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 21-9. *Lapse of permission*

If the project has not commenced within three years after permission has been granted, the permission will lapse. The same applies if the project is suspended for more than two years. These provisions apply in the same way to dispensation. The time limits cannot be extended.

If a project is suspended for more than three months, the municipality may require that scaffolding and fences adjoining a street that is open to public traffic be removed and that the street and pavement be put in order.

If a project is suspended for more than one year, scaffolding shall be removed and the installation shall be brought into such a state as to cause the least possible unsightliness. If this situation lasts for more than two years, the municipality may require that the installations be removed completely and the land be cleared. If an alteration project is discontinued, the municipality will decide to what extent the structure shall be restored to its original state.

Permission for a project pursuant to Section 20-1, first sentence, litra m will lapse if a survey has not been requisitioned pursuant to the Act relating to Property

Registration within three years after the permission has been granted or if registration in the Cadastre will contravene the Act relating to Property Registration.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 21-10. *Final inspection and certificate of completion*

Projects that require an application shall be completed with a certificate of completion, which is issued by the municipality when the necessary final documentation and a declaration of completion from the developer or responsible applicant have been submitted. For projects that require independent control, there shall be documentation that a final inspection has been performed, cf. Section 24-2. The final documentation shall show that the project has been carried out in accordance with the permission and provisions in or pursuant to this Act. The municipality may also issue a certificate of completion in cases where there have been only trifling violations of requirements in or pursuant to this Act.

For a certificate of completion, there shall be sufficient documentation from the developer or the responsible enterprises of the properties of the structure, including the properties of the building products, as a basis for the management, operation and maintenance of the building. The Ministry may lay down regulations concerning the content, submission and storage of this documentation.

When only minor work remains, and the municipality finds it unobjectionable, provisional permission for use may be issued for the whole or parts of the project. In provisional permission for use, the work that remains and a time limit for completion shall be specified. The municipality may require that security be provided to ensure that the remaining work will be correctly completed. If the remaining work is not performed by the time limit, the municipality shall issue an order concerning completion, which may be implemented through sanctions pursuant to Chapter 32.

For technical installations, permission to operate may be granted before they are to be put to use. Such permission may be granted for a limited period and shall apply to that particular installation.

The Ministry may lay down regulations concerning exemptions from requirements for a certificate of completion for special projects, the completion of projects, final inspection, documentation for the municipality's processing of applications for certificate of completion and provisional permission for use.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009, amended by Act no. 48 of 25 June 2010.

Chapter 22. Approval of enterprises exercising the right to accept responsibility

Section 22-1. *Central approval of enterprises exercising the right to accept responsibility*

Central approval of the right to accept responsibility is granted to enterprises that are qualified to undertake the function as a responsible applicant pursuant to Section 23-4, responsible designer pursuant to Section 23-5, responsible contractor pursuant

to Section 23-6 or responsible controller pursuant to Section 23-7. Approval is granted in different classes of projects.

An application for central approval of the right to accept responsibility shall be rejected if the enterprise does not meet the necessary qualifications for obtaining approval.

Such approval is granted by an approval body authorized by the Ministry and registered in a central open register.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 22-2. *Withdrawal of central approval of the right to accept responsibility*

Central approval of the right to accept responsibility shall be withdrawn in the event of serious or repeated violation of provisions or permission granted in or pursuant to this Act. Central approval of the right to accept responsibility shall also be withdrawn if an approved enterprise no longer possesses the necessary qualifications for obtaining approval of the right to accept responsibility. Before a decision is made about withdrawal, the enterprise shall be given notice with a time limit for expressing his/her opinion. When particularly extenuating considerations apply, withdrawal of central approval of the right to accept responsibility may still be omitted. For minor violations, a warning may be issued.

Withdrawal of central approval of the right to accept responsibility may occur until the enterprise can document through a new application that the circumstances that caused the withdrawal have been remedied and the remaining terms and conditions for approval have been met.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 22-3. *Local approval of enterprises exercising the right to accept responsibility*

Local approval of the right to accept responsibility for applications, design, execution or control of design and execution where the project or parts of the project so require, cf. Section 20-1, second paragraph, is granted to qualified enterprises. Approval is granted to different classes of projects. Local approval of the right to accept responsibility may not be granted for independent control unless central approval has been granted, cf. Section 23-7.

When the question of local approval of the right to accept responsibility arises, central approval of that right shall normally be accepted, provided that the approval duly covers the project in question.

The municipality shall ensure that the project is subject to responsibility and may require further applications for the right to accept responsibility, if such responsibility is incomplete. The municipality may require more or other responsible enterprises than those proposed by the applicant if the responsible enterprises lack qualifications, if there is reason to doubt the responsible enterprise's reliability and competence or if the enterprise has previously proven to be unqualified for similar functions.

Rejections of applications for the right to accept responsibility may be specially appealed by the enterprise that receives the rejection.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 22-4. *Withdrawal of local approval of the right to accept responsibility*

The municipality may withdraw local approval of the right to accept responsibility at any time if there should be any serious contravention of provisions or permission granted in or pursuant to this Act or if it finds that a responsible enterprise does not meet the requirements that have been specified for reliability and competence. Before a decision is made about withdrawal, the enterprise shall be given notice with a time limit for expressing his/her opinion. If the municipality finds it necessary, it may immediately invalidate the approval until the matter has been finally decided.

However, when particularly mitigating circumstances apply, the withdrawal of local approval of the right to accept responsibility may be dispensed with. For minor violations, a warning may be issued.

The municipality shall report withdrawal of local approval of the right to accept responsibility to the central approval body. The same applies to warnings that the municipality gives the enterprise.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

§ 22-5. *Regulations concerning further rules about approval of enterprises*

The Ministry may lay down regulations concerning administrative procedures and requirements for approval, withdrawal, the extent and organisation of the system, time limits for central approval and consequences of failure to comply with a time limit and likewise concerning fees for approval, which may not exceed expenses incurred.

The requirements for approval shall relate to the enterprises' ability to meet the requirements of this Act, and may be concerned with requirements for the enterprises' organization, routines for meeting the requirements, and the competence of the enterprises' professional management, based on education and practical experience. Different levels of approval may be laid down relative to the degree of difficulty and the consequences of different classes of project.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009, amended by Act no. 48 of 25 June 2010.

Chapter 23. Responsibility in building matters

Section 23-1. *Responsibility in building matters*

In projects pursuant to Section 20-1, first paragraph, litra a to l, there shall be enterprises responsible for applications, design, execution and control. Responsible enterprises in building matters guarantee that the project will meet the requirements specified in or pursuant to this Act.

When it is so required by the project, cf. Section 20-1, second paragraph, the developer is obligated to transfer his/her responsibility to responsible enterprises. In matters where the project does not require specially qualified enterprises or in the areas of the project that are not sufficiently subject to responsible enterprises, the developer bears the sole responsibility.

The municipality may exempt enterprises from requirements relating to the right to accept responsibility in matters where this is clearly unnecessary.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009, amended by Act no. 48 of 25 June 2010.

Section 23-2. *Developer*

Pursuant to this Act, the developer is the person or enterprise on behalf of whom the project is executed. Any change of developer during the work shall be reported immediately to the municipality, both by the original developer and the new developer.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 23-3. *Extent and duration of the responsibility for responsible enterprises*

The right to accept responsibility is granted after an application, which shall comply with the application concerning the project, cf. Section 21-2. Responsible enterprises must be approved by the building authorities, cf. Sections 21-4 and 22-3. The enterprise is responsible to the building authorities for seeing that the Planning and Building legislation's requirements are met and documented for the area of responsibility that the enterprise has assumed through an application for local approval of the right to accept responsibility. The responsible enterprise's responsibility also includes sub-contractors' execution and design unless these have been granted local approval of the right to accept responsibility in the project.

The right to accept responsibility ceases with the issuance of a certificate of completion. However, the municipality may issue an order to remedy or improve a matter within five years after a certificate of completion has been issued if it discovers significant matters that contravene legislation or the granted permission and for which the responsible enterprise is responsible.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 23-4. *Responsible applicant*

The responsible applicant is the developer's representative to the municipality and is responsible for seeing that the application contains necessary information in order for the municipality to make a decision as to whether the project is in accordance with provisions and permission granted in or pursuant to this Act.

The responsible applicant shall coordinate the responsible designers, executors and controllers and see that all functions are subject to responsibility.

The responsible applicant is responsible for seeing that the project is completed by submitting the necessary information for the municipality's issuance of a certificate of completion.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 23-5. *Responsible designer*

The responsible designer is responsible for seeing that the project is designed in accordance with provisions and permissions granted in or pursuant to this Act. The assumptions and solutions on which the design is based shall be documented.

The responsible designer is responsible for the design of necessary safety measures pursuant to Section 28-2.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 23-6. *Responsible contractor*

The responsible contractor is responsible for seeing that the project is executed on the basis of and in accordance with the design, and in accordance with requirements or permits for the execution specified in or pursuant to this Act.

The responsible contractor is responsible for the implementation of necessary safety measures during the execution, pursuant to Section 28-2.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 23-7. *Responsible controller*

The responsible controller shall be independent of the enterprise that executes the work that is to be inspected. [The responsible controller shall have central approval pursuant to Section 22-1.][1]

The responsible controller for the design is responsible for checking to ensure that the basis for the design and the designed solutions that have been prepared for the measure are documented and in accordance with requirements specified in or pursuant to this Act.

The responsible controller for the execution is responsible for seeing that the basis for execution has been sufficiently designed, that the execution is documented to be in accordance with requirements and permissions specified in or pursuant to this Act, and that the execution is in accordance with the basis for design.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

1 This sentence enters into force on 1 July 2011, cf. Section 34-3 with note.

Section 23-8. *Regulations concerning responsibility*

The Ministry may lay down supplementary regulations concerning the content, delegation, implementation and withdrawal of responsibility and the right to accept responsibility.

The Ministry may lay down regulations specifying that the developer may build his/her own dwelling and leisure home, and concerning rules governing responsibility and documentation about such matters.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Chapter 24. Quality assurance and control of design and execution of projects

Section 24-1. *Quality assurance and control of design and execution*

The responsible designer and responsible contractor shall have a system to ensure and document that the requirements of the Planning and Building Act have been met. In addition, an independent control shall be conducted by the responsible controlling enterprise when:

a) [there are important critical areas and functions][1]

b) the municipality requires it after a specific assessment.

The municipality may grant exemptions from requirements concerning independent control pursuant to regulations laid down by the Ministry.

The Ministry lays down regulations concerning criteria for when an independent control shall be conducted pursuant to the first sentence, litra a and b. The Ministry may lay down regulations concerning independent control of special areas in the event of hazard or other socially important factors.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

1 This litra enters into force on 1 July 2011; cf. Section 34-3 with note.

Section 24-2. *Implementation of control*

[Control shall be conducted independently and uniformly and shall take care of interfaces between different professional fields.

Control shall be conducted on the basis of plans for implementation of the project, which shall also include a final inspection. The extent, details and implementation of the control shall be adapted to the difficulty of the work, the risk of and consequences of errors, and the enterprises' reliability and competence.

The developer and the responsible enterprises are obligated to provide the information that is necessary for the implementation of the control. In the event of errors that have been pointed out by the controlling enterprise and that are not remedied and in the event of disagreement about technical solutions, the controlling enterprise shall inform the municipality.

The Ministry lays down regulations concerning the implementation of control.][1]

Effective 1 July 2011, cf. Section 34-3 with note.

Added by Act no. 27 of 8 May 2009.
1 This Section enters into force on 1 July 2011; cf. Section 34-3 with note.

Chapter 25. Oversight

Section 25-1. *Duty to provide oversight*

The municipality has a duty to oversee building matters by seeing that the project is implemented with specified permission and provisions specified in or pursuant to this Act.

The municipality shall carry out oversight to such an extent that it can detect violations of rules. The municipality shall carry out oversight on already issued orders and in cases where it becomes aware of offences that violate trifling matters. The municipality shall oversee special conditions pursuant to further regulations from the Ministry.

The municipality may cooperate with other municipalities or bodies on oversight.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 25-2. *The content of the oversight*

In addition to the duty to provide oversight in Section 25-1, the municipality decides the matters and areas in which oversight shall be carried out. The oversight is conducted in such a way, to such an extent and with the intensity that the municipality finds appropriate.

The municipality may conduct oversight at any time during the construction and for up to five years after the certificate of completion has been issued; cf. Section 23-3, second paragraph. If the oversight reveals significant failures that have not been attended to through independent control, the municipality may require expert assistance or conduct technical tests at the developer's expense. The oversight shall be completed with a final report.

The Ministry may lay down regulations concerning the content, implementation and reporting of oversight.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Chapter 26. Establishment and change of property

Section 26-1. *Establishment and change of property*

Establishment of new real property, new installation property or new jointly owned common land, or the establishment of new leased land for leasing out that may apply for more than ten years, cf. the Act relating to Property Registration, or a change of existing property boundaries must not be done in such a way that circumstances arise that contravene this Act, these regulations or this plan. In addition, establishment or change as mentioned in the first sentence must not be

done in such a way that lots are formed that are unsuitable for building because of their size, form or location pursuant to the rules in this Act.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Chapter 27. Connection to infrastructure

Section 27-1. *Water supply*

No building may be constructed or put to use for the purpose of housing humans or animals without proper access to hygienically safe and sufficient potable water, including water for fire-fighting. The same applies to the establishment or change of property for buildings of this sort. The right to lay a water main across someone else's land, or alternatively to hook up to a common network of pipes, shall be ensured through registered documents or in some other way that the municipality accepts as satisfactory.

When a public water main is laid across the property or in a road bordering upon it, or across a nearby area, any buildings located on the property shall be connected to the main. If in the municipality's opinion this will entail unreasonably high costs or special considerations so dictate, the municipality may approve some other arrangement.

In matters other than those mentioned in the second paragraph, the municipality may require that the building shall be connected to a public water main when special considerations argue for it.

The rules in the second and third paragraphs also apply to existing structures.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 27-2. *Sewers*

Before the establishment or alteration of property for buildings or the erection of a building is approved, the removal of wastewater shall be ensured in accordance with the Pollution Control Act. The right to lay a sewer pipe across someone else's land, or alternatively to hook up to a common network of pipes, shall be ensured through registered documents or in some other way that the municipality accepts as satisfactory.

When a public sewer pipe is laid across the property or in a road bordering upon it, or across a nearby area, any buildings located on the property shall be connected to the sewer pipe. If in the municipalities' opinion this will entail unreasonably high costs or special considerations so dictate, the municipality may approve some other arrangement.

In matters other than those mentioned in the second paragraph, the municipality may require that the building shall be connected to a sewer pipe when special considerations argue for it.

The rules in the second and third paragraphs also apply to existing structures.

Before the erection of a building commences, the drainage of ground water and surface water shall be ensured. The same conditions apply as for the maintenance of drainage of existing structures.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 27-3. *Connection to existing private installations*

The planning and building authorities may permit connection to private water and sewerage installations. In such cases, the owner of the installation may require that the party that will be connected to the installation undertake or pay for the extensions and alterations of the installation that the connection makes necessary or that security be provided for so doing. In addition, the owner may require a refund of the cost of the original construction and subsequent upgrades. The expenses and the refund shall be determined by judicial assessment. The expenses associated with judicial assessment shall be born by the party who is to be connected to the installation.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 27-4. *Access*

Before the establishment or alteration of property for buildings or the erection of a building is approved, the building lot shall either have been ensured lawful access to a road that is open to general traffic or by judicially registered document or in some other way have been ensured such road access as the municipality considers satisfactory. An exit road from a public road must be approved by the roads authority concerned, cf. Sections 40-43 of the Public Roads Act.

If, in the opinion of the municipality, a road connection cannot be provided without disproportionate difficulty or expense, the municipality may approve some other arrangement.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 27-5. *District heating plant*

If a structure shall be erected within an area to which a licence for district heating applies, and it has been decided in a plan that a project has an obligation to connect, the building shall be connected to the district heating plant.

The municipality may grant a complete or partial exemption from the obligation to connect when it is documented that the use of alternative solutions for the project will be environmentally better than connection.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 27-6. *Regulations concerning connection*

The Ministry may lay down regulations pursuant to Sections 27-1 to 27-5, including regulations concerning projects where connection to a district heating plant may be required and likewise arrangements for the use of district heating.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Chapter 28. Requirements for building lots and undeveloped land

Section 28-1. *Building land, environmental conditions, etc.*

Land may only be developed, or property established or altered, when there is adequate safeguard against hazard or significant inconvenience as a result of natural or environmental conditions. The same applies to land that is exposed to hazard or significant inconvenience as a result of a project.

For land that is not sufficiently safe, the municipality shall prohibit the establishment or alteration of property or the erection of structures, if necessary, or make special requirements for building land, buildings and outside area.

The Ministry may lay down more detailed regulations concerning the safety level and requirements for surveys, safety measures for persons or property, documentation of the project and special safety measures.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 28-2. *Safety measures for construction work, etc.*

Building or demolition work, excavation, blasting or filling may not be initiated unless the responsible parties have taken necessary measures to safeguard against injury to persons or damage to property, and to maintain the flow of public traffic.

Machinery, scaffolding and all equipment for construction work shall be properly designed and maintained, and the execution of the work shall be organized in such a way as to avoid any hazard to life or health. The municipality may issue such orders as it considers necessary to ensure that these provisions are complied with, including orders concerning investigations of ground conditions.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 28-3. *Measures on adjoining land*

If a structure can be exposed to damage due to seepage of water, an avalanche or a slide from adjoining land, the municipality may allow necessary preventive measures to be taken on the adjoining land.

The municipality may permit the use of adjoining land to the extent necessary for the execution of building and maintenance work - including the provision of access - if the work either cannot be performed in another way, or in the opinion of the municipality, other solutions would entail substantially higher costs. The municipality may also permit a chimney that abuts on a neighbour's property to be attached to a

wall or the roof of this property, or that access to the chimney shall be across the roof of the adjoining property.

The municipality may make the permission subject to conditions, including the provision in advance of such safety measures as the municipality decides.

Compensation to the neighbour for any expenses, damages or inconveniences are determined, if necessary, by judicial assessment. If the measures mentioned in the first paragraph are necessitated because the neighbour has neglected his/her obligation to drain away water or to prevent an avalanche or a slide, that party may be ordered by judicial assessment to compensate the owner for costs, damage or inconvenience.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 28-4. *Making fencing safe*

In urban areas and in areas where a plan so requires, a lot shall be fenced off from roads when not fully developed right up to the road line. The municipality may require that lots be fenced off from roads outside urban areas.

The municipality may issue an exemption from the duty to erect fencing unless the roads authority finds that there ought to be a fence pursuant to Section 44 of the Public Roads Act.

This provision also applies to existing structures.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 28-5. *Tidiness and use of undeveloped land. Safety measures in connection with structures, etc.*

Undeveloped land in urban areas shall be kept tidy and in proper condition. The municipality may prohibit the use of undeveloped land for storage or other purposes, if in the opinion of the municipality such use would make occupancy or traffic dangerous, be very unsightly or cause significant inconvenience. In cases where conditions connected to storage and other use or the terrain in the vicinity of the structure may make it dangerous to be present or move about, the municipality may order the owner to implement safety measures.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

§ 28-6. *Making pools, wells and ponds safe*

Pools and wells shall at all times be made safe enough to prevent people from falling into them. The municipality may order wells or ponds that are deemed to be particularly hazardous to children to be filled in or made safe in some other way within a specified time limit. Such filling-in may not be done if the well or pond is required for water supply purposes. Ponds to which the Water Resources Act applies shall be made safe pursuant to the provisions of said Act.

The landowner is responsible for ensuring that installations are made safe as specified in the first paragraph. If the land is leased out for more than two years, the responsibility rests with the lessee. If the installations are used only by someone who is not responsible pursuant to the above regulations, the responsibility rests with the user.

The Ministry may lay down regulations with requirements for the safety level and safety measures for pools, wells and ponds.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009, amended by Act no. 48 of 25 June 2010.

Section 28-7. *The undeveloped part of the lot. Common area*

Within its function, the outside area should be universally designed in accordance with regulations specified by the Ministry. The outside area for work buildings should be universally designed in accordance with regulations specified by the Ministry.

The size, design and location, etc. of the outside area on the lot shall be secured to provide satisfactory open-air spaces for residents and provide necessary playgrounds, recreational areas, as well as exit roads and parking spaces for cars, motorcycles, bicycles, etc. Developed outside area on the lot may be used by everyone who is covered by the purpose of the permission. The municipality may agree that a common area be set aside for two or more properties.

It may be provided in the municipal master plan that the municipality may agree that, instead of a parking space on one's own land or in a common area, a sum of money be paid to the municipality in each case where a parking space is lacking for the purpose of building a parking facility. The Municipal Council will decide what rates shall apply at any time in such cases. Payments may only be used for the development of public parking facilities.

The provisions in the first to third paragraphs also apply if there is a change of use.

The Ministry may lay down regulations concerning the constraints for application of these provisions, including the use of funds paid in pursuant to the third paragraph.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 28-8. *Regulations concerning preservation of the environment*

The Ministry lays down regulations for the preservation of the environment, including biodiversity, in conditions that are covered by this chapter.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Chapter 29. Requirements for the project

Section 29-1. *Design of projects*

Pursuant to Chapter 20, each and every project shall be designed and carried out so that it is given a good architectural design in accordance with its function pursuant to the rules specified in or pursuant to this Act.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 29-2. *Visual qualities*

Pursuant to Chapter 20, each and every project shall be designed and carried out so that in the opinion of the municipality it maintains good visual qualities both inherently and with regard to its function and its constructed and natural surroundings and location.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 29-3. *Requirements for design for universal accessibility and reliability*

Within its function, projects pursuant to Chapter 20 should be universally designed in accordance with regulations specified by the Ministry. Projects pursuant to Chapter 20 that include work buildings should be universally designed in accordance with regulations specified by the Ministry.

Projects should not entail any hazard and should meet requirements for reasonable safety, including necessary evacuation, health and environmental requirements pursuant to statute.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 29-4. *Location of the structure, its height and distance from the boundary of adjoining property*

The location of the structure, including the level of location, and the height of the structure shall be approved by the municipality. The municipality shall ensure that the provisions of the Public Roads Act imposing limitations on building and unobstructed visibility are complied with. A building where the cornice height exceeds eight metres and the height of the roof ridge exceeds nine metres may only be built if authorized in a plan pursuant to Chapters 11 or 12.

Unless otherwise decided in a plan pursuant to Chapters 11 or 12, the distance of the structure from the boundary of adjoining property shall be equal to at least half the height of the structure and not less than four metres.

The municipality may approve that a structure be located closer to the boundary of adjoining property than the distance specified in the second paragraph, or on the boundary of adjoining property:

a) when the owner (lessee) of the adjoining property has given his written consent, or

b) when a garage, outhouse or similar small project is to be erected.

Further provisions, including rules concerning the distance between structures, the method for calculating height, the distance from the boundary of adjoining property and the area of any buildings mentioned in the second paragraph, litra b, shall be made in regulations.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009, amended by Act no. 48 of 25 June 2010.

Section 29-5. *Technical requirements*

Each and every project shall be designed and carried out in such a way that the completed project meets requirements for safety, health, environment and energy and in such a way that lives and material assets are protected.

Any building with rooms intended for human habitation shall be designed and carried out in such a way that requirements are met for satisfactory energy use, layout of the rooms and indoor environment, including outward view, lighting, insulation, heating, ventilation and fire prevention, etc.

In order to ensure that each project is given a satisfactory and intended useful life, special consideration shall be given in the design and execution to geographical differences and climatic conditions on location.

The Ministry may lay down supplementary provisions in writing concerning technical requirements for projects, including requirements for energy systems.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 29-6. *Technical installations and systems*

Technical installations and systems shall be designed and carried out so as to yield the performance required and tolerate the internal and external loads that normally occur. Section 29-3, first paragraph, applies correspondingly.

Technical installations and systems shall be erected or installed, operated and maintained so as to meet the requirements for satisfactory health, safety and the environment, including energy economising, specified in or pursuant to statute. The owner of the system shall see that necessary maintenance and repair are carried out by qualified personnel.

If in the opinion of the municipality, technical installations and systems are detrimental to their surroundings, the municipality may order the owner to take necessary measures. When special circumstances make that reasonable, it may be decided that the costs of such measures shall be paid wholly or in part by the owner of other property that has caused the order to be given.

This section also applies to technical installations and systems in existing structures.

The Ministry may lay down more detailed provisions by means of regulations; e.g. with regard to the erection or installation of installations and systems, the repair of systems that are in operation, and the system owner's obligations.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 29-7. *Requirements for construction products*

Each and every product that shall be included in a structure shall have satisfactory characteristics. The manufacturer or his/her representative shall ensure that the characteristics of the product are attested and is obligated to provide the supervisory authority with the information that is necessary for supervising the characteristics of the product. The Ministry will appoint the supervisory authority.

The Ministry may lay down regulations concerning technical specifications and the approval and control systems that are to be applied in regard to attestation and oversight, in pursuance of which the Ministry may lay down requirements concerning the marking of construction products (CE-marked product).

If the supervisory authority has grounds to suspect that a product is being sold that does not meet the requirements for attestation and the product is intended for use in a structure, it shall oversee the product and may issue an order for a temporary stoppage of the sale and use of the product.

If the supervisory authority finds that any product does not satisfy the stipulations relating to approval, oversight or marking, it may order that the sale of the product be stopped. The same applies to any product that may entail a hazard to life, health or the environment, even though it has been declared to be in conformity with the requirements. The supervisory authority may also prohibit the use of and order the recall of such products from the market or take other steps to ensure that the product is made to comply with the requirements if the product has already been sold. The supervisory authority shall be allowed such access to products, premises, ground or other areas as is necessary for exercising oversight.

The Ministry may lay down regulations concerning fees for supervisory work to ensure that the provisions and decisions made in or pursuant to this section are complied with. The payment of such fees is enforceable by execution.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 29-8. *Waste management*

Projects pursuant to Chapter 20 shall meet the requirements for satisfactory waste management pursuant to statute.

The Ministry lays down more detailed regulations concerning waste management, including documentation of waste management and of what is considered to be satisfactory waste management.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 29-9. *Lifts, escalators and moving pavements. Safety control*

Lifts, escalators and moving pavements shall be so designed, and the operation of such installations shall be so safe that use of the installation cannot cause injury to persons. Section 29-3, first paragraph, applies correspondingly.

The municipality may carry out safety control of an installation when it is in operation. A safety control may also be carried out by the Ministry or whomsoever the Ministry so authorizes. It may be required that expenses for the implementation of a safety control of an installation in operation be covered by the owner of that installation.

If a safety control reveals errors or deficiencies that may entail a hazard of injury to a person, the person who performs the safety control shall immediately put the installation out of operation until the municipality may make a decision on the matter.

The owner of the installation is responsible for seeing that:

a) installations that are in use adequately comply with safety requirements
b) maintenance, scrutiny, necessary repairs and safety controls of the installation are performed,
c) maintenance and scrutiny are performed by qualified personnel and that a safety control is implemented by the municipality or the body that has been delegated special authority by the Ministry and
d) for each individual installation, there is documentation of compliance with requirements specified in or pursuant to this Act, including the ways in which maintenance, scrutiny, necessary repairs and safety controls are planned and executed.

Installations cannot be put into operation unless a necessary permission has been granted pursuant to Section 21-10.

This section also applies to lifts, escalators and moving pavements in existing structures. Installations cannot be kept in operation unless the requirements in the fourth sentence have been met.

The Ministry may lay down more detailed provisions by means of regulations, e.g. concerning safety controls and repair of installations that are in operation, concerning qualification requirements for control personnel, and concerning the obligations of the owner of the installation, and that the provisions that apply to lifts, escalators, and moving pavements shall also fully or partially apply to other permanent lifting equipment.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 29-10. *Regulations concerning preservation of the environment*

The Ministry lays down regulations for the preservation of the environment, including biodiversity, during the positioning and design of projects.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Chapter 30. Requirements for special projects

Section 30-1. *Agricultural buildings*

The provisions in Section 27-1, second to fourth sentences, Section 27-2, second to fifth sentences and Section 27-4 do not apply to the erection of agricultural buildings or to the alteration and repair of existing agricultural buildings.

The Ministry may lay down regulations to the effect that also other provisions made in or pursuant to this Act shall not apply and concerning the practical applicability of these provisions.

These provisions also apply to shelters for summer dairy farming, reindeer husbandry or forestry.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 30-2. *Structures and activities that may entail hazard or particular inconvenience*

In and in connection with residential areas, the municipality may prohibit or make special requirements concerning structures or activities that may entail hazard or particular inconvenience.

This provision also applies to existing structures and activities.

The Ministry may lay down further rules by means of regulations concerning the positioning of structures and activities that may entail a hazard or particular inconvenience.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 30-3. *Signs and advertising devices*

Signs and advertising devices must not seem inherently unsightly or annoying relative to the surroundings or to traffic, or in conflict with the desired development in the municipality.

Permission for signs and advertising devices may be granted permanently, for a particular period of time or until further notice. If the permission is granted until further notice, the municipality may issue orders to remove or alter any sign and advertising device that in the opinion of the municipality contravenes the requirements in the first sentence. In all cases, the municipality may order the removal of any device that is presumed to entail a hazard.

The Ministry may in regulations lay down more detailed provisions concerning material requirements for signs and advertising devices.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 30-4. *Other permanent structures or installations. Significant encroachments on terrain, etc.*

For permanent structures or installations, substantial encroachments on the terrain and the construction of roads or parking spaces, the provisions laid down in or pursuant to this Act will apply to the extent that they are suitable, regardless of whether the project is executed on or in the land, in watercourses, or in sea areas.

The municipality may determine the height and shape of terrain. The Ministry may lay down regulations to the effect that provisions made in or pursuant to this Act's provisions regarding building matters shall not apply and concerning the practical applicability of this Section.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 30-5. *Temporary buildings, structures or installations.*

Temporary buildings, structures or installations, cf. Section 20-1, first paragraph, litra j, must not be so placed as to obstruct general passage or outdoor pursuits or in any other way cause significant inconvenience for the surroundings. Insofar as they are appropriate, provisions made in or pursuant to statute shall apply to the above-mentioned projects. The Ministry may lay down regulations for temporary buildings, structures and installations. The Ministry may also lay down regulations concerning the requirements that will apply to construction workers' huts that are meant to be erected for more than two years in direct connection with building or construction plots where work is underway.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009, amended by Act no. 48 of 25 June 2010.

Section 30-6. *Leisure buildings*

The Act's provisions in Section 27-1, second to fourth paragraph and Section 27-2, second to fourth paragraph only apply to leisure buildings when this has been specified in a plan. The Ministry may lay down regulations to the effect that other provisions made in or pursuant to this Act shall not apply to leisure buildings.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Chapter 31. Requirements for existing structures

Section 31-1. *Preservation of cultural value through work on existing structures*

Through alteration of existing structures, restoration or renovation, the municipality shall ensure that any historical, architectural or other cultural value connected to the exterior of a structure is preserved as far as possible. Section 29-2 also applies.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 31-2. *Projects in existing structures*

Projects in existing structures shall be designed and executed in accordance with provisions specified in or pursuant to statute. In structures that are, or are used, in conflict with a later adopted plan, the general renovation, addition, extension, underpinning, change of use or significant extension or change of previous operation may only be permitted when it is in accordance with the plan.

The municipality may specify as terms and conditions for permitting a project pursuant to Section 20-1 that other parts of the structure to which the project applies be put into proper condition in accordance with relevant technical requirements. This may be done when the municipality finds that the structure is in such poor condition that it would otherwise not be advisable to implement the project that has been applied for out of consideration for health, safety and the environment.

If it has been agreed to expropriate the structure, the municipality does not have to grant permission to the project. The same applies if the owner is given preliminary notice pursuant to the Expropriation Act. Otherwise, Section 28 of the Expropriation Act applies. If the expropriation has not been decided, the decision must have been made no later than twelve weeks after the application for permission has been received.

The municipality may also grant permission for change of use and necessary reconstruction and renovation of existing structures when it is not possible to adapt the structure to technical requirements without disproportionate costs if the change of use or the reconstruction is adequate and necessary in order to ensure appropriate use. The municipality may specify terms and conditions in the permission.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 31-3. *Safety and repair. Disconnection of water and sewer pipes*

The owner or the responsible party is obligated to keep structures and installations that are covered by this Act in such a condition that a hazard of damage or significant inconvenience to a person, property or the environment does not arise, and in such a way that they do not appear inherently unsightly relative to the surroundings.

If this obligation is not met, the municipality may issue an order regarding safety and repair.

In cases where water and sewer pipes are taken out of use permanently or for a longer period of time, the owner shall connect the pipe from a common pipe installation when considerations of adequate health, safety and the environment so require. The municipality may order disconnection in cases mentioned in the previous sentence.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 31-4. *Orders regarding documentation and improvement*

The Ministry may lay down regulations concerning the municipality's right to issue orders regarding documentation and improvement of existing structures and installations.

Orders may only be issued in cases where improvement will result in substantial improvement of the structure's or the installation's function, which is indicated by weighty considerations of design for universal accessibility, health, safety, environment, or conservation value. In making an assessment, importance shall be attached to the costs entailed by the order, the number of users, the hazards or inconveniences to which they are exposed and the difference between the actual condition and current requirements.

The King may lay down regulations specifying that certain types of projects or certain types of existing buildings, installations or outdoor areas may be developed in such a way that they will be universally designed. A time limit may be set for this kind of development.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 31-5. *Orders regarding and prohibition against demolition*

If a structure has reached such a state that, in the opinion of the municipality, it cannot be restored except by general renovation and new building or general renovation cannot be carried out or is not started within a reasonable period of time stipulated by the municipality, the municipality may require the structure or the remains thereof to be removed and the lot to be cleared.

The removal of structures, etc. may also be required if, in the opinion of the municipality, it has got into such a state that it entails a hazard or significant inconvenience to persons, property or the environment, or seems very unsightly, and it is not repaired within a stipulated time limit.

The municipality may also reject applications for demolition pursuant to Section 20-1, first paragraph, litra e until there is:

a) permission to start the work for new projects on the lot, or

b) a zoning plan that cannot be implemented unless the structure is demolished.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 3l-6. *Change of use and demolition of dwellings*

By means of provisions in the municipal master plan, or by making use of it for such purposes, the Municipal Council may decide that special permission must be obtained from the municipality for:

a) converting a dwelling into business premises or making use of it for such purposes, including a hotel or other type of hostel,

b) demolishing a building containing a dwelling, except when the building

1. has been expropriated by the public authorities, or

2. lies within an area that is zoned for buildings and installations, cf. Section 12-

5, sub-section 1, is subject to provisions regarding renewal, cf. Section 12-7, and has been acquired by the municipality or other parties who, with the consent of the Municipal Council, shall be responsible for renewal.

c) entails combining dwellings or dividing dwelling units into bed-sitting rooms,

d) entails reconstruction of a dwelling other than that mentioned in litra a or c when the reconstruction entails that a dwelling unit must be vacated.

When deciding whether to grant permission pursuant to the first paragraph, litra a to d, it is necessary to take into account whether, in the opinion of the municipality, there has been proper utilization of the building complex. It may be stipulated as a condition that affected residents shall be provided with a compensatory dwelling.

If a dwelling is converted in contravention of a planning provision pursuant to the first paragraph, the municipality may order that the dwelling be restored to such a state that it can serve its original purpose.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 31-7. *Supervision of existing structures and ground*

The planning and building authorities may oversee existing ground and structures to ensure that no unlawful use or other unlawful conditions pursuant to this Act subsist, which may entail a hazard or significant inconvenience to persons, property or the environment. Oversight may, however, only be carried out when there is reason to assume the existence of such conditions as are mentioned above or measures pursuant to Sections 31-3 and 31-4 are to be considered.

Anyone using a structure, ground or relevant parts of it is under obligation to provide the authorities concerned with the necessary information and access to undertake any necessary investigations.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 31-8. *Improvement programme*

For one or more properties in a built-up area, the Municipal Council may adopt a programme for improvement of buildings and associated land.

The municipality may encourage owners and residents of the affected real property, including houses on leased land, to provide the necessary information and shall give them an opportunity to participate in the preparation of the improvement programme.

The improvement programme may comprise:

a) reconstruction, improvement or restoration,

b) composition of dwelling units, heating, electricity supply, sanitary installations, etc.

c) technical and fire prevention conditions

d) laying out common areas and arranging common installations for the building and

future maintenance and operation of common areas and common installations.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Part five: Rules concerning enforcement and fees

Chapter 32. Monitoring of unlawful acts

Section 32-1. *Obligation to prosecute unlawful acts*

The municipality shall prosecute violations of provisions specified in or pursuant to this Act.

If the violation is relatively minor, the municipality may refrain from prosecuting unlawful acts. A decision about this is not an individual decision.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 32-2. *Preliminary notice*

The responsible party shall be notified before an order is issued, a coercive fine approved or a writ issued and be given an opportunity to submit comments within a time limit that shall be no shorter than three weeks. Preliminary notice shall be given in writing.

The preliminary notice shall provide information that if unlawful matters are not remedied by the time limit, the matter may be followed up with an order that it be remedied, an order to stop the project or approval of a coercive fine. The preliminary notice shall also provide information about whether any order that is not complied with by the specified time limit may also be followed up with a writ that may have the same effect as a legally enforceable judgment.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 32-3. *Orders regarding correction and orders to stop a project*

In the case of any matter that contravenes provisions made in or pursuant to this Act, the planning and building authorities may order the person responsible to remedy the unlawful matter, cease use and issue a prohibition against continued activity as well as shutting down the work.

When an order is issued, a time limit shall be set for compliance.

At the same time as an order is issued, a coercive fine may be set. When an order is issued, information is provided that the order may be followed up with a writ that may have the effect of a legally enforceable judgment.

A final order may be registered as a charge on the relevant property.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 32-4. *Orders to stop and cease a project effective immediately*

If necessary, the planning and building authorities may issue an order to the responsible party to stop the project or cease use effective immediately. This kind of order may be issued without preliminary notice. If necessary, the planning and building authorities may request assistance from the police to carry out the order to stop the project.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 32-5. *Coercive fine*

In the case of any matter that contravenes provisions made in or pursuant to this Act, the planning and building authorities may impose a coercive fine in order to enforce any order they have issued within a specific time limit. The coercive fine is imposed simultaneously with an order to remedy the matter and runs from the expiry of the time limit for such a remedy. In cases where a coercive fine is not set at the same time as the order is issued, a separate preliminary notice concerning the coercive fine shall be issued.

It may be specified that the coercive fine will run as long as the unlawful matter persists, as a single payment or as a combination of a running fine and a single payment. The coercive fine shall be imposed on the person who is responsible for the offence, and shall accrue to the municipality. When the unlawful matter is remedied, the municipality may reduce or waive the imposed coercive fine.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 32-6. *Writ concerning the obligation to comply with an order or prohibition*

The planning and building authorities may issue a writ regarding the obligation to comply with an order against any party who within a fixed time limit fails to comply with an order or prohibition issued pursuant to this Act. If more than six months have elapsed since the order or prohibition was issued, the party to whom the writ is addressed shall be given an opportunity to express an opinion before the writ is issued. The writ shall provide information concerning the provisions in the second paragraph and shall, as far as possible, be served on the party to whom it is addressed.

The party to whom the writ is addressed may institute legal proceedings against the public authorities in order to have the writ tested in court. If such proceedings have not been instituted within 30 days of service, the writ shall have the same effect as a legally enforceable judgment and may be executed pursuant to the rules for judgments. The writ cannot be appealed against.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 32-7. *Enforcement*

If an order in a legally enforceable judgment or in a writ that is equivalent to such a judgment is not complied with, the planning and building authorities may have the necessary work carried out at the expense of the party to whom the judgment or the writ is directed, without requiring any court order pursuant to Sections 13-7 and 13-14 of the Enforcement Act.

An order issued by the planning and building authorities pursuant to this Act is special grounds for enforcement if the order concerns matters entailing a hazard for those frequenting the building or others, and the order is not complied with within a fixed time limit and may be enforced pursuant to the provisions of Section 13-14 of the Enforcement Act without requiring a judgment or writ. The same applies when a temporary dispensation pursuant to section 19-3 is withdrawn, or when the work required to be carried out as a condition for provisional permission for use pursuant to section 21-10, third paragraph has not been done, or an order to remove or alter signs, etc. pursuant to Section 30-3 has not been complied with within a fixed time limit.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 32-8. *Violation fines*

Violation fines may be imposed on anyone who wilfully or negligently:

a) designs or carries out a project in contravention of provisions made in or pursuant to this Act that may lead to or has led to injury to persons, significant material damage or damage to the environment.

b) carries out, has carried out, uses or allows use of a project without obtaining the necessary permission pursuant to this Act, or in contravention of the terms and conditions of such permission

c) does not carry out control of a project in accordance with provisions specified for this purpose in or pursuant to this Act and granted permissions

d) uses or allows the use of structures or parts of structures or spaces without obtaining the necessary permission pursuant to this Act, or the use is in contravention of provisions specified in or pursuant to this Act, decisions or plans

e) designs, carries out or has carried out or checks a project pursuant to Section 20-1 unless the work is supervised by a responsible party who is approved pursuant to Section 22-1 and is delegated the right to accept responsibility pursuant to Section 21-4, third paragraph.

f) gives incorrect or misleading information to the planning and building authorities

g) despite a written order fails to comply with the conditions for temporary dispensation pursuant to section 19-3,

h) despite a written order fails to fulfil the obligation pursuant to section 31-3, first paragraph, first sentence, to maintain structures and installations in a proper state,

i) fails to comply with a written order issued pursuant to section 31-5 concerning removal of a building or remains of a building or installation, or concerning clearing the lot,

j) despite a written order fails to meet the obligation pursuant to section 28-2 to take

safety measures,

k) fails to comply with a written order issued pursuant to section 29-6, third paragraph concerning taking measures to remedy inconveniences caused by technical installations.

l) does not comply with a special order or prohibition issued pursuant to the Planning and Building Act, if the municipality has first notified him in writing that he may become liable to a violation fine if the matter is not remedied within a specified time limit, and this time limit is exceeded.

Violation fines may also be imposed in the event of contravention of regulatory provisions specified pursuant to this Act, when it is specified in the regulations that violation of the relevant provision may result in a violation fine.

The responsible party shall be specially notified before a violation fine is approved and be given an opportunity to submit comments within a time limit that shall be no shorter than three weeks. Preliminary notice shall be given in writing.

Violation fines are imposed on the responsible party by the planning and building authorities. The violation fine shall accrue to the municipality. The time limit for compliance is four weeks after the decision was made unless otherwise specified in the decision.

When a violation that may result in a violation fine is committed by someone who has acted on behalf of an enterprise, the violation fine may be imposed on the enterprise. This will apply even if a violation fine cannot be employed against an individual person.

The Ministry lays down regulations with further rules concerning the implementation of this provision, including the determination and registration of imposed violation fines and the interest rates that will be charged. A maximum limit for the violation fine shall be specified.

The final decision concerning a violation fine is enforceable by execution.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 32-9. *Punishment*

Violations of Section 32-8, first paragraph that are serious and wilful or criminally negligent are punished with fines or up to one year of imprisonment. The same applies to a violation of provisions specified pursuant to this Act, when it is specified in the regulations that violation of the relevant provision is illegal. In the assessment of whether a violation is serious, importance shall be attached to the extent and effects of the violation and the degree of demonstrated culpability. If the person or the enterprise has previously had a sanction imposed on him/her for violation of this Act or regulations specified pursuant to this Act, punishment may be meted out even if the violation is not serious.

With fines or imprisonment of up to 1 year, punishment will also be meted out to anyone who wilfully or negligently:

a) gives incorrect or misleading information to the central approval body or

b) puts a CE-marking on a product without the conditions for doing so being met, or sells such a product, or who otherwise does not provide information or fails to allow the supervisory authority access to any product, premises, land or other area, which is deemed necessary in order to carry out the oversight, cf. Section 29-7. Any person who aids or abets the sale of such a product shall be sanctioned in the same way.

For serious violations, imprisonment of up to two years may be meted out. In the assessment of whether the violation is serious, importance shall be attached to the extent and effects of the violation and the degree of demonstrated culpability.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 32-10. *Coordination of sanctions*

Any sanctions imposed shall be in reasonable proportion to the offence. If several different kinds of sanctions are imposed for the same offence, these must be co-ordinated so that the offender is not penalized in an unreasonable manner.

The planning and building authorities may not impose a violation fine on the responsible party if the responsible party has previously been acquitted through a legally enforceable judgment or final decision or been subject to a penal sanction or loss of civil liberties for the same offence.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Chapter 33. Fees and investigations on real property

Section 33-1. *Fees*

The Municipal Council itself may lay down regulations concerning fees to the municipality for the processing of applications for permission, the issuing of maps and certificates and for other work that it is incumbent upon the municipality to carry out pursuant to this Act or regulations, including the consideration of private planning proposals. The fee shall not exceed the municipality's necessary expenditures in the sector. The necessary use of expert assistance during inspections may be included in the fee. The percentage of the fee that is collected for inspections shall be specified in the scale of fees. The developer himself may arrange for the necessary surveys.

The owner shall pay a fee to the appropriate authority to cover the cost of processing applications for permission to operate and for operational control. A fee for operational control may be covered partly or wholly by the annual fee.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Section 33-2. *Survey of real property*

The planning and building authorities or others with the consent of the municipality may undertake the measurement, staking out and other surveys of real

property, with the aim of implementing the Act or provisions pursuant to statute. The municipality may grant other consent in order to undertake these surveys at such time as is determined by the consent.

The owner or user must be notified before a survey takes place and in such cases may request confirmation from the municipality that it has given its consent to the survey. With regard to the implementation of the survey, Section 15 of the Public Administration Act applies. If an owner or holder of rights suffers a loss through the survey, Section 15 of the Expropriation Act applies to compensation.

An owner shall call attention to unlawful matters that are detected by inspections. The planning and building authorities may give the owner a written order to remedy the matter within a specified time limit, and may in special cases wholly or partly prohibit use of structures or ground until the unlawful conditions are remedied.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Part six: Final provisions

Chapter 34. Commencement and transitional provisions

Section 34-1. *Commencement – the planning part*

This Act comes into force starting on the date[1] determined by the King.

Starting on the same date, Chapters I to VII-a of the Planning and Building Act no. 77 of 14 June 1985 will be rescinded.[2]

1 Pursuant to Royal Decree no. 638 of 12 June 2009, the planning part, with the exception of Chapter 15, entered into force on 1 July 2009. Starting on the same date, the amendments in Chapters 1 and 19 and the title of the Act specified in Act no. 27 of 8 May 2009 came into force. Pursuant to Royal Decree no. 896 of 18 June 2010, Chapter 15 and the building matter part entered into force on 1 July 2010 with the exception of Section 23-7, first paragraph, second sentence, Section 24-1, first paragraph, second sentence, litra a and Section 24-2, which will enter into force on 1 July 2011.

2 Pursuant to Royal Decree no. 638 of 12 June 2009, Chapters I to VII, with the exception of Section 6, Section 21 and Section 32 were rescinded starting on 1 July 2009. Pursuant to Royal Decree no. 859 of 26 June 2009, Chapter VIIa was rescinded starting 1 July 2009. Pursuant to Royal Decree no. 896 of 18 June 2010, Section 6, Section 21 and Section 32 were rescinded starting 1 July 2010.

Section 34-2. *Transitional provisions to the planning part*

As soon as possible and within two years after the Act's commencement, the King shall present a document with national expectations for regional and municipal planning, cf. Section 6-1.

By the end of the first year after the election of a new municipal council and county council, the municipality shall draft and approve a municipal planning strategy pursuant to Section 10-1 and the county authorities and/or regional planning authority shall draft and approve a regional planning strategy pursuant to Section 7-1.

Current national policy guidelines and provisions pursuant to Section 17-1 of the Planning and Building Act of 1985 will continue to apply. Amendments to these guidelines and provisions shall be made pursuant to the rules in Chapter 6 of this Act.

The current county master plan, municipal master plan, including the area part of the municipal master plan, zoning plan and building development plan will apply until

they are amended, rescinded, replaced or overturned by a new plan pursuant to this Act.

Limitations on the right to appeal in Section 1-9, second paragraph, first sentence, and on the right to submit an objection pursuant to Section 5-5, last paragraph, will only apply with regard to planning decisions made pursuant to this Act.

Provisions in and pursuant to Chapters VIII to XXI of the Planning and Building Act no. 77 of 14 June 1985 will continue to apply for expropriation, development, refunds, processing of applications, sanctions, etc. for plans prepared before the commencement of this Act.

Older zoning plans and building development plans are still the basis for expropriation within the ten-year time limit for expropriation.

The exception in Section 17-2, third paragraph, sub-section 1 of the Planning and Building Act of 1985 for buildings, structures, installations or fencing that are necessary in agriculture will continue to apply until provisions have been approved pursuant to Section 11-11, sub-section 4, but will lapse regardless four years after the commencement of the Act.

Municipal regulations and by-laws will apply until they are replaced by new planning provisions, regulations, or by-laws. Municipal by-laws issued pursuant to the Planning and Building Act's Section 3, Section 67, sub-section 3, Section 69, sub-section 4, Section 78, third paragraph, Section 85, third paragraph and Section 91a, first paragraph will lapse no later than eight years after the commencement of this Act. The municipality may grant dispensation from by-laws pursuant to the rules in Chapter 19.

Proposals for the area part of municipal master plans, zoning plans and building development plans that were made available for public scrutiny at the commencement of the Act may be finally processed pursuant to the rules that were in force when they were made available. For other plans, the rules in this Act apply.

For projects that require an environmental impact assessment pursuant to the rules in Chapter VII-a in the current Act and where the planning programme is approved, the environmental impact assessment may be completed pursuant to these rules.

The Ministry may lay down further provisions by means of regulations concerning the ways in which the rules in the Planning and Building Act no. 77 of 14 June 1985 shall work together with provisions in this Act.

Effective 1 July 2009, cf. Section 34-1.

Amended by Act no. 27 of 8 May 2009, (entered into force on 1 July 2009 pursuant to Royal Decree no. 859 of 26 June 2009).

Section 34-3. *Commencement – the building matter part*

The Act enters into force starting on the date determined by the King.[1] Starting on the same date, the Planning and Building Act no. 77 of 14 June 1985, Chapters VIII to XXI will be repealed.

The King may bring the individual provisions into force at different times. A special implementation of the rules about approval may be stipulated, including requirements for compulsory approval of responsible controllers.

Added by Act no. 27 of 8 May 2009.

1 Pursuant to Royal Decree no. 896 of 18 June 2010, Chapter 15 and the building matter part entered into force on 1 July 2010 with the exception of Section 23-7, first paragraph, second sentence, Section 24-1, first paragraph, second sentence, litra a and Section 24-2, which will enter into force on 1 July 2011.

Section 34-4. *Transitional provisions to the building matter part*

Special courts of assessment approved pursuant to Section 60 of the Planning and Building Act of 14 June 1985 may consider judicial assessment that has been requested by a time limit specified by the Ministry, but no later than 1 January 2013. For appointment of the president and members of the court of assessment, the rules in Section 60 of the Planning and Building Act no. 77 of 14 June 1985, apply. A scale may also be used to establish fees for transcripts and certificates from the special courts of assessment.

Decisions pursuant to Section 86b of the Planning and Building Act no. 77 of 14 June 1985 relating to construction work within a company's area are valid. This kind of construction work must not be carried out before notification concerning the work is sent to the municipality. If the work is not initiated or is cancelled, Section 21-9, first to third paragraphs will apply equivalently.

Requirements concerning registration of postponed duty to develop (??) pursuant to Section 18-1, third paragraph only apply to decisions concerning postponement granted after the commencement of the Act.

Notification pursuant to Sections 81 or 86a sent to the municipality before the Act has entered into force shall be considered in accordance with the previous rules for consideration of this kind of notification. The same applies for those who have requested consent, etc. pursuant to Sections 85, 91a and 107. Matters concerning permission pursuant to Sections 93 or 106a that are sent to the municipality before the Act has entered into force shall be considered for the whole project pursuant to the former rules for consideration of such matters. The King may set transition periods.

Claims for a refund that fall due before commencement are processed in accordance with the rules that applied when the claim arose.

Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.

Chapter 35. Amendments in other legislation

Section 35-1. *Amendments in other legislation – part I*

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Effective 1 July 2009, cf. Section 34-1.

Section 35-2. *Amendments in other legislation – part II*

From the time when the Act enters into force, the following Acts will be amended:

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Effective 1 July 2010, cf. Section 34-3.

Added by Act no. 27 of 8 May 2009.