

W OF THE SPATIAL PLANNING

Prom. SG. 1/2 Jan 2001, amend. SG. 41/24 Apr 2001, amend. SG. 111/28 Dec 2001, amend. SG. 43/26 Apr 2002, amend. SG. 20/4 Mar 2003, amend. SG. 65/22 Jul 2003, amend. SG. 107/9 Dec 2003, amend. SG. 36/30 Apr 2004, amend. SG. 65/27 Jul 2004, amend. SG. 28/1 Apr 2005, amend. SG. 76/20 Sep 2005, amend. SG. 77/27 Sep 2005, amend. SG. 88/4 Nov 2005, amend. SG. 94/25 Nov 2005, amend. SG. 95/29 Nov 2005, amend. SG. 103/23 Dec 2005

Part one. BASICS OF THE SPATIAL PLANNING

Chapter one. GENERAL PROVISIONS

Art. 1. (amend. SG 65/03) (1) The territory of the Republic of Bulgaria is national wealth. Its structure shall guarantee sustainable development and favourable conditions for living, work and recreation of the population.

(2) This law shall provide the public relations, connected with the structure of the territory, the investment designing and the construction in the Republic of Bulgaria, and shall determine the restrictions of ownership for development purposes.

Art. 2. The Council of Ministers shall define the basic directions and principles of the policy for spatial planning and approve decisions for financing the activities for spatial planning.

Art. 3. (1) (amend. SG 65/03) The Minister of Regional Development and Public Works shall manage the implementation of the state policy in the spatial planning, co-ordinate the activity of the central and the regional bodies of the executive power, of the bodies of local government and the local administration, implement methodical guidance and exercise control over the overall activity for the spatial planning.

(2) The Minister of Regional Development and Public Works shall appoint National expert council for spatial planning and regional policy and organise its work.

(3) (new – SG 65/03) The Minister of Regional Development and Public Works shall, on proposal by the Minister of Defence and the Minister of Interior, appoint specialised expert councils on development of the territories, which shall consider the investment designs for the special sites, connected with the defence and the security of the country. The Minister of Defence and the Minister of Interior shall organise the work of these councils.

Art. 4. (1) The regional governor shall conduct the state policy for spatial planning in the corresponding region.

(2) Depending on the development objectives and tasks of regional and inter-municipal importance the regional governor can appoint regional expert council for spatial planning and organise its activity for implementation of the functions conceded to him with this law. The members of the regional expert council shall be defined according to the character of the project being considered.

(3) (new – SG 65/03) The regional governor shall organise the maintaining of archive of the acts issued by him in connection with his authorities under this law.

Art. 5. (1) (suppl. SG 65/03) The municipal councils and the mayors of the municipalities shall, within the framework of the conceded competence determine the policy and implement activities for the spatial planning of the corresponding municipality.

(2) The chief architect of the municipality (the district) shall conduct and control the activities for spatial planning according to the powers conceded to him under this law.

(3) (amend. SG 65/03) The chief architect of the municipality (the district) shall be appointed on the basis of a competition. The chief architect has to be with at least three years practice in his speciality.

(4) The mayor of the municipality (the district) shall appoint municipal (district) expert council for spatial planning.

(5) (new – SG 65/03) The mayor of the municipality shall organise the maintaining of archive of the approved development plane and their amendments, archive issued construction papers, register of all decisions for working out of detailed development plans and of their amendments, register of the issued permissions for construction and register of the constructions, entered into exploitation.

(6) (new – SG 65/03) In the structure of the municipal administration (the administration of the district) shall be created operational unit for fulfilment of the tasks for development of the territory.

(7) (new – SG 65/03) The Minister of Regional Development and Public Works and the regional governors shall send for preservation in the archive of the municipality copies of the acts, entered into force, issued by them within the authorities under this law, about sites on the territory of the respective municipality. The Minister of Interior and the Minister of Defence shall concede information to the municipalities about the special sites, connected with the defence and the security of the country by the order of the Law of the classified information.

Art. 6. (1) The National council for spatial planning and regional policy, the regional and the municipal (the district) expert councils for spatial planning shall implement consultative and expert activity.

(2) In the expert councils of para 1 can be included also specialists out of the administration where they have been established.

(3) Funds from the corresponding budgets shall be provided for the work of the expert councils of para 1.

(4) (amend. SG 65/03) In the expert councils shall be included also representatives of the specialised control and co-ordination bodies when their statement, decision or permission is required under a law.

(5) (revoked – SG 65/03)

(6) (amend. SG 65/03) The specialised expert councils for development of the territories, connected with the development and the security of the country shall:

1. implement expertise of the investment designs;

2. approve the investment designs;

3. fulfil other activities, assigned by the Minister of Defence or by the Minister of Interior

(7) (amend. SG 65/03) The conditions and the order for work of the expert councils shall be provided with an order by the body, assigning them.

Chapter two. DESIGNATION OF THE TERRITORIES AND THE LANDED PROPERTIES

Art. 7. According to their basic designation defined with the development schemes and plans the territories in the country are: urbanised territories (settlements and settlement formations), agricultural territories, forest territories, protected territories and damaged territories for restoration.

Art. 8. The concrete designation of the landed properties shall be determined with the detailed development plan and it can be:

1. (amend. SG 65/03; amend. and suppl., SG 65/04) in urbanised territories or in separate landed properties out of them - for residential, public servicing, production, storage, resort, villa, sport and amusement functions, green areas and green connections between them and the territories of nature protection, for decorative water systems (cascades, navigation canals and others), for movement and transport, including bicycle lanes and for movement of handicapped people, for technical infrastructure, for special sites etc.
2. in agricultural territories - for farmed land (fields, orchards and vegetable gardens, vineyards, meadows etc.) and non farmed land (pastures, slopes, gullies, ravines etc.);
3. in forest territories - for forests (timber woods, protective forests, recreation forests etc.) and forest lands (glades, land taken by bushes, rocks etc.)
4. (amend., SG 88/05) protected territories - for protection of environment (reserves, national parks, natural sites, maintained reserves, nature parks, protected areas, beaches, dunes, water sources with their sanitary - protection zones, water areas, humid zones, protected coastal strips) and for preservation of the sites of the culture and historic heritage (archaeological reserves, separate quarters or landed properties in settlements with culture-historic, ethnographic or architectural significance);
5. in damaged territories - for restoration and reclamation of quarries, mines, mounds, deposits, tailings ponds, waste deposits, land slides etc.

Art. 9. (1) A change of the designation of territories and of landed properties with objective construction to be made shall be implemented on the basis of a detailed development plan in effect.

(2) (amend., SG 65/04) The designation of existing green plots or part thereof in the urbanized territories, created according to the development plans cannot be changed. No change can be introduced in the designation on territories and landed properties provided for in the general or detailed development plans in the urbanized territories for green plots which have not been created, except for parts of them for construction of facilities of the technical infrastructure.

(3) (amend., SG 65/04) The change of the designation of territories and of landed properties provided in the development plans in the urbanized territories as green areas shall be permitted upon a positive resolution from a public discussion held by the order of art. 121, para 1:

1. by the Council of Ministers at a proposal of the regional governor – for the state properties;
2. by the municipal council by a decision adopted by a majority of two thirds of the total number of the councilors – in the rest of the cases.

(4) On territories without development plans as designation of the landed properties shall be considered their actual use as far as it does not breach a law and it can be changed with objective construction only on the

basis of a detailed development plan.

(5) (new – SG 65/03) The permissions or the refusals of para 2 and 3 shall be issued in two months term after the receiving of the request and can be appealed by the order of art. 215

Chapter three. DEVELOPMENT OF THE TERRITORIES AND THE LANDED PROPERTIES

Section I. General requirements to the development of the territories

Art. 10. (1) The requirements for the development of the territories shall be determined with development schemes and plans in compliance with the normative provisions in effect.

(2) Territories with special territorial development protection, including territories with specific characteristics defined by the order of separate laws can acquire special regime of development and control. The scope and the regime of their development shall be determined with development schemes and plans.

(3) Regime of preventive development protection with which is preserved the actual use without degrading their characteristics can be established with development schemes and plans on territories and parts thereof defined by the order of this law.

Art. 11. (suppl. SG 65/03) In order to be ensured expedient development the landed properties can be grouped in territories and development zones which are determined with the general and the detailed development plans and in compliance with the ordinance of art. 13, para 1.

Art. 12. (1) Building up in the sense of this law is the location and the construction of buildings, constructions, networks and facilities in landed properties.

(2) Building up shall be admitted only if it is provided with a detailed development plan and after change of the designation of the land when this is required by the order of a special law.

(3) (amend. SG 65/03) Without change of the designation in the landed properties of art. 8, items 2, 3 and 4 shall be admitted the building up of sites with functions compliant with the designation of the properties, observing the normative provisions in effect and on the basis of a detailed development plan or a visa for designing issued by the chief architect of the municipality.

Art. 13. (1) The Minister of Regional Development and Public Works shall issue an ordinance for the rules and the norms for development of the different kinds of territories and development zones.

(2) (amend. SG 65/03) Specific rules and norms for the general and the detailed development plans can be created for territories or parts of them with special territorial development protection, with regime of preventive development protection under art. 10, para 2 and 3 as well as for territories for special sites, connected with the defence and the security of the country. With the specific rules and norms shall be admitted deviations from the ordinance of para 1.

(3) The specific rules and norms of para 2 shall be approved by the National expert council upon a proposal by the municipal council (the municipal councils) before the approval of the development plans. The decision of the National expert council shall be subject to approval by the Minister of Regional Development and Public Works and it shall be obligatory for the municipal bodies.

(4) (new – SG 65/03) The specific rules and norms, connected with the defence and the security of the country, shall be determined with an ordinance by the Minister of Regional Development and Public Works, the Minister of Defence and the Minister of Interior.

(5) (prev. (4) – SG 65/03) With regard to maintain the natural equilibrium and the admitted burdening of the territories the building on them shall be implemented in compliance with norms for the necessary land according to the ordinance of para 1.

(6) (new, SG 65/04) For territories for cultural and historical protection the creation of specific rules and standards under para 2 shall be obligatory. They shall be adopted by the National Expert Council under para 3, which shall obligatorily include representatives of the National Institute for cultural monuments.

Section II. Regulation and building up the territories and the landed properties

Art. 14. (1) With the detailed development plans shall be regulated streets, as well as quarters and landed properties for building up and for other needs without building up.

(2) The streets and the quarters shall be regulated with street regulation plans.

(3) The landed properties shall be regulated with:

1. street regulation lines defining the boundary of the adjacent street (face of the property);
2. internal regulation lines defining the boundary with the neighbouring properties (side and to the bottom of the property), under the conditions of art. 16 and 17.

(4) The regulated landed properties shall obligatory have face (exit) to a street. To a road or as exception to an alley in a park.

(5) For the landed properties regulated with a detailed development plan the regulation lines of para 3 shall become boundaries of the properties.

Art. 15. (1) Only landed properties which have not been regulated with a previous detailed regulation plan shall be regulated with a detailed development plan under art. 16 or 17. The landed properties once regulated shall not be subject to consequent regulation except in the cases provided in this law.

(2) With a consequent development plan can be regulated only streets and quarters without changing the boundaries between the landed properties.

(3) (amend. SG 65/03) The boundaries of regulated landed properties can be changed with plan for regulation only with the consent of their owners expressed with a declaration and preliminary contract for transfer of ownership with signatures certified by a notary.

(4) (new – SG 65/03) When with plan for regulation are changed boundaries of regulated landed properties – state property, the contract of para 3 shall be concluded at market prices by the regional governor in written form.

(5) (new – SG 65/03) When with plan for regulation are changed boundaries of regulated landed properties – municipal property, the contract of para 3 shall be concluded at market prices by the mayor of the municipality in written form.

(6) (new – SG 65/03) The order for approval of the plan for regulation, with which are changed the boundaries between regulated landed properties by the order of para 3, shall enter into force with its issuing and shall be announced to the applicants.

(7) (new – SG 65/03) Construction in regulated landed properties, which boundaries are changed with the plan for regulation by the order of para 3, shall be permitted after presenting of ultimate contract under para 3, 4 or 5.

(8) (new – SG 65/03) Construction in regulated landed properties, which boundaries are changed with the plan for regulation by the order of para 3, shall not be permitted when as result of the change of the plan for regulation the plan for construction for the respective regulated landed properties is in contradiction with the development rules and norms in effect.

(9) (new – SG 65/03) Change of plan for regulation by the order of para 3 shall be refused with an order by the mayor of the municipality when with the design for change is provided creating of inadmissible under law disposition of existing buildings or permitted constructions.

(10) (new – SG 65/03) Change of plan for regulation by the order of para 3 shall be refused with an order of the mayor of the municipality when with the design for change is provided creating of regulated landed properties with face and area, which are below the minimum established by law, determined with the development plan for these properties character and way of building up.

(11) (new – SG 65/03) Copies of the changes of the detailed development plans of para 3, entered into force, shall be sent ex officio by the municipality to the Cadastral Agency after presenting of ultimate contract under para 3, 4 or 5.

Art. 16. (1) With a detailed development plan for territories with not regulated landed properties as well as for territories with not implemented first regulation according to a previous development plan shall be determined the necessary areas for construction of the sites of the social infrastructure - public ownership, and of the common networks and facilities of the technical infrastructure. For the implementation of these predictions with the plan entering into force the owners of immovable properties shall transfer in favour of the municipality a percentage of the area of their properties determined with the plan but not more than 25 percent.

(2) The detailed development plan shall be worked out on a cadastral map approved by the order of the Law for the cadastre and the property register.

(3) The face and the area of the newly formed regulated properties, their concrete designation, the character and the way of building up shall be defined with the very detailed development plan.

(4) In the cases of para 1 the municipality shall determine an equal regulated property (properties) for each owner, complying with the location of the properties in the locality but not with their precise cadastral boundaries. When the property is in different development zones the newly formed regulated property shall be conceded in the zone where the property has had prevailing location. The regulated properties shall have market value not less than the market value of the properties before regulation, which shall be proven by the commission of art. 210.

(5) The owners of landed properties of art. 4 shall acquire ownership in the newly formed regulated landed properties formed with the plan and the municipality shall acquire the ownership in the parts conceded to it from the date when the plan enters into force. The mayor of the municipality or a person empowered by him shall issue an order with precise identification of the property for the acquisition of ownership in each separate regulated landed property. In 7 days term after the order enters into force its copy shall sent to the

service for entering and a copy of the approved plan of para 1 - to the Cadastral agency - for official entering into the property register and in the cadastre.

(6) The mortgages imposed on landed properties before their regulation shall pass entirely to the newly regulated landed properties. The municipality shall acquire the parts of the landed properties conceded to it without real encumbrances.

(7) For territories with not regulated landed properties as well as for territories with not applied first regulation according to a previous development plan, upon a decision of the municipal council can be created a plan for street regulation and for properties of public ownership under art. 110, para 1, item 2, instead of the plan of para 1.

Art. 17. (1) Out of the cases of art. 16 with a detailed development plan of a settlement or part of it shall be regulated landed properties that have not been regulated before, the internal regulation lines being identical with the property boundaries.

(2) With the plan of para 1, observing the rules and the norms determined in this law can be regulated:

1. existing not regulated landed properties with objective greater number independent regulated landed properties to be formed;

2. landed properties which dimensions not meeting the requirements of art. 19, with objective making their dimensions to be made appropriate with parts from neighbouring properties;

3. neighbouring landed properties for creating co-owned landed properties for creating co-owned regulated landed properties;

(3) (suppl. SG 65/03) In the cases of para 2 the interested owners shall submit application to the municipality and in the cases of para 2, items 2 and 3 - also a preliminary contract for transfer of ownership with signatures certified by a notary. The ideal parts of the co-owners of the formed regulated landed properties shall be determined with the very contract.

(4) (new – SG 65/03) When with a plan for regulation of para 2, items 2 and 3 are affected landed properties – state property, the contract of para 3 shall be concluded at market prices by the regional governor in written form.

(5) (new – SG 65/03) When with a plan for regulation of para 2, items 2 and 3 are affected landed properties – municipal property, the contract of para 3 shall be concluded at market prices by the mayor of the municipality in written form.

(6) (new – SG 65/03) In the ceses of para 2, items 2 and 3 construction can be permitted after presenting of ultimate contract under para 3, 4 or 5.

(7) (prev. (4), suppl. SG 65/03) Copies of the detailed development plans entered into force shall be sent officially by the municipality to the Cadastral agency. In the cases of para 2, items 2 and 3 copies of the detailed development plans, entered into force, shall be sent ex officio by the municipality to the Cadastral agency after presenting of ultimate contract under para 3, 4 or 5.

Art. 18. (1) About the landed properties regulated for building up with a detailed development plan shall be determined:

1. the concrete designation, the admissible activities and the admissible building up;

2. the maximum density of building up;
3. the maximum intensity of construction;
4. the minimum free yard area;
5. the minimum obligatory green yard area;
6. the way and the character of building up;
7. the construction line.

(2) Separate kinds detailed development plans can contain also part of the indices of para 1.

Art. 19. (1) At regulating landed properties for low residential construction, free or connected in two properties, the following dimensions shall be observed:

1. in the towns - at least 14 meters face and 300 sq metres area;
2. (amend. SG 65/03) in the resort settlements and settlement formations and in the resort zones of the settlements - at least 16 meters face and 500 sq metres area;
3. in the villa zones - at least 18 meters face and 600 sq metres area;
4. in the villages or the parts of them with predominant flatland terrain - at least 16 meters face and 500 sq metres area, and in case of specific terrain and economic conditions as well as on main streets - at least 14 meters face and 300 sq metres area;
5. in the villages or the parts of them with predominant steep terrain - at least 12 meters face and 250 sq metres area.

(2) The villages or the parts of them with predominant flat or steep terrain shall be determined with a decision of the municipal council on the basis of a conclusion of the municipal expert council.

(3) (amend. SG 65/03) The smallest dimensions of the regulated properties for low construction (front and area) determined in para 1 can be decreased at the most with one fifth depending on the economic, the technical or the terrain conditions or in connection with the location of the existing solid buildings when this does not worsen the conditions for expedient building up, on the basis of a conclusion of the municipal expert council.

(4) In case of subdivision the landed properties of para 1 the really detached parts cannot be with dimensions smaller than the minimum defined in para 1, decreased with 1/5.

(5) At regulating landed properties in quarters with middle high and high residential building up, for low connected building up in more than two properties and for other specific building up, the dimensions of the properties shall be determined with the very detailed development plan without observing the standards of para 1.

(6) (amend. SG 65/03) At regulating landed properties within the boundaries of the settlements for non residential construction or other needs without construction their dimensions shall be determined with a detailed development plan according to the sanitary - hygiene and fire safety requirements and the corresponding rules and norms.

(7) (suppl. SG 65/03) The outline of the streets, the squares and the regulated properties and their dimensions, as well as the building up of the properties in settlements or parts of them with historic, archaeological, ethnographic or architectural significance shall be established with the very detailed development plan so that the historic and the architectural values, the environment, the characteristic spatial and the architectural - artistic image and the valuable trees be preserved.

Section III. Kinds of building up, parameters of building up

Art. 20. (1) The building up on the regulated landed properties shall be basic and supplementing.

(2) The basic building up shall correspond to the concrete designation of the properties according to art. 8, defined with the detailed development plan.

(3) The building up of auxiliary, economic, servicing and secondary buildings shall supplement the basic building up in the regulated landed properties.

Art. 21. (1) The way of building up in neighbouring regulated landed properties shall be free or connected.

(2) The buildings of the basic build up can be constructed connected only at the side property boundaries the blind walls covering fully each other.

(3) The buildings of the supplementing constructions can be built up connected on the internal property boundaries.

(4) Connected low building up shall be admitted upon consent of the owners of the neighbouring regulated landed properties where connected building up is established.

Art. 22. (1) In quarters and in big regulated landed properties the building up can be complex with disposition of groups of buildings with different designation, standing free or connected.

(2) The areas between the buildings at complex building up shall be developed primarily as parks and gardens.

(3) In residential and resort complexes the complex building up can be combined with building up in separate regulated landed properties.

(4) (suppl. SG 65/03; amend., SG 65/04) In regulating landed properties in the existing residential complexes the distances between the newly planned building and the existing blocks of flats shall be determined by the rules for complex construction, without observing the requirements for construction of the buildings to the lateral boundary and to the boundary to the bottom of the regulated landed property. The density and intensity of construction in such properties may not exceed the parameters determined by the plan for the respective construction zone, by observing the indices for the individual quarters in the zone as well.

(5) (new, SG 65/04) In restructuring residential complexes and regulation of new landed properties in them, if construction by the rules of para 4 cannot be provided, the plots between the buildings shall be regulated as green plots for wide public using. In this case the requirements of art. 14, para 4, art. 15 and 177 shall not be observed.

Art. 23. (1) The character of the building up is determined according to the height of the buildings of the basic buildings as follows:

1. low buildings - high up to 10 m;
2. middle buildings - high up to 15 m;
3. high buildings - high over 15 m.

(2) (suppl. SG 65/03) In the villa zones the building up is low – up to 7 m.

Art. 24. (1) (suppl. SG 65/03; suppl., SG 65/04) The height of the building, when it is located on the construction line, is defined in absolute measures from the elevation of the average level of the adjacent terrain for the corresponding external wall: to the elevation of the line of crossing of the facade surface with the roof surface - for buildings with eaves; to the elevation of the upper surface of the cornice - for buildings with cornices; to the elevation of the highest point of the external walls - for buildings without cornices and eaves.

(2) (amend. SG 65/03) The space under the roof shall not be included in the height of the building if it is behind the plane at an angle of 45 degrees to the horizon from the line of crossing the facade plane with the upper surface of the cornice or the eaves and for buildings without cornices and eaves - from the highest point of the external walls. Using this opportunity, the elevation of the ridge cannot exceed the elevation of the cornice with more than 4.5 m, respectively of the eaves or of the highest point of the surrounding walls.

(3) (new, SG 65/04) The height of the building shall be accepted as equal to the admissible if the building is located in the area marked out by a vertical plane, along the line of construction with a height equal to the admissible and a plane drawn from this height under 45 degrees angle in relation to the horizon. In this case the elevation of the ridge may not exceed by more than 4.5 m the height of the building determined under the requirements of para 1.

Art. 25. The building up in regulated landed properties shall be determined with external and internal lines of construction to which according to the provision of the detailed development plan can be disposed or along which the buildings are obligatory disposed with their ground level.

Art. 26. (1) (amend. SG 65/03) The external line of construction to the streets of the primary network shall be established at distance from the street regulation line as follows:

1. on the streets first class (high speed town highways) - at least 15 m;
2. on the streets second class (town highways) - at least 5 m;
3. on the streets third class (regional arteries) - at least 3 m.

(2) When the streets of para 1, items 2 and 3 have local lanes, the external construction line can coincide with the street regulation line.

(3) The distances of para 1 shall be admitted to be decreased in the cases when the existing buildings are preserved and included in the system of building up of the detailed development plan, the construction line of the new buildings being determined by the construction line of the existing buildings when they are predominating.

Art. 27. (1) The construction lines in regulated landed properties with face on two streets shall be determined according to the rules of each one of the streets.

(2) In the angle regulated landed properties when the construction lines coincide with the street regulation lines along both of the streets, in the zone of the crossing the construction line has to go back from the cross point of the street regulation lines of the regulated property at least at a distance 2 m.

(3) The density and the intensity of building up shall not be restricted in the angle regulated landed properties with connected basic building up.

Art. 28. With the detailed spatial plan can be defined different depth of construction for the first ground floor (with height established with the same plan) and separately - for the basic building up above the first ground floor, observing the norms for density and intensity of building up and distances between the buildings.

Art. 29. The depth of construction of the residential buildings shall not be restricted if the utmost admitted norms have been observed, for green area and for distances to regulated landed properties and between buildings under the conditions of art. 31 - 35 in the following cases:

1. in case of free building up;
2. in case of connected building up - only in two regulated landed properties.

Art. 30. (1) (Amend., SG 41/01) In the residential zones with connected building up the depth of the basic constructions above the first floor over the ground shall be no more than 16 m.

(2) Exception of the rule of para 1 shall be admitted only when the regulated landed property has depth more than 30 m and face not less than 20 m.

(3) The depth of building up of non residential buildings shall not be restricted if the sanitary - hygiene and the fire safety requirements of art. 35, para 1 have been observed.

Section IV. Rules and norms for disposition of the buildings of the basic building up

Art. 31. (1) (amend. SG 65/03) For low residential building up the norms for the distances of the buildings of the basic building up are:

1. to the side boundary of the regulated landed property - at least 3 m;
2. to the boundary at the bottom of the regulated landed property - at least 5 m.

(2) (amend. SG 65/03) For middle and high residential building up the norms for the distances of the buildings of the basic building up are:

1. to the side boundary of the regulated landed property - at least one third of the height of the building;
2. to the boundary at the bottom of the regulated landed property - at least 6 m.

(3) (new – SG 65/03) The norms for distances under para 1 and 2 can not be applied when internal boundaries of regulated property are located towards a river. In these cases the lines of construction towards the river shall be determined observing the sanitary – hygiene, the fire safety and the geo-protection requirements as well as the other rules and norms for spatial planing.

(4) (prev. (3) – SG 65/03) The distances between two residential buildings across the side boundary of

neighbouring regulated landed properties is the sum of the required distances for each of the buildings to the boundary between the properties.

(5) (prev. (4) – SG 65/03) The norms for distances to the side boundaries of the regulated landed properties of para 1 and 2 shall be applied for buildings with depth up to 14 m. The distances shall be increased with 30 percent for the buildings with depth over 14 m.

Art. 32. (1) (amend. SG 65/03) The distance between the buildings of the basic building up across the street shall be bigger or equal to the height of the buildings.

(2) (amend. SG 65/03) The distance between the buildings of the basic building up across the bottom of the regulated landed property shall be at least one and a half times of the height of the building located at to the more favourable direction for sun-lighting. In case of sloped terrain, depending on the more favourable direction, the distance shall be increased or decreased with the difference between the average levels of the adjacent terrain of the two buildings.

(3) When the distance between the buildings of para 2 is determined, the height of the building to the more favourable direction shall be decreased with the height of the first and the following non residential floors of the shaded building.

Art. 33. (suppl. SG 65/03) In a regulated landed property for residential building up with more than one building as well as at complex building up in residential and resort complexes the distance between the buildings of the basic building up shall be determined with the ordinance of art. 13, para 1.

Art. 34. In the villa zones the buildings shall be at distance at least 4 m to the side boundaries and at least 6 m to the bottom of the regulated landed property. The shortest distance between the buildings across the street and across the bottom of the property shall be determined by the order of art. 32.

Art. 35. (1) (amend. SG 65/03) The distance between residential and non residential buildings in neighbouring regulated landed properties shall be defined according to the norms for distances between residential buildings. In this case the depth of building up of the non residential building shall be determined by the order of art. 31, para 5.

(2) The distance of the non residential buildings to the internal boundaries of a regulated landed property in the case of free building up cannot be less than 3 m and between these buildings in a regulated landed property - according to the detailed development plan and observing the sanitary - hygiene, the fire safety and the technological requirements.

Section V. Deflection from the rules and the norms for building up

Art. 36. (1) In order to be preserved existing fit buildings, in the working development plans shall be admitted the actual disposition of the existing buildings not to meet the required distances if the buildings are solid and have durability at least 25 years or are sites of the cultural - historic heritage in the sense of the Law for the cultural monuments and the museums. In these case the required distance between the existing buildings and the buildings provided with the plan in the neighbouring regulated landed properties can be decreased at most with one third, the construction lines being established in compliance with the disposition of the existing building.

(2) On the basis of a working development plan the existing solid buildings can be super-constructed together with the necessary additional construction for this, observing the required least distances between the

buildings in the neighbouring regulated landed properties without being necessary the required shortest distance from the buildings to the corresponding property boundaries to be observed. In this case shall be admitted the distance between the building, including across a street, to be decreased with at most one third depending on the location of the existing solid buildings and the opportunities for building up.

(3) It shall be admitted at architectural - urban designing of the quarters with connected building up, when the height of the building must be complied with the height of the existing buildings, on the basis of a working development plan, the distance between the neighbouring buildings to the bottom of the regulated landed property as well as the distance between the construction lines on both sides of the street to be decreased at most with one third.

(4) Bigger deflections can also be admitted from these established in para 1, 2 and 3, upon a proposal by the municipal council with the permission of the Minister of Regional Development and Public Works, for quarters and streets with primarily built up regulated landed properties (50 percent and more) in the central parts of the towns.

(5) (new – SG 65/03) The permission of para 4 shall be issued in two months term after the receiving of the request.

Section VI. Buildings of the basic building up. Requirements for the residential buildings and the homes

Art. 37. (1) The buildings of the basic building up shall be constructed according to the designation of the regulated landed properties, defined in a detailed development plan.

(2) The buildings of the basic building up according to designation shall be residential, production, resort, villa, public servicing and others, as well as buildings with mixed designation.

(3) In the buildings with mixed designation the premises and the sites non residential needs connected with mass access of external persons shall be located under the residential sites.

Art. 38. (1) In the over-ground floors of a residential building besides homes can be constructed also studios and studies for individual creative activity and on the first floor, in the semi-underground floor or in the underground floor - garages, as exception transformer stations, as well as other sites and facilities of the technical infrastructure, observing the sanitary - hygiene, the fire safety and the other technical requirements and the safety standards.

(2) Sites for economic and servicing activities in a newly built residential building shall be provided in the underground, the semi-underground and on the first floor if independent entrances to them are ensured and they are compliant with the observing the sanitary - hygiene, the fire safety and the other technical requirements.

(3) (amend. SG 65/03) In an existing residential building with a regime of condominium restructuring and change of the designation of residential premises or of independent home into a surgery for health needs, an office or studio for individual creative activity connected with the access of external persons in the building if the sites are on the first or on the semi-underground floor, the reconstruction is compliant with the sanitary - hygiene, the fire safety and the other technical requirements and on the basis of an explicit written consent, certified by a notary, of all the owners of homes - immediate neighbours of the sites shall be admitted. As an exception can be admitted the disposition of the sites pointed out also on other over-ground floors, only on the basis of a decision of the general meeting of the owners of homes, taken by the due order and with explicit written consent, certified by a notary, of all the owners of homes - immediate neighbours of the sites.

(4) (suppl. SG 65/03) An existing residential premises or independent home on the first floor of a residential building can be restructured with change of the designation into a shop or for another servicing activities besides these of para 3, observing the sanitary - hygiene, the fire safety and the other technical requirements and if a separate entrance out of the entrance and the common premises of the residential floors is ensured. In these cases a decision of the general meeting of the owners of homes, taken by the due order and an explicit written consent, certified by a notary, of all the owners of homes - immediate neighbours of the sites, is required.

(5) (amend. SG 65/03) Premises and sites for non residential needs, constructed in existing residential building, can be reconstructed by the general order without requiring the consent of the owners in the condominium in case no noise and other pollution over the norm is admitted.

(6) (new – SG 65/03) The consent of the owners in the condominium shall not be required at restoration of the residential designation of already reconstructed independent premises and sites for non residential needs, constructed in existing residential building.

(7) (prev. (6), amend. SG 65/03) A motivated statement of a civil engineer with full designer's competence shall be obligatory presented with the designs for reconstruction, proving that the loads are not increased, construction elements are not affected and the bearing capacity, the stability and the durability of the construction of the building are not decreased, and when changes of the construction are necessary or the loads are increased, also constructive part of the design shall be presented with the designs for reconstruction of para 3 - 5.

Art. 39. (1) Garages can be constructed in a villa building on the first floor or under the ground, as well as studios and studies for individual creative activity on the floors and in the space under the roof.

(2) At change of the designation of a part or of a whole building in residential, resort or villa zones, when the reconstruction is connected with mass access of external persons and noise and other pollution of the zone over the standards, besides observing the requirements of art. 38, it is necessary also the explicit written consent, with signatures certified by a notary, by all the owners and bearers of limited real rights in neighbouring landed properties.

(3) (new – SG 65/03) In the cases of para 2 the change of the detailed development plan shall be entered ex officio on the basis of an order by the mayor of the municipality without conducting of procedure for change of the detailed development plan.

(4) (new – SG 65/03) No consent of the interested owners shall be required and no procedure for change of the detailed development plan shall be conducted in case non residential building in residential, resort or villa zone is reconstructed into residential, the change being reflected by the order of para 3.

Art. 40. (1) Each home must have independent entrance, at least one residential premises, a kitchen or kitchen box and a bath - WC, as well as a storage premises which can be in the home or out of it. It shall be admitted the premises to be spatially connected except the WCs and the baths - WCs.

(2) Sanitary premises over a residential premises, over a kitchen or a closet for food products, shall be admitted only in the home they are servicing.

Section VII. Additional building up, fences (title amend. SG 65/03)

Art. 41. (amend. SG 65/03) (1) The additional building up in regulated landed properties shall be comprised by auxiliary, servicing, economic and secondary structures to the buildings of the basic building up and it

shall be permitted in compliance with the provisions of the detailed development plan.

(2) When supplementary building up is not provided with the detailed development plan in effect, it shall be admitted by the chief architect of the municipality with visa for investigation and designing under art. 140 if the constructions are built freely or contacting the basic buildings in the regulated landed property or connected with the supplementing building up only between two regulated landed properties. The admitted building up shall be reflected ex officio in the detailed development plan in effect.

(3) Building up shall not be admitted by the order of para 2, with which are exceeded the development indices for the respective regulated landed property, provided in the detailed development plan.

Art. 42. (1) (new – SG 65/03) The constructions of the supplementing building up shall be disposed freely or contacting with the basic buildings in the regulated landed property or connected with supplementing building up in neighbouring property

(2) (prev. (1), amend. SG 65/03) Buildings of the supplementing building up, except garages, workshops and sites for trade and services, cannot be disposed on the street regulation line or between it and the buildings of the basic building up. Buildings of the supplementing building up can be constructed on the internal boundary of the regulated landed property if their blind walls cover the blind walls of existing or newly provided buildings in the neighbouring regulated landed property or solid fences.

(3) (prev. (2), amend. SG 65/03) In case of free disposition the buildings of the supplementing building up shall be high up to 3.6 m and at a distance to the internal boundaries of the regulated landed property at least 3 m, and when they are high up to 2.5 m, they can be at a distance at least 1.5 m from the south, the south west and the south east boundary with the neighbouring regulated landed property with deflection up to 45 degrees from the south direction.

(4) (prev. (3), amend. SG 65/03) The freely disposed semi-underground with elevation up to 1.2 m above the adjacent terrain shall be admitted at a distance not less than 1.5 m to the internal boundary of the regulated landed property.

Art. 43. (1) The places necessary for garage and/or parking shall obligatory be ensured within the boundaries of the regulated landed property for new buildings.

(2) (amend. SG 65/03) Exceptions from the provision of para 1 shall be admitted by the body, which should issue the permission for construction when the normative necessary places for garage and/or parking cannot be ensured within the boundaries of the regulated landed property due to technical or normative reasons as: dimensions and/or slope of the regulated landed property, hydrologic conditions, sanitary - protection zones etc. under conditions, determined in the ordinance of art. 13, para 1.

(3) (amend. SG 65/03) In villa and residential zones with low, moderate and high building up garages can be constructed as supplementing building up.

Art. 44. (1) (amend. SG 65/03) Buildings of the supplementing building up with farm designation of any kind can be constructed in the villages.

(2) (amend. SG 65/03) In the towns and in the villa zones buildings of the supplementing building up for breeding domestic animals can be constructed as exception only according to a unified regime for use and building up for the zone, approved by the respective municipal council.

(3) (amend. SG 65/03) The economic buildings of the supplementing building up for breeding domestic

animals shall be constructed with height up to 5.5 m above the adjacent terrain and up to 8.5 m to the highest point of the roof. Within this height shall be admitted the separation of second level for storage needs.

Art. 45. (Amend., SG 41/01, SG 65/03) The economic constructions of the supplementing building up cannot be disposed at the blind wall of a residential building in a neighbouring landed property.

Art. 46. (1) (suppl. SG 65/03) The secondary buildings of the supplementing building up (summer kitchens and light constructions for heating materials and inventory, wells, fountains, septic pits and temporary toilets) can be constructed in regulated landed properties for low or for villa construction.

(2) (suppl. SG 65/03) The secondary constructions of the supplementing building up shall be with height up to 2.5 m over the adjacent terrain, and up to 3 m up to the most high point of the roof. When the buildings are situated on the internal boundary of the regulated landed property the most upper part of the roof at the blind wall side can be with height up to 3.6 m.

Art. 47. (1) Summer kitchens shall be disposed freely or connected without observing the requirements for distances to the buildings of the basic construction.

(2) Basins, wells, fountains, septic pits and temporary toilets shall be constructed in the regulated landed property according to the technical and the sanitary-hygiene requirements at a distance not less than 3 m from the boundary of the property.

Art. 48. (1) The regulated landed properties can be fenced to the street and to the neighbouring regulated landed properties.

(2) (amend. SG 65/03) The mayor of the municipality shall, on proposal by the municipal expert council, determine the general requirements to the fences (kind, form, height, material etc.) according to the types of development zones, the design of the primary street network and the other public areas, the terrain peculiarities, the designation of the landed properties and in compliance with the rules and the norms of the detailed development plans in effect.

(3) (suppl. SG 65/03) The fences to the neighbouring regulated landed properties shall be disposed with equal parts in both of the properties. When the fence is solid one with height over 0.6 m it shall be admitted on the basis of an explicit written consent of the owners of the properties concerned and if the distance from the fence to a home on the first floor of a building in the neighbouring regulated landed property is bigger or equal to the height of the solid part of the fence. It shall also be admitted the fence to be disposed entirely in the property of the assignor.

(4) (new – SG 103/05) In case of no consent by an owner of a concerned property, the construction of solid fence between neighbouring properties with height of the solid part more than 0.6m shall be admitted following the requirements of Para 3, sentence two, and the fence shall be located fully on the property of the assigner.

(5) (prev. text of Para 4 - SG 103/05) It shall be admitted the fences to be with height up to 2.2 m over the adjacent terrain. In case of rise of the terrain between neighbouring regulated landed properties the height of the solid part of the fence shall be read according to the elevation of the lower adjacent terrain.

(6) (new – SG 103/05) In event of displacement of the terrain between two regulated land properties more than 1.5 m, the height of the solid part of the fence shall be up to 0.6 m to the elevation of the higher adjacent terrain.

(7) (prev. text of Para 5 - SG 103/05) The height of the solid part of the fence to the street shall be up to 0.6 m.

(8) (new – SG 65/03; prev. text of Para 7 - SG 103/05) Out of the boundaries of the urbanised territories and in the not regulated parts of the settlements shall be admitted the landed properties to be surrounded only with light fences, complied with the requirements of para 2.

(9) (suppl. SG 65/03; prev. text of Para 6, amend. - SG 103/05) Construction of fences in the cases of Para 3 and 4, as well as a deviation from the requirements of Para 2, 5 and 7 shall be allowed for sites of the cultural-historical heritage, and in the rest of the cases - by the chief architect of the municipality, according to the designation of the regulated landed property and with regard to be ensured architectural uniformity on the basis of individual architectural design and after a conclusion of the municipal expert council.

Section VIII. Temporary buildings

Art. 49. (1) (amend. SG 65/03) The owners of landed properties on which with the detailed development plans it is provided the construction of sites - public ownership of the state and the municipalities, shall have the right to construct temporary buildings, if the state or the municipality:

1. refuses to change the detailed development plan due to non existing of the conditions of art. 134, para 2;

2. (amend. SG 65/03) refuses to buy out the property under the conditions of art. 199, para 2 or does not answer in three months term to the proposal for selling which has been made.

(2) (amend. SG 65/03) Except in the cases of para 1 temporary buildings can be permitted by the order of this section in a landed property about which has been established a new way or character of building up or a building prohibition has been imposed, except in landslide regions.

(3) (amend. SG 65/03) The buildings of para 1 shall be permitted under the condition that the new construction or the other measures is not provided to start during the following one year. The alienation of temporary buildings shall be implemented under the conditions and by the order of the Law for the municipal ownership.

Art. 50. In the cases of art. 49 the persons can construct the new buildings:

1. (amend. SG 65/03) on built up landed properties:

a) one floor additional building to a lawfully constructed building with built area up to 40 sq m; If the building is with two floors it can be with area up to 30 sq m at each floor.

b) (Amend., SG 41/01) reconstruction of an attic premises instead of additional construction under item a) making superstructure up to 1.5 m high and dormer windows regardless of the number of the floors of the building;

c) (amend. SG 65/03) a studio or a site with servicing designation observing the restrictions of item a), for built up area and height;

d) (amend. SG 65/03) constructions of supplementing building up under the conditions of art. 46;

e) (amend. SG 65/03) garage;

f) (suppl. SG 65/03) light fence, complied with the requirements of art. 48, para 2;

2. (amend. SG 65/03) in unbuilt landed properties:

a) (suppl. SG 65/03) residential building with built area up to 60 sq m with two floors or residential building on one floor up to 80 sq m;

b) (revoked – SG 65/03);

c) buildings of item 1, items c), d), e) and f).

Art. 51. (amend. SG 65/03) (1) The temporary buildings of art. 50 shall be permitted only one time in one landed property on the basis of a visa for design with defined way of construction issued by the chief architect of the municipality, and construction papers issued by the general order. In these cases of art. 50, item 1, can be admitted decrease of the normative established distances to the property boundaries with the consent of the interested parties expressed with a declaration to the mayor of the municipality with signatures, certified by a notary.

(2) In case of co-ownership of the property buildings under art. 50 can be permitted to each of the co-owners, observing the requirements of art. 183. The total built area of the permitted constructions of art. 50 cannot exceed 30 percent of the area of the landed property.

Art. 52. (1) The conditions under which are permitted the buildings shall be entered in the approved investment project and in the permission for construction.

(2) The temporary buildings shall be connected with the existing networks and facilities of the technical infrastructure with temporary connections.

Art. 53. (amend. SG 65/03) Existing buildings in landed properties under art. 49 can be restructured internally observing their designation and be repaired without changing their external outline in horizontal and vertical direction and without making new or strengthening significantly the bearing structures.

Art. 53a. (new – SG 65/03) The found existing constructions, not included in the regime of building up of the regulated landed property, shall be removed by the assignor at latest till the finishing of the permitted construction. If the assignor does not fulfil this, the construction shall not be entered into exploitation and the found construction shall be removed for the account of the assignor on the basis of an order by the chief of the Directorate for national construction supervision or official, authorised by him by the order of the ordinance of art. 225, para 4.

Art. 54. (1) (amend. SG 65/03) Temporary buildings can be made also for needs connected with organisation and mechanisation of the construction, with a permission by the body issuing the permission for construction. The temporary buildings shall be removed at the end of the construction. If the investor does not accomplish this, the construction shall not be entered into exploitation and the temporary constructions shall be removed for his account on the basis of an order by the chief of the Directorate for national construction supervision or official, authorised by him by the order of the ordinance of art. 225, para 4.

(2) (amend. SG 65/03) If the construction does not start within the time till the permission for construction is in force the temporary buildings shall be removed by the order of para 1.

(3) (revoked – SG 65/03).

(4) (new – SG 65/03) Temporary constructions shall be permitted also for needs, connected with implementing of measures for restoration and reclamation of damaged territories, by the body, issued the permission for construction.

(5) (new – SG 65/03) If the measures for restoration and reclamation of damaged territories do not start in one year term after the permitting of the temporary constructions of para 2, the permission for construction, issued for them shall be invalidated by right and the constructed buildings and facilities shall be removed by the order of para 1.

Art. 55. (suppl. SG 65/03) Till the realisation of the detailed development plan unbuilt landed properties can be used for temporary open air parking places, markets for stall trading, children's and sport playgrounds and other similar sites on the basis of permission for construction, respectively permission for placing, under conditions and by order, determined with an ordinance of the municipal council.

Section IX. Movable sites and elements of urban furniture

Art. 56. (1) (amend. - SG 103/05) Movable sites for trade and other servicing activities - pavilions, cabins, tables, as well as other elements of the urban furniture (stops of the public transport, benches, lighting bodies, vessels for garbage, fountains, clocks etc.) can be put on landed properties.

(2) A permission for putting shall be issued for the sites of para 1 by an order established with an ordinance of the municipal council and for state and municipal properties - also on the basis of a scheme approved by the chief architect of the municipality. The scheme for the state properties shall be approved after co-ordinating with the corresponding central administration managing the property and in the other cases - with the regional governor.

(3) (new – SG 65/03; revoked – SG 103/05)

(4) (new – SG 65/03) In the immovable properties – cultural heritage, permission for placing of sites under para 1 shall be issued on the basis of scheme after co-ordination with the National institute for the monuments of culture.

(5) (new – SG 65/03) In other's landed properties permission for placing of sites of para 1 shall be issued on the basis of explicit written consent by the owner of the landed property or written contract for rent of the area, taken by the movable site.

Art. 57. (1) (prev. art. 57 – SG 65/03) Advertising, information and monumental - decorating elements can be put on immovable properties on the basis of a permission for this issued by the order established with an ordinance of the municipal council under art. 56, para 2.

(2) (new – SG 65/03; revoked – SG 103/05)

(3) (new – SG 65/03) In other's landed properties and buildings the permission for placing of sites of para 1 shall be issued on the basis of explicit written consent by the owner of the landed property or of the building or on the basis of written contract for rent of the area, taken by the facility of para 1.

(4) (new – SG 65/03) On buildings – condominiums, the permission for placing of sites of para 1 shall be issued on the basis of explicit written consent of the owners of the floors or written contract for rent with the owners of the floors for the area, taken by the facility of para 1. The consent and the contract for rent shall be formed by the order of the regulation of art. 49, para 1 of the Law of the ownership.

(5) (new, SG 65/04) On real estates – cultural monuments of world or national importance, permit for placing under para 1 shall be issued upon coordination with the National Institute for the cultural monuments under the requirements and by the order of art. 125, para 5.

Art. 57a. (new – SG 103/05) (1) The sites under Art. 56, Para 1 and Art. 57, Para 1 shall be removed, if:

1. have been put without permit or in contradiction with the issued permit;
2. have been put in somebody's else property without legal ground or the legal ground for issuance of the permit has fallen out;
3. do not correspond to the rules and the norms of spatial planning;
4. do not meet the requirements of Art. 169, Para 1, item 1, 2, 3, 4 and 6;
5. appear to be advertisement forbidden by a law;
6. the term of the permit has elapsed;
7. do not meet other requirements, determined by the ordinance under Art. 56, Para 2.

(2) The circumstances under Para 1 shall be found by an act of findings, drafted by the officials of Art. 223, Para 2 within 7 days term from the finding of the breach. The act of findings shall be handed to the owners of the sites under Para 1, who may make objections within 3 days after the handing.

(3) Within 7 days from the handing of the act of findings under Para 2, the mayor of the municipality shall issue order of removal of the site.

(4) Where the owner of a cite under Para 1, put on a somebody's else property is unknown, the act of findings shall be handed to the owner of the property to remove it on his/her own account.

(5) Where the owner of a site under Para 1, put on a property- municipal ownership, is unknown, the act of findings and the order of removal shall be put at a visible place on the site in the presence of two witnesses and at the determined for this places in premises of the municipality, the region or the town hall.

(6) In the order under Para 3 the mayor of the municipality shall determine a term for removal of the site and shall direct that the water- and energy supplying companies shall stop the supply to the determined for removal site.

(7) In event of non-observance of the term for removal, as determined in the order under Para 3, the site shall be removed compulsory following the procedure of § 2 of the Additional Provisions.

(8) In event of necessity, the compulsory execution of the order under Para 3 shall be performed with the assistance of the police.

Section X. Building up on non regulated territories

Art. 58. (amend. SG 65/03) In not regulated small settlements and parts thereof construction shall be admitted on the basis of a sketch – copy of cadastral map (cadastral plan) or situation sketch, compiled by the designer, which must contain also data about the existing buildings and facilities in the neighbouring properties as well as the necessary levels. The construction shall be permitted by the established order

observing the norms of the ordinance of art. 13, para 1. The fences shall be constructed according to existing property boundaries without construction line being given for them.

Art. 59. (1) (amend. SG 65/03) Out of the boundaries of the urbanised territories building up shall be admitted observing the provisions of the general development plan in effect for the territory of the municipality or part of it if such has been worked out and on the basis of an effective building up plan for a landed property or group of landed properties or parcel plan for the elements of the technical infrastructure after change of the designation of the land when this is required by the order of a special law.

(2) (Amend., SG 41/01) Building up on landed properties without a change of the designation of the land under para 1 shall be admitted under the conditions of art. 12, para 3.

Art. 60. (1) The disposition of the buildings in the cases of art. 58 and 59 shall be determined with regard to future regulation not admitting construction close to corners or strips extended on roads, streets or neighbouring landed properties and leaving free area for construction of new or extending of the existing streets. The buildings by water areas (rivers, canals, lakes etc.) shall be disposed with regard to their probable future correction.

(2) The building up shall be permitted when for the sites water and electricity supply as well as transport access are ensured.

Section XI. Spatial planning of green and forest areas

Art. 61. (1) Green areas shall be developed on the territories of the municipalities unified in green system as means for improvement of the micro-climate and the hygiene conditions and for organising the recreation of the population.

(2) (amend., SG 65/04) A basis of the green system shall be the green areas for wide public use, designated for permanent satisfaction of public needs of national or public importance - parks, gardens, street vegetation, parks and forest parks, out of the settlements.

(3) The green areas for limited public use in the properties for residential, villa, public, production, resort and sport buildings and complexes as well as the green areas with other specific designation - graveyard parks, botanical gardens, dendraria, protective vegetation are supplementing the green system.

(4) (new, SG 65/04) The green areas under para 2 and the areas of specific designation under para 3 – property of the state and the municipalities, shall be public property.

Art. 62. (1) (suppl. SG 65/03) The green systems and the green areas shall be developed in compliance with the approved general development plans of the settlements and the municipalities and with the detailed development plans of the parks and the gardens observing the rules and the norms of the ordinance of art. 13, para 1.

(2) The green areas being public ownership cannot be sold, conceded and encumbered with real encumbrances as well as to be used for other purposes.

(3) Existing green areas which are public ownership shall be developed and preserved as protected areas in the sense of art. 8, item 4.

(4) Parks and gardens with historic significance and with characteristic design and aesthetic structure shall be

registered and announced as monuments of the garden and park art which are developed and preserved observing the norms and the Law for cultural monuments and museums.

(5) (new, SG 65/04) Where, on plots designated for green areas – public property, fall landed properties – private property they shall be alienated by the order stipulated by the law.

(6) (new, SG 65/04) Properties under para 5 shall not be alienated where the detailed development plans of parks and gardens provide for construction as per para 7, item 3.

(7) (new, SG 65/04) The detailed development plans for parks and gardens in the green areas – public property, without a change of their designation, may be provided only for construction necessary for:

1. networks of the technical infrastructure servicing the green plots;
2. maintenance of the green system;
3. sport facilities and play grounds.

(8) (new, SG 65/04) The sites under para 7, item 2 and 3 are not public property unless they are declared being such by the order stipulated by a law.

(9) (new, SG 65/04) The detailed development plans for parks and gardens shall be adopted by a decision of the municipal council regardless of their territorial range. Obligatory element of these plans shall be layout for location of movable sites and advertising facilities which shall be approved by the order stipulated for approval of the detailed development plan for the park or garden.

Art. 63. (1) (amend., SG 65/04) The mayor of the municipality shall organize the drawing up and updating of a public register of the green areas for the perennial decorative trees and the trees with historic significance in the municipality. The access to the information entered in the register shall be fulfilled under the terms and by the order of the Law for access to the public information.

(2) Perennial decorative trees and the trees with historic significance can be cut or rooted out only as exception after a written permission by the mayor of the municipality issued on the basis of a sanitary expert statement about the status of the tree.

(3) Trees announced as natural sites or located on protected territories in the sense of the Law for the protected territories can be removed only on the basis of a written permission by the bodies of the Ministry of Environment and Waters.

(4) (new – SG 65/03) The Minister of Regional Development and Public Works shall issue ordinance for preservation and maintenance of the green areas and the decoration vegetation in the urbanised territories.

Chapter four. NETWORKS AND FACILITIES OF THE TECHNICAL INFRASTRUCTURE

Section I. General requirements to the elements of the technical infrastructure

Art. 64. (amend. SG 65/03) (1) Elements of the technical infrastructure shall be:

1. the transport technical infrastructure and the facilities at it (bridges, tunnels, overpasses, underpasses,

railway crossings etc.);

2. the transferring (bringing in and taking out) conduits (networks) and the facilities at them in not regulated territory;

3. the transferring (bringing in and taking out) conduits (networks) and the facilities at them in regulated territory;

4. the distributing conduits and the distribution devices and facilities at them (transformer posts, electric substations, treatment stations for drinking and waste waters, step-down and distribution stations etc.), including the joining conduits to the building installations and the common means for measurement.

(2) The elements of the technical infrastructure shall be provided with development schemes and plans. Integral part of the development plans shall be the specialised schemes, containing information about the kind, the extent and the technical characteristics of the elements of the technical infrastructure.

(3) The conduits and the facilities of the technical infrastructure shall be constructed, maintained and repaired by and for the account of the state, the municipalities or the corresponding operational companies unless in a special law other has been provided.

(4) The designing and the construction of the sites of the technical infrastructure shall be implemented by the general order, defined in this law.

Art. 65. (revoked – SG 65/03)

Art. 66. (amend. SG 65/03) The immovable properties shall be obligatory connected with the constructed networks and facilities of the technical infrastructure on the basis of issued construction documentation. Requirements of the operational companies that are not pointed out at the concluding of the contract for joining shall not be basis for refusal of the connecting.

Art. 67. (1) (amend. SG 65/03) Underground and surface common networks and facilities of the technical infrastructure shall be designed and constructed on municipal and state landed properties. When this is not possible the networks and the facilities of the technical infrastructure shall be constructed in landed properties - ownership of individuals and corporate bodies, by the order of art. 199 or 205.

(2) (suppl. SG 65/03) In landed properties located on or near to underground communication facilities or other networks and facilities of the technical infrastructure shall be provided such building up that is does not have unfavourable effect over the constructions of the technical infrastructure as well as which does not enter the easement strips for exploitation and repairs of this infrastructure. In case of impossible achieving of expedient building up or when the easement strips take more than 1/3 of the area of a regulated landed property, with the detailed development plan the property shall be provided for the respective network the alienation being implemented for the account of the respective owner of the network or facility observing the requirements of art. 206.

Art. 68. (1) (amend. SG 65/03) In the investment projects for buildings and facilities of the technical infrastructure shall be provided also the measures necessary for the improvement of the regulated landed property, in which they are with regard to the functional designation and the correct exploitation of the buildings and the sites.

(2) (amend. SG 65/03) Investment projects shall not be co-ordinated and approved, in which are not provided the necessary:

1. measures for improvement and verdurisation of regulated landed properties for buildings and facilities of the technical infrastructure;
2. measures for improvement (restoration of the adjacent terrain for networks of the technical infrastructure) in regulated territories, including verdurisation, which has been damaged with the provided construction;
3. designs for restoration of the adjacent terrain for networks of the technical infrastructure in not regulated territories;
4. designs for verdurisation along the roads to the designs for transport infrastructure and the republican roads, including out of the boundaries of the regulated territory.

Art. 69. (amend. SG 65/03) At construction and reconstruction of industrial and resort zones and settlement formations the improvement measures, including the verdurisation, shall obligatory be implemented by the owners for their account within the framework of the regulated landed property. The conduits and the facilities of the technical infrastructure can be constructed for the account of the owners under conditions and by order, determined with an ordinance by the municipal council.

Section II. Street networks and facilities of the technical infrastructure

Art. 70. (1) (new – SG 65/03) The conduits of the technical infrastructure and the facilities of the transport infrastructure, connected with the traffic of vehicles and pedestrians, shall be designed and constructed as street networks and facilities.

(2) (prev. art. 70 – SG 65/03) The location of the underground and the surface street networks and facilities of the technical infrastructure shall be defined with the general and the detailed development plans observing the corresponding technical rules and norms.

(3) (new – SG 65/03) If there are existing conduits or facilities – public state or public municipal property, which is impossible to be moved due to technical reasons, shall be admitted they to be preserved by their respective assigning with detailed development plan.

(4) (new – SG 65/03) The Minister of Regional Development and Public Works shall issue ordinance for the rules and the norms for disposing of the conduits and the facilities of the technical infrastructure (including telecommunication networks).

Art. 71. (amend. SG 65/03) The mayor of the municipality or the official, authorised by him shall ensure the necessary co-ordination for laying down and construction of the separate underground street networks and facilities, and co-ordinate the underground and the surface street construction.

Art. 72. (1) (amend. SG 65/03) The works connected with digging of street and side walk pavement and the internal quarter areas shall be implemented on the basis of a permission for construction. The assignor shall inform the corresponding municipal administration after co-ordination with the bodies for safety of movement about the start of the construction.

(2) (amend. SG 65/03) The assignor or the operating company can start the works immediately at damages of the underground networks of the technical infrastructure which must immediately be removed, informing about this the corresponding municipal administration.

Art. 73. (1) (prev. art. 73, amend. SG 65/03; amend., SG 107/03) When it is necessary in connection with the

construction the location or the construction of constructed street underground and surface networks and facilities to be changed, the corresponding works shall be implemented by the assignor of the new construction for his account after approval of the corresponding designs co-ordinated with the operating companies which networks and facilities are affected and after issuing a permission for construction. In the cases of conduits and facilities, provided for movement in the detailed development plans and the specialised schemes with them the resources for the new construction shall be for the account of the assignor.

(2) At not applied street regulation if necessary the construction of new or the reconstruction of existing conduits for the respective territory, except transfer conduits, it can be admitted as temporary supply according to the existing situation on the terrain with declaration by the assignor, certified by a notary (or by the respective operation company) for voluntary movement for his account at the future realisation of the detailed development plan. In these cases shall be applied the provisions of art. 192.

Art. 74. (1) (amend. SG 65/03) The constructor of street networks and facilities of the technical infrastructure shall be obliged:

1. to undertake the necessary measures for ensuring the safety making fences and crossings, put warning signs, instructions for diversion of the movement etc. before the start of the construction;
2. to undertake the necessary measures for protection of existing underground and surface networks and facilities, survey signs, green areas, decoration trees etc. from damages and displacement;
3. (suppl. SG 65/03) to inform the municipal administration about the underground and the surface networks and facilities, not marked in the respective specialised maps and registers, found during the works; such networks and facilities shall be covered only after surveying by the due order;
4. (amend. SG 65/03) to inform immediately the municipal administration and the closest history museum at finding archaeological items;
5. (amend. SG 65/03) to notify immediately the bodies for fire and accident safety and traffic safety about the beginning and the term of the construction on the streets that are being dug;
6. to inform immediately the corresponding services and operating companies about eventual damages of networks and facilities occurred during the works and if the matter refers to damages of water supply, heat or gas pipelines - to inform immediately also the hygiene - epidemiological and fire and accident safety bodies;
7. (suppl. SG 65/03) to inform at least three days earlier the municipal administration as well as the services and the operating companies managing and running the networks and the facilities about the forthcoming covering of newly constructed or reconstructed underground networks and facilities; the covering shall be permitted according to para 2;
8. to implement for his account necessary restoration works within terms defined by the municipal administration;
9. to remove the caused damages found by the municipal administration and reflected in the fact finding record within terms defined by the municipal administration.

(2) The municipal administration shall permit the networks and the facilities to be covered after checking that the defined construction line and the other conditions and requirements for implementation of the construction have been observed, the networks and the facilities have been surveyed and plotted on the corresponding specialised maps and registers of art. 115, para 4. A record shall be compiled about the results of the check.

(3) (amend. SG 65/03) After the finishing of the construction shall be prepared and certified executive documentation by the order of art. 175. The assignor shall submit immediately one copy of the documentation to the municipality and to the respective operating companies.

Section III. Roads, streets and transport networks and facilities

Art. 75. (1) (amend. SG 65/03) The elements of the transport technical infrastructure shall be constructed on the basis of the provisions of the specialised development schemes, of the general and the detailed development plans, bound with the structure of the territory.

(2) (new – SG 65/03) The sites of para 1 shall be constructed by the general order of this law.

(3) (prev. (2), amend. SG 65/03) The transport technical infrastructure and facilities should ensure best conditions for comfortable, safe and economic transport of passengers and loads and for access of disabled people, preserving the environment.

(4) (new – SG 65/03, amend. SG 88/05) The Minister of Regional Development and Public Works shall issue ordinances for the norms for planing and designing of the elements of the transport technical infrastructure. The norms for planing and designing of the elements of the railway infrastructure shall be determined with an ordinance of the Minister of Regional Development and Public Works and the Minister of Transport.

Art. 76. (1) (amend. SG 65/03) The designing and the construction of motor ways and roads first and second class of the republican road network through the settlements shall be admitted as exception when simultaneously the following conditions are existing:

1. very difficult and other specific conditions;
2. proved technical - economic expediency;
3. compatibility with the development plans of the settlement;
4. positive decision of the environment impact assessment.

(2) (amend. SG 65/03) When the roads of the republican road network are designed and constructed through the territory of the settlements they shall be with dimensions as elements of the first class street network, observing the requirements for preservation of the settlement environment from harmful impacts.

Art. 77. (1) (prev. art. 77 – SG 65/03) The street network in the settlements and the settlement formations shall be subdivided according to its functional designation into:

1. first class street network: I class - high speed town motor ways; II class - town motor ways; III class - regional arteries; IV class - main streets;
2. second class street network: V class - gathering streets; VI class - servicing streets.

(2) (new – SG 65/03) The first class street network shall be determined with general development plan and if there is no such – with detailed development plan. The class of the primary and the secondary street network shall be determined with the detailed development plan.

Art. 78. Railway stations, ports and airports shall be constructed according to the provisions of the

development plans and shall be obligatory connected with the first class street network, with the lines of the mass public transport, respectively with the railway and the road network.

Art. 79. The development plans should ensure public parking places, conditions for movement of pedestrians by construction of side walks, pedestrian alleys, passages, streets and zones, as well as of bicycle movement - by bicycle alleys, independent or within the cross section of the street.

Art. 80. (1) (new – SG 65/03) The width of the servicing streets in the settlements shall be determined with the detailed development plan and depending on the need for construction of infrastructure, guaranteeing the normal functioning of the territory.

(2) (prev. (1), amend. SG 65/03) For small settlements and villa zones the width of the servicing streets between the regulation lines, provided with no side walks, shall be at least 6 m in the settlements and in the resorts and 5 m in the villa zones. In these cases the width of the road lane shall be 4.50, respectively 4 m.

(3) (new – SG 65/03) No streets without sidewalks shall be admitted in settlements with population over 30 000.

(4) (prev. (2) – SG 65/03) The width of the pedestrian alleys in the settlements, in the resort and the villa zones shall be at least 2.50 m.

(5) (prev. (3) – SG 65/03) The width of the side walks in the settlements, in the resort and the villa zones shall be:

1. at least 1.50 m - side walks for pedestrians;
2. at least 0.75 m - for servicing side walks.

(6) (prev. (4), amend. SG 65/03) The provisions of para 2, 3, 4 and 5 shall not be applied for streets in settlements or parts thereof with historic, archaeological, ethnographic or architectural significance as well as for streets in settlements or parts thereof with very difficult terrain and other specific conditions.

Art. 81. (1) Dead-end streets for ensuring access to a limited number of regulated landed properties must have width at least 3.5 m and in the towns, when the dead-end street services more than 4 regulated landed properties - at least 6 m. Dead end streets longer than 100 m shall finish at the end with widening ensuring turning back of the automobiles.

(2) The provisions of para 1 shall not be applied for streets in settlements or parts thereof with historic, archaeological, ethnographic or architectural significance as well as for streets in settlements or parts thereof with very difficult terrain and other specific conditions.

(3) The regulated landed properties with exit on a dead-end street can have face on it with dimension not less than the width of the street.

(4) (revoked – SG 65/03)

Art. 82. (1) (suppl. SG 65/03) Tunnels and transport facilities at different levels shall be designed and constructed in the settlements according to the communication - transport requirements according to the detailed development plan.

(2) (amend. SG 65/03) The lines of the rail transport, the tunnels and the other facilities under the streets, the

squares and the quarter areas within the settlements shall be designed in a way ensuring in biggest extent the preserving of existing buildings and facilities as well as existing underground garages and facilities.

(3) (amend. SG 65/03) When at construction of lines and tunnels it is necessary to be affected already constructed underground networks and facilities they shall be reconstructed according to approved designs for their movement by the assignor for his account.

(4) (revoked – SG 65/03).

Section IV. Water supply and sewerage networks and facilities

Art. 83. (1) (suppl. SG) The water supply and sewerage networks and facilities shall be constructed according to approved designs in compliance with the general and the detailed development plans and the respective specialised schemes with them and with the terrain level plans.

(2) (new – SG 65/03) The water supply and sewerage networks in the settlements shall be designed as street networks and observing the provisions of chapter four, section II.

(3) (prev. (2) – SG 65/03) As exception in the settlements and settlement formations without terrain level plans water supply pipelines and partial sewerage can be constructed according to the existing relief of the terrain of the streets and the squares observing the requirements for the future terrain level planning.

Art. 84. (1) (prev. art. 84 – SG 65/03) The owner of the common water supply and sewerage networks and facilities shall be obliged to connect with them the water supply and the sewerage installations of all immovable properties within the territorial scope of the networks and the facilities.

(2) (new – SG 65/03) The joining of the immovable properties and the consumers of water to the water supply and the sewerage networks shall be implemented observing the provisions of this law and with concluding of written contract for joining between the consumer and the operating company.

(3) (new – SG 65/03) The conditions, the technical requirements and the order for joining of the immovable properties to water supply and sewerage networks and facilities and for the concluding of the contracts for joining shall be determined with ordinance by the Minister of Regional Development and Public Works.

Art. 85. The waters on the territory of one municipality can also be used for satisfying the needs for drinking and household water of other municipalities when the necessary quantities of drinking and household water are ensured for the municipality and the ecological equilibrium by the order of the Law for the waters is preserved.

Art. 86. (1) Sanitary - protection zones around the water sources and the facilities, defined by the order of the Law for the waters, shall be provided in the development plans in order the waters designated for drinking and household water supply, and the mineral waters used for treatment, prophylactic, drinking and hygiene needs to be preserved from pollution and other harmful influence. The regime of spatial planning of the sanitary - protection zones and the activities forbidden in them shall be provided with an ordinance of the Minister of Regional Development and Public Works and of the Minister of Environment and Waters.

(2) Permission for use of the constructed water supply sites shall not be issued if their sanitary - protection zones have not been approved and set out on the place.

Art. 87. (1) (suppl. SG 65/03) The household waste water shall be discharged in individual facilities for

discharge and treatment of waters (septic pits) meeting the technical and the sanitary - hygiene requirements in settlements and settlement formations with zones for low building up or parts thereof without sewerage system.

(2) The owners shall be obliged to ensure the free flow of surface waters through their landed properties to the corresponding street facilities (sewerage shafts, drenches etc.) if there is no sewerage system or when due to the slope of terrain the sewerage system is not capable to take these waters.

(3) If there is no other technical opportunity, proved also with a design for vertical planning, it shall be admitted the sewerage of buildings in regulated landed properties to be connected with the street sewerage system passing through neighbouring properties without hindering the opportunity admissible building up to be implemented in them. In these cases the section passing through the properties from the building to the street sewerage shall be considered yard network (building branch).

(4) (amend. SG 65/03) The rightful claimants shall be indemnified for the damages ensuing from the construction and the use of the networks of para 3 by the assignor by the order of art. 210.

Art. 88. Pump stations for drinking and waste waters as well as hydrophores for residential and public buildings can be disposed in the buildings observing the admissible norms for noise and vibrations.

Section V. Energy supply networks and facilities

Art. 89. (amend. SG 65/03) (1) The energy supply networks and facilities shall be external (street and yard) and internal (building).

(2) The construction of the external energy supply networks shall be implemented according to art. 74 and according to approved construction papers.

Art. 90. (amend. SG 65/03) (1) The common heat supply and gas supply networks and facilities and their branches shall be constructed out of the buildings by the general order, determined with this law.

(2) In built up quarters shall be admitted as exception the branches of the common heat supply networks to pass through the basement premises of buildings when there is no other technical opportunity. The indemnification for this shall be determined by the order of art. 210.

(3) The internal heating installations shall be connected with the external heat conduits through distribution stations. The equipment of the distribution stations shall be part of the common networks and facilities and it shall be mounted, maintained and repaired by the order of art. 64.

(4) The distribution station in one building, depending on its capacity and location, can service also other buildings by the order of the Law of energy and energy efficiency.

(5) The distribution stations shall be located in or out of the buildings in premises, appropriate for this purpose, with effective isolation of noise and vibrations according to the acting norms.

Art. 91. (1) The transformer stations shall be constructed on free areas or in buildings which are not designated for living. In the towns they can be constructed also on the unbuilt part of a regulated property - owned by individuals and corporate bodies, with their consent and observing the requirements to additional building up.

(2) (suppl. SG 65/03) In built up quarters if there is no other technical opportunity transformer stations can be constructed also in residential buildings with the consent of the owners with their signatures, certified by a notary and with effective insulation of noise and vibrations and protection from electric and magnetic fields according to the established norms.

(3) The transformer station can service also more than one building depending on its capacity and location.

Art. 92. (1) External artificial lighting of streets, squares, parks, gardens and other immovable properties - public municipal ownership, shall obligatory be ensured by the municipality with objective conditions for safe night traffic and movement to be created as well as appropriate night image of the settlements.

(2) External artificial lighting of separate immovable properties out of these of para 1 shall be implemented by and for the account of the owners and shall be permitted by the chief architect of the municipality.

(3) Putting of transformer equipment for external lighting on residential buildings shall be prohibited.

Section VI. Telecommunication networks and equipment (Amend., SG 41/01)

Art. 93. (1) (prev. art. 93, suppl. SG 65/03) In regulated territories the underground telecommunication networks and facilities shall be constructed and placed simultaneously with the other networks and facilities (water supply, sewerage, electric, heat supply, gas supply networks etc.) before the placing of curbs, side walks and street covers.

(2) (new – SG 65/03) In not regulated territories telecommunication networks shall be constructed on the basis of plan under art. 110, para 1, item 5.

(3) (new – SG 65/03) If there is detailed development plan for a territory, on which there is no street network, the telecommunication network shall be constructed in compliance with the provisions for street regulation and with the provisions of art. 210 for the account of the owner of the network.

Art. 94. Telecommunication installations and facilities which are constructed simultaneously with the building and the other internal installations shall be provided in the designs of the buildings.

Section VII. Monitoring and geo-protection of the landslide regions (amend. SG 65/03)

Art. 95. (amend. SG 65/03) (1) The activities for registration and monitoring of the landslide regions on the territory of the Republic of Bulgaria as preventive measures for preventing of accidents and damages shall be implemented by the Ministry of Regional Development and Public Works.

(2) The Ministry of Regional Development and Public Works shall keep public register of the landslide regions.

(3) The monitoring of the landslide regions shall be implemented by observation, analyses and assessment of the results of detailed engineering – geologic, hydro-geologic and hydrologic investigations for determining the basic geo-technical characteristics of the landslides and engineering – geodetic measurements and observations of constructed stationary benchmark networks for landslide movements in space and time.

(4) The circumstances and the data, subject to entering in the register of para 2 as well as the conditions, the

order and the way for implementing of the activities of para 3 shall be determined with an ordinance by the Minister of Regional Development and Public Works.

Art. 96. (amend. SG 65/03) (1) The measures for restricting of the landslides, the erosion and the abrasion processes and for preventing of accidents and damages shall be implemented by the Ministry of Regional Development and Public Works.

(2) For stabilising of the landslides, in this number for reinforcing of the banks of the Danube river and the Black Sea, shall be implemented the necessary geo-protection activities and sites on the basis of specialised schemes, general and detailed development plans and approved investment projects under the conditions and by the order of this law.

(3) The technical requirements at designing of geo-technical constructions, buildings and facilities in the landslide regions shall be determined with an ordinance by the Minister of Regional Development and Public Works.

(4) The co-ordination between the separate departments for geo-protection of the settlements, the resort complexes, the banks of Danube river and Black Sea as well as the technical control for fulfilment of the geo-protection measures, shall be implemented by the Ministry of Regional Development and Public Works.

(5) The construction works of any kind in landslide regions shall be implemented with preliminary permission of the Minister of Regional Development and Public Works, issued in two months term after the receiving of the request.

Section VIII. Facilities and installations for treatment of waste

Art. 97. (1) The location of the plots for construction of facilities and installations for treatment of waste shall be determined with the general and the detailed development plans.

(2) The distance from the plot for disposing facilities and installations for treatment of waste to the settlements shall be determined by the adopted technology and accounting for the established sanitary protective zones.

(3) The plots of para 1 shall be selected, constructed and operated on the basis of projects approved according to the general order and meeting the requirements defined with ordinances by the Minister of Regional Development and Public Works, the Minister of Environment and Waters and the Minister of Health.

Art. 98. (1) The terrains for the construction of the facilities and the installations for treatment of the household and construction waste shall be ensured by the municipality.

(2) Two and more municipalities can construct common facilities and installations for treatment of the household and construction waste.

(3) The ensuring of the terrains, the construction of the facilities and installations for treatment of the production waste shall be implemented under the conditions and by the order of the Law for restriction of the harmful impact of the wastes over the environment.

Section IX. Gas supply (new – SG 65/03)

Art. 98a. (new – SG 65/03) The gas supply of urbanised territories shall be implemented by construction of gas distribution network according to designs, approved by the general order in compliance with the provisions of the general and the detailed development plans and the specialised plan – schemes with them. If there are no general and detailed development plans for small settlements and settlement formations the designs for gas supply shall be worked out on the basis of specialised plan – scheme, approved by the order of art. 128.

Art. 98b (new – SG 65/03) (1) The street gas distribution networks, their elements and the adjacent facilities shall be constructed by and for the account of the corporate body, received permission for constructing of such kind of energy site, by the order of the Law of energy and energy efficiency.

(2) The gas distribution networks and their elements shall be exploited, maintained and repaired by and for the account of the gas distribution enterprises (companies) in the settlements.

(3) The gas supply installations in buildings shall be constructed, maintained and repaired for the account of the owners of the buildings.

Part two. DEVELOPMENT PLANNING OF THE TERRITORY. INVESTMENT PROJECTS AND PERMITTING OF CONSTRUCTION

Chapter five. DEVELOPMENT SCHEMES

Art. 99. (1) The development schemes shall ensure spatial structure of the territories corresponding to the social - economic development guaranteeing the preservation of environment.

(2) Development schemes can be worked out for the territory of the whole country of one or more regions or of a group of neighbouring municipalities.

(3) The development schemes according to their content shall be complex when they tackle general problems on the territory and their mutual connection, and specialised - when they solve separate spatial problems of the territory or the disposition of economic and other sites important for the public and infrastructures of national, regional and inter - municipal importance.

Art. 100. The development of the territory of the country shall be implemented on the basis of the National complex development scheme. With it shall be determined the ways for achieving the objectives and the tasks for development of the territory at national level inter-linked with the general sustainable social - economic development.

Art. 101. (1) (new – SG 65/03) The regional development schemes shall be complied with the provisions of the National development scheme.

(2) (prev. art. 101 – SG 65/03) The regional development schemes shall determine:

1. (amend. SG 65/03) the requirements for the development of the territories in compliance with the National development scheme and the strategies for regional development;

2. the general structure of the territory of the region, the general designation of the territories of art. 7 and the general requirements to the use, the preservation and development thereof;

3. the disposition and the future development of the sites, the networks and the facilities of the technical

infrastructure of national and regional importance;

4. the development of the network of settlements in the region and the centres of national and regional importance;

5. the measures for preservation and improvement of environment, for prevention or diminishing of the impact over the environment and the health of the population.

(3) (new – SG 65/03) Depending on the concrete tasks of the regional development scheme, implied in the design terms of reference, specialised regional development schemes can be worked out under para 2, items 3, 4 and 5.

Art. 102. (1) The development schemes shall not have direct investment application.

(2) The provisions of the approved development schemes of spatial planning of the territory, the technical infrastructure with national and regional importance, the protection of environment and the sites of cultural - historic heritage as well as the use of the water and the forest resources shall be compiling for the following development plans.

(3) The predictions of the approved development schemes shall be a basis for the regional and the municipal administrations to apply for subsidies from the budget for development activities.

Chapter six. DEVELOPMENT PLANS

Section I. General provisions

Art. 103. (1) The development plans shall be:

1. general development plans;

2. detailed development plans.

(2) The general development plans shall determine the prevailing designation and way of spatial structure of the separate structural parts of the territories covered by the plan.

(3) The detailed development plans shall determine the concrete designation and development of the separate landed properties covered by the plan.

(4) Each development plan shall be in compliance with the provisions of the development schemes and plans of higher degree if there are such and is with respect to them more full and detailed development.

(5) (new – SG 65/03) Detailed development plan of a settlement and its territory can also be created when there is no general development plan of the settlement. In the cases when the plans for regulation and regime of building up cover the whole settlement, they shall also perform the role of general development plan of the settlement.

(6) (new – SG 65/03) At working out of general and detailed development plans shall be implemented engineering – geologic and hydro-geologic investigations for the general stability of the territory and its fitness for construction.

Section II. General development plans

Art. 104. (1) (amend. SG 65/03) The general development plans shall be a basis of the general spatial planning of the territories of the municipalities and parts of them or separate territories belonging to settlements. The provisions of the general development plans with which is determined the general structure and the prevailing designation of the territories, the kind and the designation of the technical infrastructure and the protection of environment and the sites of cultural heritage shall be obligatory at preparing the detailed development plans.

(2) (suppl. SG 65/03) An inseparable part of the general development plan shall be the rules and the normatives for its implementation, being worked out in compliance with the ordinance of art. 13, para 1, and they shall be approved together with the plan.

(3) The general development plan shall not have direct application for permitting a construction.

Art. 105. The general development plans shall be worked out for the territories of:

1. a municipality covering all the settlements in it and their territories;
2. a part of a municipality covering a group of neighbouring territories belonging to settlements and the very settlements;
3. a settlement - town, together with its territory; the territory - subject of the general development plan can not coincide with the territory belonging to the town;
4. a settlement formation of national importance according to the Law for the administrative - territorial structure of the Republic of Bulgaria;

Art. 106. The general development plan of the municipality or part of it shall determine:

1. (suppl., SG 65/04) the general structure of the territory subject of the plan and the prevailing designation of its components and structural parts - the location and the boundaries of the territories of the settlements and settlement formations, the forest territories; the territories for protection of the environment, the territories for cultural and historic protection, the damaged territories to be restored and the territories with special, other or mixed designation;
2. the general development regime of each of the territories of item 1 with the corresponding rules and normatives;
3. the location of the networks and the facilities of the technical infrastructure on the territory of the municipality and their connections with the territories of the neighbouring municipalities and with infrastructure networks, facilities and sites of national importance;
4. the territories of public state and public municipal ownership and the regime of their development;
5. the territories with probable occurrence of predictable natural calamities and the necessary preventing measures and spatial structure and protection;
6. the territories for active application of landscape development measures and aesthetic arrangement.

Art. 107. The general development plan of a town with its territory or of a settlement formation of national importance shall determine:

1. the general structure of the territory subject of the plan - residential areas, production - storage territories, areas for parks and gardens; territories for sport and recreation; territories for public services; territories with sites of the cultural - historic heritage; territories for resort - tourist and villa construction; territories for networks and facilities of the technical infrastructure; agriculture territories; forest territories; territories for environmental protection; damaged territories for restoration; territories with special, other or mixed designation;
2. the general development regime of each of the territories of item 1 with the corresponding rules and normatives;
3. the territories being public state and public municipal ownership and their development regime;
4. the requirements to the aesthetic - composition development of the territory.
5. (new – SG 65/03) the requirements for development of environment, accessible for the whole population, including the people with handicaps – with ordinance by the Minister of Regional Development and Public Works, the Minister of Agriculture and Forests, the Minister of Labour and Social Policy and the Minister of Health.

Section III. Detailed development plans

Art. 108. (1) The detailed development plans shall make concrete the development and the building in the settlements and on their territories as well as in the settlement formations. The provisions of the detailed plans shall be compulsory for the investment designs.

(2) (suppl. SG 65/03) The detailed development plan shall be accompanied by plans for vertical planning, plans - schemes of the communication - transport network, water supply, sewerage, electricity supply and if necessary - green systems, geologic investigations, heat supply, gas supply, telecommunications etc., which are approved simultaneously with the detailed development plan as integral part of it. The regulation plans shall define the cross sections of the streets with the provided planting and the easement strips of the networks and the facilities of the technical infrastructure if there is such out of the regulated streets. The plan – schemes for the networks and the facilities of the technical infrastructure shall determine the kind and the technical dimensions of the networks and the facilities in extent, sufficient for issuing of visa under art. 140.

(3) When detailed development plans are created for one quarter or a group of quarters, they shall be accompanied by designs of the vertical planning. In case changes of the street network are provided in the project, it shall be accompanied by a scheme of the street network, cross sections of the streets as well as schemes of the networks and the facilities of the technical infrastructure if the new provisions affect already constructed underground networks and facilities of the technical infrastructure of the settlement or part of it.

(4) (amend. SG 65/03) An integral part of the detailed development plans, except the complex projects for investment initiative under art. 150, shall be the rules and the normatives for applying them which are worked out in compliance with the ordinance of art. 13, para 1 and are approved simultaneously with the plans.

(5) The provisions of the plan have to be economically applicable and to give opportunity for expedient development of the regulated landed properties and the quarters.

(6) The owners of landed properties shall be indemnified for the damages caused by the implementation of the vertical plan. Art. 210 shall be applied in the case.

Art. 109. (1) The detailed development plans can be worked out for the territories of:

1. settlements with their territories as well as structural parts of settlements with the immediately adjacent territories;
2. settlements and settlement formations or parts thereof comprising a part of a quarter, one or more quarters.
3. territories belonging to settlements or parts thereof.

(2) The detailed development plans can be worked out also for one landed property or for a group of landed properties.

Art. 110. (1) The detailed development plans can be:

1. plan for regulation and construction - PRC (plan for regulation of streets and landed properties and for regime of construction);
2. plan for regulation - PR (plan for regulation of streets and landed properties without regime of construction); the plan for regulation can be plan for street regulation - PSR (plan for regulation of only streets and landed properties for sites of public ownership);
3. (amend. SG 65/03) construction plan - CP;
4. working development plan - WDP (construction plan and skyline design)
5. (new – SG 65/03) parcel plans for the elements of the technical infrastructure out of the boundaries of the urbanised territories.

(2) (amend. SG 65/03) According to the development objectives and tasks and depending on the concrete need at the development of certain territory one of the plans of para 1 can be worked out and applied.

(3) With the detailed development plans of para 1 and 2 can be determined also development zones and territories with development regime and construction lines.

(4) For reconstruction of residential complexes, industrial, resort, tourist and other settlement formations shall e worked out and applied a plan for regulation and construction regime.

Art. 111. Specialised and detailed development plans solving separate development problems and covering structural parts of the territory of the municipality can be worked out for agricultural, forest and protected territories, damaged territories for restoration and territories with special or other designation.

Art. 112. (1) The detailed development plan of art. 110, para 1, item 1 shall determine the structure of the territory, the development zones and territories with development regime and the concrete designation of each landed property.

(2) The detailed development plan of art. 110, para 1, item 1 shall regulate:

1. the landed properties designated for sites of the public ownership;

2. the landed properties with construction and the landed properties without construction with their regime;
3. the quarters and the landed properties for primarily residential development with the highest admissible density and intensity of construction; height and way of construction, construction lines;
4. the quarters and the landed properties for production and storage activities, for farming and live stock breeding, the regime of their development and their sanitary - protection zones;
5. the quarters and the landed properties for planting vegetation with recreation, protection and amelioration designation;
6. the quarters and the landed properties for sport activities and entertainment and the regime for their development;
7. the quarters and the landed properties with buildings for public services;
8. the quarters and the landed properties with cultural - historic importance and their regime for development and preservation;
9. (amend. SG 65/03) the street network and the alleys;
10. the networks and the facilities of the technical infrastructure with their easement strips as well as the sites connected with the preservation of environment;
11. the quarters and the landed properties with mixed, special or other designation.

(3) (revoked – SG 65/03).

(4) (suppl. SG 65/03) The detailed development plans shall also create conditions for development of the ambience and of the technical infrastructure with objective accessibility for and use by disabled according to the requirements of the ordinance of art. 107, item 5.

Art. 113. (1) The working development plan shall be compiled for a limited part of the territory (separate regulated landed property or a group of regulated landed properties) and shall be worked out on the basis of an effective detailed development plan of art. 110, para 1, item 1, 2 and 3 or simultaneously with it. The working development plan cannot change the character and the way of construction provided with the detailed development plan in effect.

(2) (amend. SG 65/03) A working development plan shall be compiled upon request by the assignor for making the development plan in effect concrete only under the conditions of art. 36 or at connected construction in more than two regulated landed properties.

(3) The working development plan can admit also changes of the boundaries of the regulated landed properties observing the conditions of art. 17.

(4) The working development plan shall determine precisely:

1. the disposition and the outlines of the buildings as plan as well as the minimum distances between them and to the property boundaries - according to the density and intensity of construction admissible for the corresponding development zone.
2. the necessary skyline clarifying: the maximum height of the buildings and of their ridges in absolute

elevations; the number of floors; the form and the slope of the roofs and the architectural connection between the buildings with regard to the correct architectural - spatial design.

(5) (new – SG 65/03) Upon request by the assignor the design for amendment of the detailed development plan can be worked out, announced, approved and enter into force simultaneously with the design for working development plan.

Art. 114. (1) (prev. art. 114 – SG 65/03) The concrete disposition of the buildings and the way of constructing over the landed properties regulated with the plans of this section shall be determined:

1. with working development plan when its working out is compulsory;

2. (amend. SG 65/03) with visa for design under art. 140 - in case of free construction and connected construction in two neighbouring regulated landed properties.

(2) (new – SG 65/03) The disposition of the networks and the facilities of the technical infrastructure shall be determined with the investment project.

Chapter seven. CREATING, APPROVAL AND CHANGE OF THE DEVELOPMENT SCHEMES AND PLANS

Section I. Information and technical basis of the development schemes and plans

Art. 115. (1) Data from the topographic maps, the cadastre, the levelling plans, the specialised maps etc. in digital and graphic form as well as other data from the specialised information systems of central and territorial administrations are used for working out the development schemes and plans.

(2) The data about the location, the boundaries, the dimensions, the durable designation and way of durable use of the landed properties and the buildings, the data about the state borders, the borders of the administrative - territorial and territorial units and the boundaries of territories covering properties with uniform durable designation as well as the data about the ownership and the limited real rights shall be derived from the cadastre and the property register.

(3) The data about the over-ground networks and facilities of the technical infrastructure, about the transport facilities (railways, roads, bridges, fords, ports etc.), about the hydrography, the vegetation and the relief are derived from the topographic and the specialised maps.

(4) The data about the underground constructions, the underground networks and facilities of the technical infrastructure, the protected natural sites, the sites of the cultural - historic heritage, as well as other specific data about the territories shall be used from the specialised maps, registers and information systems of central and territorial administrations and of companies.

(5) (amend. SG 65/03) On request by the mayor of the municipality, other departments or the interested persons the creating of specialised maps, registers and information systems with additional cadastral data of art. 32, para 1 of the Law for the cadastre and the property register can be implemented simultaneously with the creating of the cadastral map and the cadastral registers.

(6) (new – SG 65/03) The information of para 1 - 5 shall be obligatory conceded to the respective state or municipal administration, being paid only the actual expenses, made for creating of copies of the documentation. On request the information shall be conceded in 7 days term. For refusal or delay

administrative punitive responsibility shall be born according to this law.

Art. 116. (1) The corporate bodies and the individuals implementing construction works, influencing the content of the cadastral plans, shall be obliged immediately after finishing the works to present to the municipal administration full and precise data - schemes, sketches, plans, drawings and documents for ownership of the implemented new construction or reconstruction. In the cases when the content of a cadastral plan delivered to the Cadastral agency or an approved cadastral map is influenced, the data shall be conceded to the Cadastral agency.

(2) In connection with the production of the specialised maps of underground networks and facilities of the technical infrastructure and of other underground constructions, the municipalities and the companies managing and using them, shall be obliged to co-operate with the corresponding contractors producing the specialised maps and upon request concede to the contractors full and precise schemes, sketches, plans, drawings and if necessary - documents for ownership, as well as to point out and mark on the terrain the precise location of the existing underground networks, facilities and constructions, including the water intake facilities for underground waters.

(3) Basic plan containing the necessary data of this section for the corresponding territory can be compiled as technical basis of the development schemes and plans.

Art. 117. The Minister of Regional Development and Public Works shall, in co-ordination with the Minister of Environment and Waters and the Minister of Health, issue ordinance about the amount and the contents of the development schemes and plans.

Section II. Creating, approval and change of the development schemes

Art. 118. (1) The working out of the development schemes shall be assigned by the bodies competent to approve the development schemes and the working out of the National development scheme - by the Minister of Regional Development and Public Works with the co-operation and the participation of the central and territorial administrations.

(2) The development schemes shall be worked out with resources from the state budget and with resources of the municipalities.

(3) (amend. SG 65/03) The investigation and designing of development schemes shall be assigned under conditions and by order, determined with the ordinance of art. 126, para 2.

Art. 119. (1) The designs for development schemes shall be worked out on the basis of terms of reference by the assignor explaining the need for creating the scheme, the territorial scope, the timetable and the stages of working out as well as the basic requirements. The terms of reference shall be accompanied by the necessary information about the existing situation and the perspective development of the corresponding territory.

(2) (suppl. SG 65/03) The central and the territorial administrations, having information necessary for working out the terms of reference, shall be obliged to concede it gratuitously to the assignor with the necessary amount upon request – in one month term.

(3) (new – SG 65/03) The terms of reference for protected territories of the cultural – historic heritage shall be co-ordinated with the National institute for the monuments of culture, which shall present written statement in one month term after the date of receiving them.

(4) (new – SG 65/03) At affecting of elements of the national ecological network the terms of reference of para 1 shall be approved after co-ordination with the Ministry of Environment and Waters, which shall present written statement in one month term after the date of receiving them.

Art. 120. The development schemes shall be worked out by competent persons according to art. 229 and 230.

Art. 121. (1) (amend., SG 65/04) The designs for development schemes shall be subject to public discussion before submitting them to the expert councils for development of the territory. The assignor of the development scheme shall determine the place, the date and the hour of the public discussion in one national daily newspaper and in at least one local media. Written records shall be drawn up from the public discussion which shall be attached to the documentation for the expert council. In cities with regional division public discussions shall be organized obligatorily in all regions.

(2) (amend. SG 65/03) The co-ordination of the designs for development schemes with the interested central and territorial administrations, and if necessary - also with the specialised control bodies and operating companies, shall be done by the assignor and it shall be expressed with their written statements in one month term after receiving of the request for co-ordination and by participation of representatives determined by them in the session of the expert council for development of the territory. The refusals to co-ordinate have to be motivated. The design shall be considered co-ordinated if a written statement has not been presented and at the session of the expert council there is no representative of the interested central or territorial administration or in 14 days term after the session the record of the council is not signed. The co-ordination of the designs for the development schemes for protected territories of the cultural – historic heritage by the National institute for the monuments of culture shall be implemented with written statements in one month term after submitting them and certification on the designs before the session of the expert council for spatial planning.

(3) (suppl. SG 65/03) The designs for regional development schemes shall be co-ordinated in one month term with the municipal councils of the municipalities which territories are affected by these schemes.

(4) (amend. SG 65/03) The designs for regional development schemes covering the territory of a region, which are not co-ordinated by a municipal council, shall be submitted for considering to the National expert council.

(5) (amend. SG 65/03) The designs for regional development schemes covering the territory of one region shall be considered by the regional expert council and all the other schemes - by the National expert council in two months term after submitting them to the respective expert council.

Art. 122. (1) The Council of Ministers shall, upon a proposal by the Minister of Regional Development and Public Works, approve with a decision the National complex development scheme.

(2) The Minister of Regional Development and Public Works shall approve with an order the specialised and the regional development schemes affecting the territory of more than one region as well as the regional development schemes of art. 121, para 4.

(3) The regional governor shall approve with an order the regional development schemes affecting the territory of one region.

(4) The acts of para 1 - 3 shall be promulgated in State Gazette. They shall be final and are not subject of appeal.

Art. 123. Amendments and supplements of the approved development schemes shall be made under the

conditions and by the order with which they are worked out and approved.

Section III. Creating, announcement and approval of the development plans

Art. 124. (1) (suppl. SG 65/03) The working out of the general development plans shall be assigned by the mayor of the municipality on the basis of a decision of the municipal council, when they are financed with resources from the municipal budget, or by the Minister of Regional Development and Public Works – in the cases of financing from the state budget.

(2) (suppl. SG 65/03) The working out of the detailed development plans shall be assigned by the mayor of the municipality, the regional governor or the Minister of Regional Development and Public Works. The detailed development plans can also be assigned by interested persons after consent by the mayor of the municipality.

(3) The working out of the detailed development plans for part of the settlement or settlement formation with scope up to three quarters inclusive as well as for landed properties out of the boundaries of the settlements and settlement formations can be assigned also by the interested persons after a permission by the mayor of the municipality.

(4) (new – SG 65/03; amend. - SG 103/05) The working out of development plans, comprising territories in more than one municipality or providing construction of sites with regional importance, shall be assigned or permitted by the regional governor and the working out of development plans, comprising territories in more than one region or providing construction of sites with national importance, as well as for population formations of national importance, shall be assigned or permitted by the Minister of Regional Development and Public Works in co-ordination with the bodies of para 1 – 3.

(5) (new – SG 65/03) For working out of working development plan for the implementation of acting detailed development plan out of the cases of art. 113, para 3 shall not be necessary issuing of permission by the bodies of para 2 – 4.

Art. 125. (1) The designs for the development plans shall be worked out on the basis of terms of reference including if necessary a basic plan, as well as additional information connected with the development of the corresponding territory, ensured by the municipalities, the Cadastral agency, the central and the territorial administrations and companies, by working out specialised maps, registers and information systems.

(2) The terms of reference, compiled by the assignor, shall substantiate the need for working out the plan and contain requirements about its territorial scope, the timetable and the stages of working out. The terms of reference shall be accompanied by the necessary information about the existing situation and the development schemes and plans in effect for the corresponding territory.

(3) The basic plan, which is an integral part of the terms of reference, shall be worked out in the scale of the corresponding development plan and contain basic cadastral and specialised data about the territory.

(4) (amend. SG 65/03) In the design for a detailed development plan shall be reflected the permitted constructions according to a previous detailed plan for which the permissions for construction have not lost legal effect. A change in provided construction with effective permission for construction shall be admissible with the consent of the assignor of the construction.

(5) (new – SG 65/03) The terms of reference of para 1 for protected territories of the cultural – historic heritage shall be co-ordinated with the National institute for the monuments of culture with written statement in one month term after submitting them. In case of no pronouncing in this term shall be considered that the

terms of reference are co-ordinated without notes.

(6) (new – SG 65/03, amend. SG 77/05) The terms of reference of para 1 shall be submitted to the Ministry of Environment and Waters or to the respective regional inspectorate for environment and waters for assessment of the need for environmental assessment by order determined with the ordinance of art. 90 of the Law of preservation of environment. The ecological assessment shall be part of the development plan.

Art. 126. (1) (amend. SG 43/02, SG 65/03) The investigation and the design of development plans, when they are public order in the context of the Law for the public procurement, shall be assigned by the order of the same law. The assignor can conduct a competition for selection of development concept before assigning. The working out of the development plan as public order by the order of art. 52 and 53 of the Law for the public orders shall be assigned to the competition winner.

(2) (revoked – SG 43/02, new – SG 65/03) The conditions and the order for conducting of the competitions for selection of development concept shall be determined with an ordinance by the Minister of Regional Development and Public Works.

(3) (revoked – SG 65/03).

(4) The investigation and design works for compiling development plans shall be implemented in the following phases:

1. preliminary design;
2. final design.

(5) The assignor can assign separate working out of terms of reference with basic plan as well as amalgamation of the phases of para 4.

(6) (new – SG 65/03) The investigation and the design works for the elements of the technical infrastructure out of the boundaries of the urbanised territories shall be implemented in the following phases:

1. preliminary design, in which are worked out variants of the track;
2. ultimate design – parcel plan, according to which alienation shall be implemented.

Art. 127. (1) The general development plans shall be subject to public discussion by the order of art. 121, para 1 before being submitted to the expert councils for development of the territory.

(2) The co-ordination of the designs for general development plans with the interested central and territorial administrations, and if necessary - also with the specialised control bodies and the operating companies, shall be implemented by the order of art. 121, para 2.

(3) The designs for general development plans shall be approved by the municipal expert council.

(4) The designs for general development plans of the towns with population over 30 000 and for the settlement formations of national importance shall be subject to approval by the National expert council and its decisions are compulsory.

(5) Designs for general development plans of the territories of art. 10, para 2 and for other general development plans can be submitted for approval also to the regional expert council or to the National expert council.

(6) The general development plan shall be approved by the municipal council upon a report of the mayor of the municipality. The decision for approval of the plan shall be promulgated in State Gazette. It shall be final and not subject to appeal.

(7) The general development plan of Sofia shall be approved under the conditions and by the order of the Law for approval and application of the general town development plan of Sofia.

(8) The mayor of the municipality shall present for approval to the municipal council annual report about the implementation of the general development plan of the municipality, respectively the settlement or the settlement formation, and make proposals for change of the plan if such is necessary.

(9) (new – SG 65/03; ; suppl. - SG 103/05) General development plan for settlement formations of national importance shall be approved with an order by the Minister of Regional Development and Public Works after co-ordination with the municipal council, which shall be promulgated in State Gazette. The order is final and shall not be a subject to appeal.

Art. 128. (1) The decision of the mayor of the municipality about the working out of a detailed development plan with scope over three quarters shall be announced at a visible place in the building of the municipality and in at least one local municipality.

(2) (suppl. SG 65/03) The design for detailed development plan worked out shall be announced by the municipality to the interested persons with an announcement promulgated in State Gazette. The announcement shall be made public by the order of para 1. By this order shall be announced also the designs for detailed development plans for the sites of the technical infrastructure out of the boundaries of the settlements and the settlement formations. Upon discretion of the chief architect of the municipality the design for detailed development plan can be considered by the municipal expert council before the announcing with regard bringing it in compliance with the normative requirements.

(3) When the design for detailed development plan is for a part of a settlement or settlement formation with scope up to three quarters inclusive, as well as for landed properties out of the boundaries of settlements and settlement formations, the announcement of para 2 shall not be promulgated in State Gazette but announced to the interested persons.

(4) The procedures of para 2 and 3 shall not be implemented for working development plan compliant with a detailed development plan in effect.

(5) The interested persons can make written appeals, proposals and requests for the design of the detailed development plan to the municipal administration in one month term after the announcement of para 2 and in 14 days term after the announcement of para 3.

(6) The co-ordination of the designs for the detailed development plans with the interested central and territorial administrations, and if necessary - with the specialised control bodies and the operating companies, shall be implement by the order of art. 121, para 2.

(7) The designs, together with the received appeals, proposals and requests shall be approved by the municipal expert council in one month term after the elapse of terms of para 5.

(8) The designs for detailed development plans of the settlement formations of national importance and of the central parts of the towns with population over 100 000 shall be subject to approval by the National expert council which decisions are compulsory.

(9) Designs for detailed development plans of the territories of art. 10, para 2 and of other similar

development plans can be submitted for approval also to the regional expert council or to the National expert council upon a decision of the municipal council.

(10) When the design for detailed development plan is returned for overall or partial re-working, the procedures provided by the law shall be conducted again for the re-worked part of the plan.

(11) The individuals and the corporate bodies shall have the right to receive information from the municipal administration about the unaccepted appeals, proposals and requests.

(12) (new – SG 65/03) The design for detailed development plan covering more than one municipality shall be considered by the regional expert council and the design for detailed development plan covering more than one region and for settlement formations with national importance shall be considered by the National expert council the activities for announcing being implemented by the municipal administrations.

Art. 129. (1) The detailed development plan, except the plan of art. 128, para 3, shall be approved with a decision of the municipal council upon a report of the mayor of the municipality in one month term after the approval of the design for detailed development plan by the expert council. The decision shall be sent in 7 days term for promulgation in State Gazette.

(2) The detailed development plan of art. 128, para 3 shall be approved with an order of the mayor of the municipality in 14 days term after the approval of the design for detailed development plan by the municipal expert council.

(3) (new – SG 65/03; ; suppl. - SG 103/05) The detailed development plan covering more than one municipality shall be approved with order by the regional governor and the detailed development plan covering more than one region and for settlement formations of national importance, as well as the approved spatial plan providing construction of a site of national importance, shall be approved with an order by the Minister of Regional Development and Public Works after co-ordination with the municipal council. The orders shall be sent in 14 days term from promulgation in State Gazette.

(4) (new – SG 65/03) The parcel plan for the sites of the transport and the technical infrastructure shall be approved with an order by the Minister of Regional Development and Public Works in one month term after the approval of the design by the National expert council for spatial planing.

Art. 130. The order for approval of a detailed development plan of art. 128, para 3 shall be announced to the interested persons under the conditions and by the order of the Civil procedure code.

Art. 131. (amend. SG 65/03) (1) Interested persons at the co-ordination and the approval of development schemes and plans and their amendments shall be the owners and the bearers of limited real rights according to the data from the property register, who's immovable properties are directly affected by the provisions of the detailed development plan.

(2) Immovable properties directly affected by the provisions of the detailed development plan shall be:

1. the properties – subject of the very plan;
2. the neighbouring properties, when they are included in connected building up;
3. the neighbouring properties, including the properties across a street, when decreased distances are admitted;

4. the neighbouring properties, when the designation of the property – subject of the plan, is changed;
5. the properties, being in hygiene – protective zones, determined with a normative act, required for the building up, provided in the plan.

Art. 132. (1) (prev. art. 132 – SG 65/03) The decisions and the orders for approval of the development plans under this law shall enter into force:

1. from the date of the approval when they are not subject to appeal;
2. after the elapse of the term for appeal if they have not been appealed;
3. from the day of confirmation by the competent court they have been appealed, which decision is ultimate.

(2) (new – SG 65/03) When the decision or the order for approval of detailed development plan are appealed, they shall enter into force with regard to the part of the plan, which is out of the subject of the appeals.

Art. 133. (1) (suppl. SG 65/03) During the process of working out of detailed development plans investment designing for new constructions in the landed properties can be permitted on the basis of a detailed development plan, which is an excerpt of the development plan being worked out. The working out of excerpt plan shall be permitted by the mayor of the municipality, the regional governor or the Minister of Regional Development and Public Works. The excerpt plan shall be co-ordinated by the designer of the detailed development plan.

(2) The working out of the excerpt plan of para 1 shall be admitted after the approval of the preliminary design for detailed development plan by the corresponding expert council.

(3) As exception with the consent of the body assigning the expert council for development of the territory, competent to approve the design for detailed development plan, the working out of the excerpt plan can be admitted also before the approval of the preliminary design of para 2, when the street regulation is not subject to significant changes and within the scope of the excerpt plan there is existing construction which predetermines the way of the designed construction.

(4) When the excerpt plan changes detailed development plan in effect, the excerpt plan shall be worked out as design for change of the plan in effect.

(5) (amend. SG 65/03) If a working development plan is necessary, it shall be worked out and proceed together with the excerpt plan of para 1.

(6) (amend. SG 65/03) An excerpt plan shall not be worked out for parts of the territory where the design for the detailed development plan being worked out does not change the provisions of the detailed development plan in effect. In these cases visa for designing shall obligatory be issued, which shall be co-ordinated by the designer of the new development plan.

Section IV. Conditions and order for change of the development plans

Art. 134. (1) The general development plans entered into force can be changed when:

1. significant changes occur in the social - economic and development conditions under which the plan been compiled;

2. (amend. SG 65/03) new state or municipal needs occur for sites - ownership of the state, of the municipalities or of the operating companies.

(2) The detailed development plans which have entered into force can be changed besides on the ground of para 1 also when:

1. (amend. SG 65/03) in 5 years term after the plan has entered into force alienation procedure has not started for regulated landed properties provided for sites - public ownership, and for the landed properties, adjudicated for elements of the technical infrastructure of art. 64 – in 10 years term has not started alienation procedure;

2. the cadastral plan or the cadastral map contain significant incompleteness or mistakes imposing the change of the detailed development plan in effect; in this case change of the detailed development plan shall be admitted after completing, respectively correcting the cadastral plan with an order of the mayor of the municipality, or is completed, respectively corrected the cadastral map by the order of the Law for the cadastre and the property register;

3. the plan does not ensure opportunity for expedient construction according to the development rules and normatives in effect because of the geologic and hydro - geologic conditions and for preservation of archaeological, historic and cultural heritage;

4. the plan contains obvious factual mistake important for its provisions;

5. the plan has been approved with significant breaches of law; on this basis cannot be changed plans for which there is a court decision entered into force or when the plan has been applied;

6. there is consent of all directly interested owners;

7. there is a proposal of the court for cases of subdivision of regulated landed properties;

8. (new – SG 65/03) the right of ownership in the landed property has been restored by the order of the restitution laws or has been acquired with privatisation transactions.

(3) (new – SG 65/03) When the amendment of the detailed development plan imposes also change of acting general development plan, first shall be changed the general development plan. The body, approving the general development plan, can admit simultaneous working out, announcing and approval of the two development plans.

(4) (prev. (3), amend. SG 65/03) It shall not be admitted detailed development plans entered into force to be changed with objective to be legalised unlawfully constructed buildings.

(5) (prev. (4) – SG 65/03) The detailed development plans approved by the National expert council cannot be changed for a period of five years after entering into force. Exception shall be admitted on the basis of a conclusion of the expert council of the municipality and with the consent of the Minister of Regional Development and Public Works.

(6) (prev. (5), amend. SG 65/03) When at applying detailed development plans in effect are changed only the disposition and the configuration of the provided buildings, in this number adjacent construction and superstructure of existing buildings without changing the way and the character of construction and the rules and the normatives of the corresponding development zone, it is not necessary these plans to be changed. In these cases the concrete way of building shall be determined with a visa of art. 140.

Art. 135. (1) The requirements of the interested persons of art. 131 for change of the development plans shall be made with a written application to the mayor of the municipality.

(2) A sketch with a proposal for change of the detailed development plan can be attached to the application.

(3) The mayor of the municipality shall, in 14 days term after the application is received, admit with a written instruction to be worked out a design for change of the plan on the basis of a statement of the chief architect of the municipality that the request is lawful. The chief architect can require the expert council of the municipality to decide about the request in advance, in this case the term being one month.

(4) (new – SG 65/03) The requests for changes of the development plans of art. 124, para 4, shall be made with written application respectively to the regional governor or to the Minister of Regional Development and Public Works, who shall in one month term admit or refuse with motivated prescription to be worked out design for amendment of the plan.

(5) (prev. (4), amend. SG 65/03) The competent body of para 3 and 4 can order ex officio with a motivated instruction to be worked out a design for change of an operating development plan if some of the grounds of art. 134, para 1 and 2 exist.

(6) (prev. (4), amend. SG 65/03) The motivated instructions of para 3, 4 and 5 shall stop the application of the operating development plans in the parts they refer to.

Art. 136. (1) (amend. SG 65/03) The designs for change of the development plans on the grounds of art. 134, para 1 and 2 shall be worked out, co-ordinated, announced, approved and enter into force under the conditions and by the order of section III of chapter seven.

(2) (new – SG 65/03; suppl., SG 65/04) For the designs for change of the development plans on the grounds of art. 134, para 2 with range up to three quarters the requirements for co-ordination of art. 121, para 2, shall not be applied, with exception of the cases under art. 134, para 2, item 5 and 6 where it regards properties – immovable cultural monuments.

(3) (prev. (2) – SG 65/03) The effect of the corresponding development plan shall be terminated from the day when the new plan or the changes enter into force.

(4) (prev. (3) – SG 65/03) Copies of the changes of detailed development plans with which are changed the boundaries of the landed properties shall be sent to the Cadastral agency.

Chapter eight. INVESTMENT DESIGNING AND PERMISSION OF CONSTRUCTION

Section I. Investment investigation and designing

Art. 137. (amend. SG 65/03) (1) Depending on the characteristics, the significance, the complexity and the risks at exploitation the constructions shall be categorised as follows:

1. first category:

a) motor ways and roads I and II class of the republican road network, railway lines, ports and airports for public use, metropolitan railways and the facilities with them;

- b) transfer conduits (networks) of the technical infrastructure and the facilities with them in the field of water supply, electric supply, heat supply, gas supply, telecommunications and other activities;
- c) constructions, necessary for prevention and protection of the population and restoration of the regions from disasters and accidents;
- d) constructions, being dangerous for explosion, significant harmful impact over the environment or for dissemination of poisonous or harmful substances;
- e) hydro-technical facilities, being dangerous for floods, in this number dams with volume over 50 million cubic meters or with height of the dam wall over 80 m;
- f) constructions where no stopping of the technological process is admitted;
- g) constructions for geo-protection and reinforcement of the banks of rivers and the sea coast.
- h) electric power plants and heat plants with capacity over 100 MW;
- i) production enterprises with capacity over 500 working places and the facilities with them;
- j) metallurgical and chemical enterprises, mines, quarries, in this number their liquidation as well as constructions, connected with removing of ecological damages in the region of their impact;
- k) other constructions with national importance, determined with an act of the Council of Ministers;
- l) (new, SG 65/04) immovable cultural monuments of category "of global importance" and "of national importance";
- m) (prev. letter "l" – SG 65/04) reconstruction, restructuring, major repairs and change of the designation of the constructions of this category;

2. second category:

- a) roads III class of the republican road network, primary street network I and II class and the facilities with them;
- b) distribution conduits, facilities and devices with them in the field of water supply, sewerage, electric supply, heat supply, gas supply telecommunications and other activities;
- c) hydro-technical facilities, in this number dams with volume 30 to 50 million cubic meters or with height of the dam wall from 50 to 80 m;
- d) facilities and installations for treatment of wastes;
- e) buildings and facilities for public services with capacity over 1000 places for visitors;
- f) production buildings with capacity from 200 to 500 working places and the facilities with them;
- g) electric power plants and heat plants with capacity from 25 to 100 MW;
- h) (new, SG 65/04) immovable cultural monuments of category "of local importance";

i) (prev. item "h" – SG 65/04) reconstruction, restructuring, major repairs and change of the designation of the constructions of this category:

3. third category:

- a) municipal roads, streets of the primary street network III and IV class and the facilities with them;
- b) elements of the technical infrastructure, hydro-technical, hydro-melioration, cable and other networks, facilities and installations, not being in the above categories;
- c) residential and mixed buildings with high building up; buildings and facilities for public servicing with total built area over 5000 sq m or with capacity from 200 to 1000 places for visitors;
- d) production buildings with capacity from 100 to 200 working places and the facilities with them;
- e) electric power plants and heat plants with capacity up to 25 MW;
- f) parks and gardens with area over 1 ha;
- g) reconstruction, restructuring, major repairs and change of the designation of the constructions of this category;

4. forth category:

- a) private roads, streets of the secondary street network V and VI class and the facilities with them;
- b) residential and mixed buildings with medium building up; buildings and facilities for public servicing with total built area from 1000 to 5000 sq m or with capacity from 100 to 200 places for visitors;
- c) production buildings with capacity from 50 to 100 working places and the facilities with them;
- d) parks, gardens and green areas up to 1 ha;
- e) reconstruction, restructuring, major repairs and change of the designation of the constructions of this category;
- f) internal reconstruction of the buildings of first to forth category, with which their construction is not affected;

5. fifth category:

- a) residential and mixed buildings with low building up, villa buildings, buildings and facilities for public servicing with total built area up to 1000 sq m or with capacity up to 100 places for visitors;
- b) production buildings with capacity up to 50 working places and the facilities with them;
- c) constructions from the supplementing building up out of these from sixth category;
- d) reconstruction, restructuring, major repairs and change of the designation of the constructions of this category;

6. sixth category – the constructions of art. 54, para 1 and 4 and art. 147.

(2) The nomenclature of the kinds of constructions in the separate categories shall be determined with an ordinance by the Minister of Regional Development and Public Works.

(3) The constructions shall be fulfilled in compliance with the provisions of the detailed development plan and co-ordinated and approved investment designs under the conditions and by the order of this law.

(4) When the working out of investment designs is a public order in the context of the Law for public procurement, it shall be assigned by the order of the same law. Before the assigning the assignor can conduct a competition for preliminary investment design. To the competition winner shall be assigned to work out the investment design as public order by the order of art. 52 and 53 of the Law for the public procurement.

(5) The conditions and the order for conducting of the competitions for preliminary investment designs shall be determined with the ordinance of art. 126, para 2.

Art. 138. (amend. SG 65/03) The assignor can assign preliminary (pre-investment) and spatial - development investigations for defining the disposition of the site, proving of normative admissibility, expediency of the investment idea as well as for compiling terms of reference for working out investment design.

Art. 139. (1) The investment designs can be worked out in the following stages:

1. preliminary design;
2. technical design;
3. working design (working drawings and details).

(2) (amend. SG 65/03) The assignor shall assess which stages or parts of the investment designs to contract out in compliance with the specific characteristics of the site for successful accomplishment of the investment intention.

(3) (amend. SG 65/03) All parts (graphic and textual) of the investment designs shall be signed by the designer, the person, implemented the assessment of compliance, the assignor and engineer – constructor with full design competence for part "Construction" when the assessment of compliance has not been implemented by consultant.

(4) (revoked – SG 65/03)

(5) The Minister of Regional Development and Public Works shall issue ordinance about the contents of the investment designs.

Art. 140. (amend. SG 65/03) (1) The assignor or a person, authorised by him, can require visa for designing. The visa shall be issued by the chief architect of the municipality in 14 days term after receiving of the application.

(2) The visa for designing is a copy (excerpt) from acting detailed development plan, covering the landed property and the neighbouring landed properties, with marked existing buildings and constructions in it or in the neighbouring properties and with plotted lines of construction and admissible heights, density and intensity of building up and other requirements, if there are such, as well as the admissible deductions of art. 36.

(3) (suppl., SG 65/04) For the constructions of art. 12, para 3, art. 41, para 2, art. 50, 51, 59, art. 133, para 6

and art. 134, para 6, as well as for sites – immovable cultural monuments of global or national importance, the issuing of visa shall be compulsory.

(4) In settlements and parts of them with acting regulation plan, determined for low residential building up, the investment designing can start on the basis of visa, in which are pointed out the requirements for building up according to the acting norms if the character of building up is not changed and only for free and connected construction between two properties. For permitting of the construction approval of plan for building up shall not be required.

(5) For sites of the technical infrastructure visa for designing shall not be issued.

(6) The visa for designing of special sites, connected with the defence and the security of the country, shall be issued by the Minister of Defence or the Minister of Interior in 7 days term after receiving of the application.

Section II. Co-ordination and approval of the investment designs

Art. 141. (1) (amend. SG 65/03) The preliminary investment design shall be subject to co-ordination with the chief architect of the municipality.

(2) (amend. SG 65/03) The preliminary investment designs for constructions, financed entirely or partially with resources from the republican budget, shall be considered by the regional expert council or the National expert council. The decisions of the expert council shall be obligatory for the participants in the construction.

(3) (amend. SG 65/03) A refusal to co-ordinate a preliminary investment design can be made according to lawfulness.

(4) (amend. SG 65/03) The preliminary investment designs for special sites, connected with the defence and the security of the country, shall be subject to expertise by the specialised expert council of art. 3, para 3.

(5) (new – SG 65/03) The preliminary investment designs for special sites, connected with the defence and the security of the country, shall be co-ordinated with the Minister of Defence and the Minister of Interior, after considering of the design by the specialised expert council of art. 3, para 3.

(6) (prev. (5) – SG 65/03) The preliminary investment design for sites of the technical infrastructure with scope and significance for more than one municipality shall be co-ordinated by the regional governor after the approval of the design by the regional expert council, and for sites with scope and significance for more than one regions and sites of national importance - by the Minister of Regional Development and Public Works after the approval of the design by the National expert council.

(7) (prev. (6) – SG 65/03; suppl., SG 65/04) The co-ordination of the preliminary design shall be implemented in one month term after the receiving of the written request, and in the cases under art. 142, para 2 – within 7 days.

(8) (prev. (7) – SG 65/03) The co-ordination of the preliminary design shall be ground for continuing the design in the following stages.

Art. 142. (amend. SG 65/03) (1) The investment designs shall be subject to co-ordination and shall be basis for issuing of permission for construction.

(2) The preliminary investment design can be basis for issuing of permission for construction, if for it has

been implemented preliminary assessment of compliance with the provisions of the detailed development plan, with the rules and the norms for development of the territory, with the requirements to the constructions according to the normative acts for functionality, transport accessibility, protection of environment and the health protection, as well as for the mutual co-ordination between the separate part of the design, and it is approved by the body of art. 145. In these cases the approved preliminary design shall also serve for assigning of construction under the Law for the public procurement. The following phases of designing shall be approved in the progress of construction before implementing of the respective construction – mounting works and shall be subject to assessment according to the requirements of para 5.

(3) For the elements of the transport technical infrastructure shall be admitted the technical or the working investment design to be considered by the expert council simultaneously with the approval of the parcel plan, permission for construction being issued after the plan enters into force.

(4) All parts of the investment designs, which are basis for issuing of permission for construction, shall be assessed for compliance with the essential requirements to the constructions.

(5) The assessment shall comprise check of the compliance with:

1. the provisions of the detailed development plan;
2. the rules and the norms for spatial planing;
3. the requirements of art. 169, para 1 and 2;
4. the mutual co-ordination between the parts of the design;
5. the completeness and the structural compliance of the engineering calculations;
6. the requirements for structure, safe exploitation and technical supervision of facilities with increased danger if in the site there are such;
7. the specific requirements to certain kinds of constructions according to a normative act, if for the site there are such.

(6) The assessment for compliance shall be implemented:

1. with approval by the expert council of the approving administration;
2. as complex report, compiled by a licensed company – consultant, not connected with the designer – for sites of first and second category compulsory, and for sites of lower category – on wish by the assignor;
3. (revoked, SG 65/04)
4. (revoked, SG 65/04)

(7) The approved investment design, apart for issuing of permission for construction, can also serve for assigning of construction under the Law of public procurement.

(8) The assessment for compliance of part "Construction" of the investment designs in phase technical and working design shall be implemented under separate contract with the assignor by individuals, exercising technical control of part "Construction", including in a list, prepared and updated every year by the Chamber of the engineers in the investment designing, which is promulgated in State Gazette.

Art. 143. (amend. SG 65/03) (1) The investment designs shall be co-ordinated and approved on the basis of presented:

1. assessment of the compliance of the design documentation with the essential requirements to the construction;
2. positive statement by the bodies for fire safety for the constructions of first and second category;
3. preliminary contracts with the operating companies for joining to the networks of the technical infrastructure.
4. (new – SG 77/05) statement by the Minister of Environment and Waters about construction of sites for which construction is necessary permit under art. 104, para 1 of the Law of preservation of environment.

(2) For co-ordination and approval of the investment designs fees shall be paid under the Law of the state fees and the Law of the local taxes and fees.

(3) (revoked, SG 65/04)

Art. 144. (amend. SG 65/03) (1) The investment designs for which permission for construction is issued, shall be co-ordinated and approved after a written application by the assignor and presentation of:

1. documents of ownership, and for buildings of condominiums also a decision of the general meeting for approval of the design that has entered into force;
2. visa for designing in the cases of art. 12, para 3, art. 41, para 2, art. 50, 51, 59, art. 133, para 6 and art. 134, para 6;
3. three copies of the investment design with scope and content, determined with the ordinance of art. 139, para 5;
4. (amend. SG 77/05) the administrative acts which depending on the kind and the amount of the construction shall be required as condition for permission of the construction under the Law of preservation of environment or special law.
5. (amend., SG 65/04) assessment of compliance, prepared by the order of art. 142, para 6.

(2) The conditions for use of water for drinking, production and anti-fire needs, for discharge of waste waters, for use of electric energy, for communication connections, for heat energy and for gas supply shall be ensured by the organisations, conceding public services, under the conditions and by the order of the special laws.

(3) The investment designs shall be approved or their approval shall be refused by the body of art. 145:

1. (amend., SG 65/04) upon worked out assessment under art. 142, para 6, item 2 – in 7 days term after submitting them;
2. (amend., SG 65/04) upon worked out assessment under art. 142, para 6, item 1 – in one month term after submitting them.

Art. 145. (1) (amend. SG 65/03) The technical or the working investment designs shall be co-ordinated and approved by the chief architect of the municipality (region). The co-ordination of the investment designs

shall consist in check of their compliance with the provisions of the detailed development plan and the rules and the norms for building up.

(2) (suppl. SG 65/03) Technical and working investment designs of the technical infrastructure with scope of and significance for more than one municipality shall be approved by the regional governor, and sites with scope of and significance for more than one region and of national importance - by the Minister of Regional Development and Public Works. The technical and the working investment designs for the special sites, connected with the defence and the security of the country, shall be co-ordinated and approved by the Minister of Defence, respectively by the Minister of Interior.

(3) (suppl. SG 65/03) All parts of the approved investment designs shall be stamped with the seal of the municipal administration, the regional administration or the Ministry of Regional Development and Public Works, and for the special sites, connected with the defence and the security of the country, - with the seal of the Ministry of Defence, respectively the Ministry of Interior.

(4) (amend. SG 65/03) The design shall lose its legal power in case in one year term after the approval of the investment designs the assignor does not make a request to receive permission for construction.

(5) (suppl. SG 65/03) The approved investment designs according to which the construction has been accomplished, when lost, shall be restored by the owner with an investment design - surveying of the implemented construction and presented documents of art. 144, para 1, items 1, 2, 3 and 5 and para 2. The design - survey shall be approved by the body, competent to approve the investment design of the construction, after presentation of the permission for construction or other documents of the construction papers.

Art. 146. (amend. SG 65/03) A refusal to be approved an investment design shall be made only according to lawfulness, pointing out the concrete motives for this. The assignor shall be informed in writing by the order of the Civil Procedure Code about the refusal to be approved the investment design. The refusal can be appealed before the body of art. 216, para 2 in 14 days term after the announcement about its issuing.

Art. 147. (1) (suppl. SG 65/03) Approval of investment designs and issuing of permission for construction shall not be required for:

1. (amend. SG 65/03) economic constructions with agricultural designation and the buildings of complementing construction of art. 44 and art. 46, para 1 unless with a decision of the municipal council other is provided;
2. (amend. SG 65/03) mounting of installations, facilities and equipment, except the facilities with increased degree of danger, subject to technical supervision by Chief directorate "Inspectorate for state technical supervision";
3. greenhouses with area up to 200 sq m;
4. pools with volume up to 100 cubic m in fenced landed properties;
5. support walls with height up to 2 m above the level of the terrain adjacent to their basis when they are not an element of transport sites;
6. repair of the elements of the technical infrastructure;
7. fences, garden and park elements with height up to 2.20 m above the adjacent terrain;

8. diggings and dumps with depth or height up to 1 m and with area up to 30 sq m;
9. pneumatic (inflated) storehouses or covers with area up to 100 sq m;
10. (amend. SG 65/03) the constructions of art. 55;
11. (amend. SG 65/03; suppl., SG 65/04) conservation – restoration works of the monuments of culture which are not of global or national importance;
12. glazing of balconies and loggias, except these exposed to the first class street network;
13. (revoked – SG 65/03).

(2) (amend. SG 65/03) Statement by a civil engineer with instructions about implementing them shall be presented for the constructions of para 1, items 1, 3, 5, 7, 11 and 12.

Section III. Permission of the construction

Art. 148. (1) Constructions can be implemented only if they are permitted according to this law.

- (2) A permission for construction shall be issued by the chief architect of the municipality and for the towns with district division - upon decision of the municipal council - by the chief architect of the district.
- (3) (suppl. SG 65/03) A permission for construction of sites of the technical infrastructure, with a scope of and of significance for more than one municipality, shall be issued by the regional governor, and of sites with a scope of and of significance for more than one region and of objects of national importance, - by the Minister of Regional Development and Public Works. Permission for construction of special sites, connected with the defence and the security of the country, shall be issued by the Minister of Defence, respectively by the Minister of Interior.
- (4) (amend. SG 65/03) The permission for construction shall be issued to the assignor on the basis of approved technical or working investment design when such is required. It shall be admitted permission for construction to be issued on the basis of approved preliminary design under the conditions of art. 142, para 2. The permission for construction shall be issued simultaneously with the approval of the investment design when this is required in the application. The permission for construction shall be issued in 7 days term from the receiving of the written application when there is approved investment design.
- (5) A permission for construction in a co-owned property shall be issued observing the conditions and the order of art. 183.
- (6) Permissions for construction of geo-protective sites as exception can be issued on the basis of partial working designs in case of accidents.
- (7) A permission for new site in an immovable property where there is unlawful construction shall not be issued to the person who has accomplished the unlawful construction until it is not removed or made legal.
- (8) The approved investment design, when such is required, shall be an integral part of the permission for construction.
- (9) All the factual and legal grounds for issuing, the conditions connected with the implementation of the construction, including the utilisation of the humus soil layer and the removal of the buildings without regime

of construction or their preservation for certain period till the end of the construction shall be entered in the permission for construction.

(10) In the cases when water supply of the sites is provided from own water source, permission for construction shall be issued observing the provisions of the Law for the waters.

Art. 149. (amend. SG 65/03) (1) The interested persons shall be notified about the issued permission for construction by the chief architect of the municipality (the district) or the refusal to be issued such permission, under the conditions and by the order of the Civil Procedure Code. The refusal shall be made only on the basis of lawfulness, pointing out the concrete motives for this.

(2) Interested persons of para 1 shall be:

1. in the cases of new construction, additional adjacent construction or superstructure of an existing building – the assignor, the owners and the bearers of limited real rights in the landed property, the person, who has right to build in other's property by force of special law;

2. in the cases of restructuring and change of the designation of an existing construction – the persons of art. 38, para 3 and 4 and art. 39, para 2;

3. in the cases of art. 185, para 1 and 2 – the owners and the bearers of limited real rights in the building, respectively the owners of the condominium.

(3) The permission for construction together with the approved investment design or the refusal of issuing can be appealed by the interested persons for lawfulness before the chief of the regional directorate for national construction control in 14 days term after the notification about the issuing of the respective act.

(4) The issued permissions for construction together with the investment designs, approved by the Minister of Regional Development and Public Works or by the regional governors, or the refusal to be issued such, shall be announced to the interested persons with an announcement, promulgated in State Gazette. These permissions for construction, respectively the refusal to be issued such permissions, shall be subject to appeal before the Supreme Administrative Court in 14 days term after their promulgation.

(5) The bodies, issued permissions for construction, shall notify in writing the corresponding regional directorates for national construction control about the issued permissions for construction and send copies of them in 7 days term after issuing them.

Art. 150. (1) (amend. SG 65/03) Upon motivated request by the assignor the mayor of the municipality, respectively the regional governor or the Minister of Regional Development and Public Works, according to their competence, can permit the working out of a complex design for investment initiative.

(2) The complex design for the investment initiative shall contain the following independent composing parts:

1. design for detailed development plan, including a working development plan, when such is necessary;

2. (amend. SG 65/03) investment design.

(3) (amend. SG 65/03) The parts of the complex design for investment initiative shall be approved simultaneously with the issuing of a permission for construction and they shall be announced by the order of art. 130.

(4) (amend. SG 65/03) The fees for approval of the separate parts of the complex design for investment initiative and for issuing of a permission for construction of para 3 shall be collected separately with 30 percent increase of the due sums.

(5) The term of effect of the complex design for investment initiative shall be 2 years after the date of issuing of the last act - the permission for construction, except its effect is not stopped by the court or due to another not surmountable reason.

Art. 151. (amend. SG 65/03) Permission shall not be required for:

1. external and internal painting of buildings and constructions;
2. change of roof materials;
3. internal restructuring which does not:
 - a) affect the construction of the building;
 - b) make activities as removal, movement of existing walls and openings in them when they affect the construction of the building;
 - c) change the designation of the premises and the loads in them;
4. current repairs of buildings, constructions, facilities and installations;
5. current repair of the elements of the technical infrastructure of art 64, para 1, with which are not changed the track and the technical characteristics;
6. current repair of roads, with which is not changed the construction of the road bed;
7. monuments, grave-stones and crosses with height up to 3 m.
8. (suppl., SG 65/04) restoration and conservation of facades of sites – monuments of culture, which are not of global or national importance.

Art. 152. (1) The permission for construction shall be issued for the whole construction.

(2) The permission for construction can be issued also for separate stages (parts) of the constructions, which can be worked out and used independently, and for the residential buildings also for separate floors of the building - under the condition that the architectural - spatial and facade arrangement is finished at each stage of the construction.

Art. 153. (1) (amend. SG 65/03) A permission for construction in the cases when approval of investment design is not required, shall be issued only on the basis of the application for permission and document for ownership, established construction right or right to build on other's property by force of special law. The types of the construction and mounting works to be implemented shall be entered in the permission for construction. For constructions and facilities of art. 147, para 1 to the permission for construction shall be attached situation sketch with marked lines of construction, distances and heights.

(2) The permission for construction shall lose legal effect when the construction has not started for 3 years after issuing or when the rough construction, including the roof of the buildings has not been finished for 5

years after issuing. This is ascertained in writing by the body issued the permission.

(3) The constructions for which the permission for construction has lost its effect in the sense of para 2 can be implemented after re-certification of the permission for construction. The approved design shall lose its legal effect when the permission for construction has not been re-certified in one year term.

(4) A fee 50 percent of the fee provided by the general order shall be paid at re-certification of the permission for construction in the cases of para 2 and 3.

Art. 154. (amend. SG 65/03) (1) At change of the investment intentions after issuing of the permission for construction shall be admitted only insignificant deviations from the approved investment design.

(2) Essential deviations from the approved investment design shall be deviations, which:

1. violate the provisions of the acting detailed development plan;
2. violate the requirements for construction in territories with special territorial development protection or in territories with regime of preventive development protection;
3. are incompatible with the designation of the territory;
4. violate the construction rules and norms, the technical, technological, sanitary – hygiene, ecological and fire protection requirements;
5. change the building construction and the type of the constructive elements and/or the loads;
6. violate the provisions of the design by changing the designation of sites, remove or change significantly common parts of the construction;
7. change the kind and the location of common installations and machinery in buildings and facilities;
8. change the type, the level, the location and the track of transfer and supply conduits and facilities to the urbanised territories and of common networks and facilities of the technical infrastructure in the urbanised territories as well as of the communication – transport networks and facilities and of the facilities and the installations for treatment of wastes.

(3) Insignificant deviations from the approved investment design shall be all deviations out of these pointed out in para 2.

(4) After issuing of the permission for construction changes in the approved investment design within the scope of the essential deviations of para 2, items 1, 2, 3 and 4 shall be inadmissible.

(5) After issuing of the permission for construction changes in the approved investment design within the scope of the essential deviations of para 2, items 5, 6, 7 and 8 shall be admitted on request by the assignor, accompanied by consent of the interested parties of art. 149, para 2 with signatures, certified by a notary, on the basis of approved investment design to the issued permission for construction. These changes shall be reflected with note in the issued permission for construction and they shall be admitted before realisation.

Art. 155. (1) The original of the permission for construction shall be preserved forever in the archive of the municipal (district) administration.

(2) The original of the permission for construction of a site of the technical infrastructure under art. 148, para

3 shall be preserved by the body issued it, copies of the permission for construction being sent for observation and preservation to the corresponding municipal (district) administration.

(3) A certified copy of the approved investment (executive) design shall be attached to the permission for construction.

Art. 156. (1) (amend. SG 65/03) The issued permissions for construction together with the approved investment designs as well as the permissions for construction in the cases, in which approval of investment designs is not required, can be revoked only according to lawfulness upon submitted appeal by the interested person within the term of art. 149, para 3 or at official check by the bodies of the Directorate for national construction control in 7 days term after notifying them by the order of art. 149, para 5. The permissions for construction entered into force, shall not be subject to revoking.

(2) (revoked – SG 65/03)

(3) (revoked – SG 65/03)

Part three. CONSTRUCTION

Chapter nine. START OF THE CONSTRUCTION AND RELATIONS IN THE CONSTRUCTION PROCESS

Section I. Opening of a construction site and determining of construction line and level

Art. 157. (1) (suppl. SG 65/03) As start of the construction according to the issued permission for construction shall be considered the day of compiling the record for opening the construction site and defining the construction line and level, and when such is not required – the date of certifying of the order book.

(2) (amend. SG 65/03; suppl. - SG 103/05) Opening of a construction site and determining of construction line and level shall be implemented, under entered in force permit for construction and in the presence of an official of Art. 223, Para 2, by the person, exercising construction supervision for the site or by the technical manager of the constructions of fifth category, and for special sites, connected with the defence and the security of the country – by the Minister of Defence, respectively by the Minister of Interior or the persons, authorised by them.

(3) (revoked – SG 65/03)

(4) A record shall be compiled for the opening of the construction site and determining of construction line and level with marking the regulation and the elevation benchmarks. In the record shall be reflected the measures for ensuring safe and healthy labour conditions, safety of movement and preservation of the neighbouring buildings, networks and facilities in the property, which are preserved during the construction and after it as well as the large size trees which is not subject to removal.

(5) (suppl. SG 65/03, amend. SG 76/05) Parts of pavements, free public areas as well as parts of street lanes can be used temporarily as construction sites under conditions and by order defined by an ordinance of the municipal council and with the investment design. The construction sites shall be surrounded with temporary fences. according to the instruction of the municipal administration (the administration of the region), information boards shall be put about the permitted construction with data about the constructor, the person, exercising construction supervision etc.

Art. 158. (1) (amend. SG 65/03) The record for the opening of a construction site and determining of construction line and level shall be preserved forever in the archive of the administration that has issued the permission for construction. A copy of the record shall be preserved by the assignor or the person exercising construction supervision.

(2) (amend. SG 65/03; suppl. - SG 103/05) The person, exercising construction supervision, or the technical manager for the constructions of fifth category, shall in three days term after the compiling of the record of para 1, and when such is not required – before the start of the construction, certify the order book of the construction and notify in written within 7 days term the municipality, the specialised controlling bodies and the regional directorate for national construction control about the certification. In the cases when the permission for construction has been issued by the regional governor or the Minister of Regional Development and Public Works, the order book shall be certified by the Directorate for national construction control. For special sites, connected with the defence and the security of the country the order book shall be certified by officials, determined by the Minister of Defence, respectively the Minister of Interior.

Art. 159. (amnd. SG 65/03) (1) At reaching the design levels excavation, socle, cornice (eave) and ridge for buildings (respectively at level excavation before filing of newly constructed or reconstructed underground conduits and facilities and for surveying in the specialised maps and registers, design level with restored or fulfilled cover) the person, exercising construction supervision or the technical chief of the constructions of fifth category shall be obliged, before continuing the following construction and mounting works, to implement check and to establish the compliance of the construction with the approved investment designs, the permission for construction and the record for determining of construction line and level, at level excavation being compulsory the presence of the engineer – geologist and the designer of the construction part.

(2) The person, exercising construction supervision or the technical chief of the constructions of fifth category shall reflect the result of the implemented check at reaching of the controlled levels in the record for determining of construction line and level, including the note, that the underground conduits and facilities before filling up are reflected in the specialised maps and registers, and in three days term send certified copy of the record to the municipality (the region).

(3) In three days term after finishing the construction and mounting works for the foundations of the construction on request by the person, exercising construction supervision or the technical chief of the constructions of fifth category an official from the municipal (regional) administration shall implement check for establishing of the compliance of the construction with the issued construction papers and whether the detailed development plan has been applied with regard to the building up.

(4) In case at the check of the reached design level significant deviations from the construction papers are established, the person exercising construction supervision shall stop the construction with an order, entered in the order book of the construction, and compile record of established deviations, which shall be sent in three days term to the regional directorate for national construction control.

(5) For the special sites, connected with the defence and the security of the country, the activities of para 1 – 4 shall be implemented by persons, determined by the Minister of defence, respectively the Minister of Interior.

Section II. Participants in the construction and the relations between them

Art. 160. (amend. SG 65/03) (1) Participants in the process of construction shall be the assignor, the constructor, the designer, the consultant, the individual, exercising technical control for part "Construction", the technical chief and the supplier of machines, facilities and technological equipment.

- (2) The relations between the participants in the construction shall be provided with written contracts.
- (3) Minimum guarantee terms for accomplished construction and mounting works, facilities and sites shall be determined with an ordinance by the Minister of Regional Development and Public Works for ensuring the normal functioning and use of the finished construction sites and removing of the hidden defects after approval and entering into exploitation (use).
- (4) The guarantee terms for accomplished construction and mounting works, facilities and sites shall be determined with the contract between the assignor and the contractor for the respective construction site. They cannot be less than the minimum terms, determined with the ordinance of para 3.
- (5) The guarantee terms shall start from the day of entering of the construction site into exploitation.

Art. 161. (1) (amend. SG 65/03) Assignor shall be the owner of the property, the person for whom right of construction in another one's property has been established and the person, who has right to build in other's property by force of special law. The assignor or a person, authorised by him, shall ensure everything necessary for starting of the construction.

(2) (revoked – SG 65/03).

Art. 162. (amend. SG 65/03) (1) The designer shall be individual or corporate body, including individuals with the necessary designer's competence.

- (2) The conditions and the order for implementing author's supervision during the construction shall be determined with a contract between the assignor and the designer. The author's supervision for part "Construction" shall be obligatory for all constructions from first to fifth category inclusive.
- (3) The instructions of the designer, connected with his author's right, for the precise observation of the investment design, worked out by him, shall be entered in the order book and they shall be obligatory for the other participants in the construction.
- (4) (revoked – SG 103/05)

Art. 163. (amend. SG 65/03) (1) The constructor shall be individual or corporate body, including in itself individuals, having the necessary technical competence, who under a written contract with the assignor fulfils the construction in compliance with the issued construction papers.

(2) The constructor shall bear responsibility for:

1. the fulfilment of the construction in compliance with the issued construction papers and with the requirements of art. 169, para 1, as well as with the rules for fulfilment of the construction and the mounting works and of the measures for preserving of the life and health of the people on the construction site;
2. the fulfilment of the construction and the mounting works with materials, articles, products etc. in compliance with the essential requirements to the constructions;
3. the preserving of the executive documentation and its working out, when this is determined by the assignor, as well as for preservation of the other technical documentation for the fulfilment of the construction
4. the preservation and the conceding upon request by a control body of the construction papers and the order

book of the construction of art. 170, para 3.

(3) The constructor shall bear proprietary responsibility for caused damages and missed benefits due to his guilty actions or lack of actions.

(4) The constructor can assign to a sub-contractor the implementing of separate kinds construction and mounting works or parts (stages) of the construction.

Art. 163a. (new – SG 65/03) (1) The technical chief shall be civil engineer or technician in construction, who manages the construction works.

(2) When the construction is fulfilled by the assignor, he shall be obliged to ensure technical chief. In this case the technical chief shall bear responsibility for the observing of the requirements of art. 163, para 2.

Art. 164. (revoked – SG 65/03)

Art. 165. (amend. SG 65/03) The assignor can assign the supply and the mounting of the technological and installation equipment of the construction to a supplier. The supplier shall be responsible for the high quality and timely fulfilment of the supply as well as for the acceptance trials connected with it.

Art. 166. (amend. SG 65/03) (1) The consultant shall on the basis of written contract with the assignor:

1. implement assessment of the compliance of the investment designs and/or exercise construction supervision;

2. be able to implement pre-investment investigations, preparation of the designing process and co-ordination of the construction process till the entering of the construction into exploitation.

(2) The Minister of Regional Development and Public Works shall issue license for exercising of the activity of para 1, item 1 under conditions and by order, determined with an ordinance of the Council of Ministers.

(3) The consultant cannot conclude contract for construction supervision for constructions, for which he or the individuals, hired by him with employment legal relation, are constructors and/or suppliers of machines, facilities, technological equipment, as well as persons, connected with them in the sense of the Commercial Law.

(4) The consultant cannot conclude contract for assessment of the compliance of the design for constructions, for which he or the individuals, hired by him with employment legal relation, are designers and/or constructors, and/or suppliers of machines, facilities, technological equipment, as well as persons, connected with them in the sense of the Commercial Law.

(5) For issuing of license under para 1 fee shall be paid according to a tariff, approved by the Council of Ministers.

(6) For the special sites of the Ministry of Defence and the Ministry of Interior, the information constituting state secret in the sense of the Law of protection of the classified information the assessment for compliance shall be implemented by experts, appointed with an order by the respective minister.

Art. 167. (amend. SG 65/03) (1) License for implementing of the activities of art. 166, para 1, item 1 shall be issued to a person, who is trader in the sense of the Commercial Law and meets the following requirements:

1. not to be in procedure for announcing insolvent;
2. the members of the management bodies of the corporate body or the sole entrepreneur, as well as the individuals, hired by them with employment or other contract, are specialists with graduated higher education – qualification degree "master", have at least 5 years practice in the speciality, have not admitted and/or implemented systematic violations under this law and the normative acts for its implementation and have not been convicted for intentional unclassified crimes to deprivation from liberty, unless they are rehabilitated;
3. have not admitted and/or implemented systematic violations of this law and the normative acts for its implementation.

(2)The license shall be issued for a term of 5 years and shall be entered in a public register at the Ministry of Regional Development and Public Works. For issuing of the license the corporate body or the sole entrepreneur shall submit application according to a model, approved by Minister of Regional Development and Public Works and to it shall be attached:

1. certified copy of the court decision for registration and certificate for updated status of the corporate body or of the sole entrepreneur;
2. certificate from the tax office that the corporate body or the sole entrepreneur have no liabilities to the state;
3. list of the competent individuals, through whom will be implemented the activities for assessment of the compliance of the designs and/or construction supervision of the buildings with proofs about their professional experience and the 5 years of practice as well as other individual documents, certifying their technical competence and the abilities to exercise the activities of art. 166, para 1, item 1;
4. proofs for the professional experience and the 5 years practice of the members of the management bodies of the corporate body or the sole entrepreneur;
5. certificates from the regional directorates for national construction control, that the members of the management bodies of the corporate body or the sole entrepreneur as well as the individuals, through whom will be exercised the activities of art. 166, para 1, item 1 have not admitted or implemented systematic violations of this law and the normative acts for its implementation;
6. certificate, showing no previous conviction.

(3) The license or the refusal shall be issued in three months term after submitting of the application.

(4) The license can be terminated before the elapse of the term, for which it has been issued on request by the licensed person at presenting of proofs that there are no unfinished contracts for the activities under the license as well as at termination of the corporate body or the enterprise of the sole entrepreneur or when:

1. the bodies of the Directorate for national construction control revoke as unlawful more than three decisions, recommendations or orders, issued by the person, exercising construction supervision, for each separate site;
2. more than three cases of lack of action at fulfilment of the obligations for construction supervision for each separate site have been established;
3. with a punitive decree, entered into force, proprietary sanction has been imposed to the corporate body or the sole entrepreneur for systematic violations of this law or the normative acts for its implementation;

4. with a punitive decree, entered into force fine has been imposed more than three times in one year to the individuals, who exercise their activities on behalf and for the account of the corporate body or the sole entrepreneur;

5. some of the grounds, served for issuing of the license, falls away.

(5) The license or the refusal for its issuing as well as the divesting of license shall be subject to appeal before the Supreme Administrative Court in 14 days term after the announcement.

Art. 168. (1) (amend. SG 65/03) The person, exercising construction supervision shall be responsible for:

1. lawful start of the construction;

2. full and correct compiling of the acts and the records during the construction;

3. accomplishment of the constructions according to the approved investment designs and the requirements of art. 169, para 1 and 2;

4. (amend. SG 65/03, amend. SG 76/05) observing of the requirements for healthy and safe labor conditions in construction;

5. not admitting damaging of third persons and properties due to the construction;

6. (amend. SG 65/03) the fitness of the construction for entering into exploitation;

7. (new – SG 65/03) the assessment for accessibility of the construction for people with handicaps;

8. (new – SG 65/03) the assessment of the energy efficiency.

(2) (new – SG 65/03) The construction supervision shall be exercised for the constructions from first to fourth category

(3) (prev. (2) – SG 65/03) The person exercising construction supervision shall sign all the acts and records during the construction, necessary for the assessment of the constructions, about the requirements for safety and lawfulness fulfilment, according to an ordinance of the Minister of Regional Development and Public Works for the acts and the records compiled during the construction.

(4) (prev. (3), amend. SG 65/03) The instructions and the orders of the person exercising construction supervision, entered in the order book of the construction, shall be obligatory for the constructor, the entrepreneur and the technical manager of the construction. Objections against the instructions of the person exercising construction supervision can be made in 3 days term before the bodies of the Directorate for national construction control, the construction being stopped till the decision. After a check the bodies of the Directorate for national construction control shall issue obligatory instructions.

(5) (prev. (4), amend. SG 65/03) The person exercising construction supervision shall be obliged to notify the regional directorate for national construction control in 3 days term in case of establishing breach of technical rules and normatives.

(6) (prev. (5), amend. SG 65/03) After the end of the construction - mounting works the person, exercising construction supervision shall prepare ultimate report to the assignor.

(6) (revoked – SG 65/03).

(7) (amend. SG 65/03) The persons exercising construction supervision shall bear responsibility for damages caused to the assignor and to the other participants in the construction, and joint responsibility with the constructor for damages caused due to not observing the technical rules and normatives and the approved designs. The responsibility for the contract for construction supervision shall be with term not less than the guarantee period of the construction.

Section III. Requirements for the constructions (prev. IV – amend. SG 65/03)

Art. 169. (1) (amend. SG 65/03) The constructions have to be designed, fulfilled and maintained in compliance with the requirements and the normative acts and the technical specification for:

1. (suppl. SG 65/03) bearing capacity, stability and durability of the building structures and the earth base at exploitation and seismic loads;
2. fire safety of the construction;
3. preservation of the health and the life of the people and their property;
4. safe use of the construction;
5. (revoked – SG 65/03);
6. preservation of environment during the construction and the use of the construction, including protection from noise, preservation of the protected territories and sites and preservation of the immovable cultural heritage;
7. economy of heat energy and heat insulation of the site.

(2) (amend. SG 65/03) The constructions must be designed, fulfilled and maintained in compliance with the requirements for accessible ambience.

(3) (amend. SG 65/03) The Minister of Regional Development and Public Works together with the competent ministers shall issue ordinances about the requirements of para 1 and 2 connected with the designing, the control and the entering in exploitation of the constructions and for technical passports for safe exploitation and maintenance of the constructions.

(4) (new – SG 65/03) The Council of Ministers shall approve each year on proposal by the Minister of Regional Development and Public Works list of the sites, which must be brought in compliance with the requirement for accessible ambience.

(5) (new – SG 65/03) The Council of Ministers shall approve each year on proposal by the Minister of Regional Development and Public Works and the executive director of the Agency for energy efficiency list of the sites, which must be brought in compliance with the requirements for energy efficiency.

Art. 170. (1) (amend. SG 65/03) All the circumstances connected with the construction, as well as with the handing over and accepting the construction site, construction and mounting works subject to be closed, intermediate and conclusive acts for accepting and handing over of construction and mounting works etc. shall be documented by the representatives of the parties in the concluded contracts.

(2) (suppl. SG 65/03) In case of refusal or not attending a joint act shall be compiled and the interested party shall send written invitation to the other party or parties for the compiling of the act. If a representative of the

invited party does not appear in 24 hours term after the term defined in the invitation the party shall be substituted by the body issued the permission for construction, or by official, authorised by him.

(3) (amend. SG 65/03) All the instructions connected with the fulfilment of the construction issued by the persons authorised for this and the specialised control bodies shall be entered in a order book of the construction preserved at the construction site.

Chapter ten. INSURANCE OF THE DESIGNING AND THE CONSTRUCTION

Art. 171. (amend. SG 65/03) (1) (suppl. - SG 103/05) The designer, the person exercising technical control over part "Constructive", the consultant, the constructor and the person exercising construction supervision shall insure their professional responsibility for damages caused to the other participants in the construction and/or third persons due to unlawful actions or lack of actions or on the occasion of fulfilment of their obligations.

(2) The conditions and the order for obligatory insurance of the persons of para 1, including the insurance coverage, the excluded risks, the minimum insurance sums and premiums shall be determined with ordinance of the Council of Ministers.

Art. 172. (amend. SG 65/03) (1) The insurance of art. 171 shall be concluded for one year and they shall cover the responsibility of the insured person according to written claims, presented within the term of effect of the insurance contract, for:

1. unlawful activities or lack of activity of the insured at or on occasion of fulfilment of his obligations, implemented within the term of the contract.

2. unlawful activities or lack of activity of the insured at or on occasion of fulfilment of his obligations, implemented in then period from the retroactive date till the concluding of the contract; in this case the insurer shall not be responsible for damages, occurred before the concluding of the insurance contract.

(2) Retroactive date in the sense of para 1 shall be the date of start of activity of a person under art. 171. For the persons, who have exercised activity more than 5 years, the retroactive date shall be 5 years before the concluding of the insurance contract.

(3) The insurance contract shall be concluded by the persons of art. 171 in 15 days term from the start of their professional activity.

(4) The insurance shall be renewed every year without stopping till the person exercises the respective activity.

(5) At terminating of the activity, subject to obligatory insurance, the person of art. 171 shall be obliged to conclude additional insurance, covering period of 5 years following the termination of the activity in case the damaging act has been implemented after the retroactive date of para 2.

Art. 173. (amend. SG 65/03) (1) With the contracts between the participants in the construction can be agreed separate insurance for securing of their responsibilities for concrete site.

(2) The assignor can require the contractor to conclude additional insurance, covering material damages to the construction, the materials, the construction machinery and the equipment on the construction site, occurred during the term of the construction if they have been paid by the assignor or are his ownership.

Art. 174. (amend. SG 65/03) (1) The state bodies and the assignor can require from the persons of art. 171 proofs for the existence and the validity of insurance contract (copies of insurance policies and payment documents for paid insurance premiums). These documents shall be presented in 7 days term after requiring them in writing.

(2) In case the assignor establishes non fulfilment of the obligation for concluding and maintaining of insurance by the persons of art. 171, he can stop all payments he owes to them.

Chapter eleven. FINISHING OF THE CONSTRUCTION. PERMISSION FOR USE

Art. 175. (amend. SG 65/03) (1) After the factual finish of the construction executive documentation shall be prepared, reflecting the insignificant deviations from the co-ordinated designs by the contractor or a person, determined by the assignor.

(2) The executive documentation shall contain a full set of drawings for the actually implemented construction and mounting works. It shall be certified by the assignor, the constructor, the person, exercised author's supervision, by the individual, exercised technical control of part "Constructive" and by the person, implemented construction supervision. The submitting shall be certified with seal of the respective administration, put on all graphic and textual materials. The executive documentation shall be integral part of the issued construction papers.

(3) At established essential deviations from the issued construction papers, the body, approved the designs, shall be obliged:

1. to undertake the activities of art. 223, para 3 – in the cases of art. 154, para 2, items 5 – 8;

2. to order the compiling of fact-finding act and to notify the bodies of the Directorate for national construction control – in the cases of art. 154, para 2, items 1 – 4.

(4) When the construction is fulfilled in compliance with the approved investment designs, executive documentation shall not be submitted.

(5) The whole executive documentation shall be submitted for termless preservation to the body, issued the permission for construction and in the necessary amount – also to the Cadastral agency.

Art. 176. (1) (amend. SG 65/03) After the finishing of the construction the assignor, the designer, the constructor and the person, exercising construction supervision, shall compile a fact finding act with which they ascertain that the construction has been fulfilled according to the approved investment designs, the certified executive documentation, the requirements to the constructions of art. 169, para 1 and 2 and the conditions of the concluded contract. To this act shall be attached also the records for conducted single trials of the machines and the facilities. With this act shall be implemented also the transfer of the construction by the constructor to the assignor.

(2) The end of the construction shall be proved additionally with the accomplishment of successful acceptance trials, depending on the matters agreed in the contract, for the construction of sites with production and other specific designation.

(3) When the construction is implemented by several constructors each of them shall be obliged to implement the trials of their part of the construction after finishing it.

(4) (amend. SG 65/03) In the cases when the trials are not successful the construction shall not be considered

finished and the assignor shall have the rights of art. 265 of the Law for the obligations and contracts.

(5) If separate parts of the construction can be used independently, with the contract for construction can be provided that the trial of these parts of the construction shall be implemented before the overall construction is finished.

Art. 177. (amend. SG 65/03) (1) After the finishing of the construction and the end of the acceptance trials when they are necessary the assignor shall register before the body, issued the permission for construction, the entering of the site into exploitation, presenting the ultimate report of art. 168, para 6, the contracts with the operating companies for joining to the networks of the technical infrastructure and document from the Cadastral agency that the requirement of art. 175, para 5 has been fulfilled.

(2) The constructions of first, second and third category shall be entered into exploitation only on the basis of permission for use, issued by the bodies of the Directorate for national construction control, under the conditions and by the order of, determined in an ordinance by the Minister of Regional Development and Public Works.

(3) In 7 days term after receiving of the request the body, issued the permission for construction, after checking the completeness of the set of documents, shall register the entering of the construction into exploitation and issue certificate for entering into exploitation.

(4) When for check of achieving of the design indices in exploitation conditions a technological term is necessary, the assignor can register entering of the construction in trial exploitation.

(5) The connecting of the internal installations and devices of the construction with the common networks and facilities of the technical infrastructure shall be implemented on the basis of contract with respective operating companies.

(6) For special sites, connected with the defence and the security of the country the permission for use of the construction shall be issued by the Minister of Defence, respectively by the Minister of Interior.

Art. 178. (amend. SG 65/03) (1) The use of constructions or parts thereof shall not be permitted before they are entered into exploitation by the competent body of art. 177.

(2) The constructions of sixth category shall not be subject to entering in exploitation.

(3) The constructions shall not be entered into exploitation when:

1. the measures, provided in part "Vertical planing" of the approved design, have not been implemented;

2. existing buildings and structures, which are not included in the regime of building up when are provided for removal in the issued visa for designing, have not been removed;

3. the facades of the buildings and the structures are not finished according to the approved investment design.

4. (new – SG 103/05) the works for construction of streets, roads or alleys as per Art. 69 in the resorts, the holiday settlements, golf settlements, the aqua-parks and on the other territories of recreation activities, connecting the site with the street or the road net and providing normal access to the respective land property are not executed.

(4) It shall not be permitted constructions or parts of them to be used not for their designation or in violation

of the conditions for entering in exploitation.

(5) At violations of para 1 and 4 the chief of the Directorate for national construction control or an official, authorised by him, shall on the basis of compiled fact finding act prohibit with motivated order the using of the constructions and order their liberation, cutting of the supply with electric and heat energy, with water, gas, telephone etc. The order shall be compulsory for the suppliers and shall be fulfilled immediately.

(6) At violations of para 1 and 4 in the special sites, connected with the defence and the security of the state, the Minister of Defence, respectively the Minister of Interior, shall with motivated order prohibit the inhabiting, respectively the using of the constructions and order the implementing of the necessary activities for bringing them in compliance with the issued permission for use and the other construction papers.

(7) After removal of the reasons, that have caused the prohibition and after payment of the due fines and fees the entering of the constructions in exploitation shall be permitted or certified by the bodies of art. 177.

Art. 179. (amend. SG 65/03) (1) The owners or the persons, who manage the constructions and the landed properties shall be obliged to maintain them in good status and with the required appearance.

(2) The mayor of the municipality (district) on the basis of fact finding record, compiled by the officials of the municipal (district) administration, can oblige with an order the persons of para 1 for their account to remove, transform or repair inappropriate as location disposition, kind and materials fences, garages, secondary, agricultural and temporary structures, septic pits, sewerage facilities, plantations as well as to implement the necessary works in the interest of security, safety of the traffic, health care, the hygiene, aesthetics, cleanness and peace of the citizens. At established immediate danger the mayor of the municipality (district) shall admit preliminary fulfilment of the order.

(3) The order of para 2 shall be announced to the interested persons and can be appealed by the order of art. 215.

Part four. REGIME AND RESTRICTION OF REAL RIGHTS. ALIENATION AND INDEMNIFICATION

Chapter ten. ESTABLISHING AND TRANSFER OF CONSTRUCTION RIGHT

Art. 180. (amend. SG 65/03) The construction right in a landed property shall be established in compliance with a detailed development plan or visa for designing entered into force, issued by the chief architect of the municipality (district) in the cases provided by the law.

Art. 181. (1) The construction right for a building or part of it can be subject to transfer transaction from the moment of establishing it till the finish of the building in coarse construction.

(2) (amend. SG 65/03) After the finish of the building as coarse construction, ascertained with a record of the municipal (district) administration subject to transfer can be the constructed building or independent parts of it.

Art. 182. (1) (prev art. 182 – SG 65/03) The persons in favour of which has been established right to make construction or the right to super-construct or additional adjacent construction as well as constructions under the surface of the earth shall have the right to make constructions in other's regulated property.

(2) (new – SG 65/03; suppl., SG 107/03) Construction in other's landed property and construction under the surface of the earth in other's landed property shall have right to implement also the persons in favour of

whom has been issued order of art. 193, para 3 and 4 or easement is established according to art. 64 and § 26 of the transitional and concluding provisions of the Law of the energy sector. To the latter shall be issued permission for construction of art. 148.

Art. 183. (amend. SG 65/03) (1) New construction, superstructure or additional adjacent construction can be made in own regulated landed property or in a by one or more co-owners on the basis of contract in notarial form with the rest of the owners.

(2) Superstructure or additional adjacent construction of a building – condominium shall be permitted on the basis of a contract for establishing of right to superstructure or adjacent construction with the owner of the regulated landed property in notarial form and declaration – consent with certified signatures by a notary of all owners in the condominium.

(3) When the state or the municipality is co-owner of a regulated landed property the contracts of para 1 and 2 shall be concluded in written form. When the state or the municipality is owner of a property in a building – condominium, the consent of para 2 shall be in written form. The conditions and the order for concluding of the contracts by the state and the municipalities of para 1 and 2, as well as forgiving a consent of para 2, shall be determined respectively with the regulation for implementation of the Law of the state ownership and with the ordinance of art. 8, para 2 of the Law of the municipal ownership.

Art. 184. (revoked – SG 65/03)

Art. 185 (1) The consent of the other co-owners of the condominium shall not be required for restructuring of own sites, premises or parts thereof when:

1. their designation is not changed;
2. common premises and areas or parts thereof are not taken away and their designation is not changed;
3. the common parts of the building are not changed significantly;
4. internal installations are connected with common networks through or next to the division wall or through servicing premises along one vertical axis;
5. new installation is going through a common part which does not affect premises of separate owners;
6. (new, SG 65/04) the designation of sites located in non-residential buildings is changed;
7. (new – SG 103/05) the re-construction shall be executed under the conditions of Art. 38, Para 5 and 6.

(2) In the cases out of these of para 1 shall be required a decision of the general meeting of the owners taken by the due order and explicit written consent of all the owners - immediate neighbours of the site and when common parts are taken - the consent of all the owners expressed with certification of the signatures by a notary.

(3) (new – SG 65/03) When with designs for reconstruction is provided joining of common part in a building – condominium, to independent site in the condominium or creating of independent site from a common part of building – condominium, shall be concluded contract for transfer of ownership in notarial form with the rest of the owners in the condominium. On the basis of the approved design and the contract shall be issued permission for construction.

(4) (new – SG 65/03) The state and the municipalities shall conclude contracts of para 3 under conditions and by order, determined respectively with the regulation for implementation of the Law of the state ownership and with the ordinance of art. 8, para 2 of the Law of the municipal ownership.

(5) (prev. (3) – SG 65/03) The reconstruction of para 1 and 2 shall be admitted only if another technical solution cannot be found and it meets the architectural, the construction - technical and the fire safety rules and normatives and is implemented in a way most favourable for the property concerned.

(6) (prev. (4) – SG 65/03) (4) In the cases of para 1 and 2 the owner of the restructured premises shall be obliged to remove all the damages caused in connection with the construction works, applying art. 210.

(7) (new – SG 65/03) The reconstruction of para 3 shall be noted in the cadastre and the contracts of para 3 and 4 shall be entered in the property register.

Art. 186. (amend. SG 65/03) (1) Change of the existing common installations in buildings or the setting of new installations in co-owned buildings or in buildings – condominiums, shall be implemented with explicit written consent of all co-owners, respectively owners in the condominium.

(2) Installations for central heating or gas supply in a co-owned building or building – condominium, shall be made with explicit written consent of not less than 2/3 of all the owners.

Art. 187. (revoked – SG 65/03)

Art. 188. (revoked – SG 65/03)

Art. 189. (revoked – SG 65/03)

Chapter thirteen. TEMPORARY ROADS. PASSING THROUGH OTHER'S LANDED PROPERTIES AND ENSURING ACCESS. REMOVAL OF CONSTRUCTIONS

Section I. Temporary roads

Art. 190. (1) When according to a detailed development plan some regulated landed properties have face only on designed new streets before these streets have been opened, the municipality can make temporary roads ensuring access to the corresponding properties.

(2) Temporary roads, if necessary, shall be made in regulated parts of settlements and settlement formations for which new detailed development plans will be created as well as in not yet regulated parts included in a general development design.

(3) The temporary roads must if possible follow the new streets according to the detailed development plan, respectively the streets of the draft plan or the implemented investigations. The temporary roads shall be made in such a way so that existing buildings and constructions as well as long term decoration trees are not affected.

(4) The ownership of the parts of landed properties taken for temporary roads shall be preserved. Temporary roads shall be used till the opening of the new streets according to the detailed development plan.

(5) When there is no other technical opportunity temporary roads shall be made also for ensuring the access to lawfully permitted constructions out of the boundaries of the urbanised territories till the permission for using the constructions together with the permanent roads provided for them.

(6) (suppl. – SG 103/05) Temporary roads shall be made on the ground of written agreement between the interested owners of land properties with a notary certification of the signatures, and in event of lack of consent – on the ground of order by the mayor of the municipality.

(7) Temporary roads in case of disasters, accident and catastrophes shall be made on the ground of an order issued by the competent bodies defined with a special law.

Art. 191. (1) The indemnification of the rightful claimants for the damages caused by the making of temporary roads shall be for the account of the owners of landed properties which will be serviced with the temporary roads.

(2) The indemnification for the parts of the landed properties used for temporary roads shall be determined for the corresponding year and shall be paid with equal monthly instalments. The indemnification for the improvements that will be destroyed in connection with the temporary roads shall be paid in cash before the taking of the landed properties.

(3) The indemnification for temporary roads at disasters, accidents and catastrophes shall be made by the order of a special law.

(4) (amend. SG 65/03) The extent of the indemnification shall be determined by the order of art. 210.

Section II. Passing through other's landed properties. Laying branches of networks and facilities through other's immovable properties

Art. 192. (amend. SG 65/03) (1) Right to pass through other's landed property shall be established with written contract with signatures, certified by a notary.

(2) When consent is not reached between the owners of the landed properties and other technical solution is obviously economically inexpedient, the right to pass through other's landed properties shall be established with an order by the mayor of the municipality.

(3) The right to pass through state or municipal landed properties shall be established when other technical solution is obviously economically inexpedient, with an order by the regional governor, respectively with order by the mayor of the municipality.

(4) with the right to pass cannot be impaired the conditions for building up in the landed properties, to be hindered the established way of durable use of the landed properties and to affected permitted constructions or existing buildings unless this is not explicitly agreed between the owners with the contract of para 1.

(5) Impairing of the conditions for building and use of state or municipal landed properties at establishing of right to pass to other properties can be admitted as exception, due to lack of other technical possibility or when other technical solution is obviously economically inexpedient, with permission by the Minister of Regional Development and Public Works – for the state landed properties, respectively with decision of the municipal council – for the municipal landed properties.

(6) The price of the right to pass of para 2 and 3 shall be determined by the order of art. 210 and it shall be paid before the issuing of the orders of para 2 and 3.

(7) The contract of para 1 and the order of para 2 shall be entered in the property register in the file of the landed property, which is served by the established right to pass and in the file of the landed property, on which is established right to pass.

(8) The order of para 3 shall be entered in the property register in the file of the landed property, which is served by the established right to pass, in the file of the state or the municipal landed property, on which is established the right to pass and in the act for state or municipal ownership.

Art. 193. (amend. SG 65/03) (1) The right to lay branches of common networks of the technical infrastructure through other's properties shall be established with written contract between the owners of the landed properties with signatures, certified by a notary.

(2) with the contract of para 1 shall be acquired the right to construct and acquire the ownership in the branch of the common network of the technical infrastructure in the other's property.

(3) When agreement between the owners of the landed properties has not been achieved and other technical solution is obviously economically inexpedient, the right to lay shall be established with an order by the mayor of the municipality.

(4) The right to lay branches of common networks and facilities of the technical infrastructure through state or municipal landed properties shall be established when other technical solution is obviously economically inexpedient, with an order by the regional governor, respectively with an order by the mayor of the municipality.

(5) With laying of branches from common networks and facilities of the technical infrastructure cannot be impaired the conditions for building up in the landed properties, be hampered the established way of durable use of the landed properties and be affected permitted constructions or existing buildings unless this is explicitly agreed between the owners with the contract of para 1.

(6) Worsening of the conditions for building and use of state or municipal landed properties due to laying of branches from common networks and facilities of the technical infrastructure to other properties can be admitted as exception due to lack of other technical possibility or when other technical solution is obviously economically inexpedient, with permission by the Minister of Regional Development and Public Works – for the state landed properties, respectively with decision of the municipal council – for the municipal landed properties.

(7) Permission for construction of the branches from common networks and facilities of the technical infrastructure shall be issued to the titulary of the established right of para 1, 3 and 4.

(8) The price of the established right of para 3 and 4 shall be determined by the order of art. 210 and shall be paid before issuing of the orders of para 3 and 4.

(9) The contract of para 1 and the order of para 3 shall be entered in the property register in the file of the landed property, which is served by the established right to lay the branches from common networks and facilities of the technical infrastructure and in the file of the landed property, through which are laid the branches from the common networks and facilities of the technical infrastructure.

(10) The order of para 4 shall be entered in the property register in the file of the landed property, which is served by the established right to lay the branches from common networks and facilities of the technical infrastructure, in the file of the state or the municipal landed property, through which are laid the branches from the common networks and facilities of the technical infrastructure and in the act for state or municipal ownership.

(11) At disasters, accidents and catastrophes branches from common networks and facilities of the technical infrastructure to separate sites can be laid temporary – till overcoming of the consequences of the disaster, the accident or the catastrophe, through other's immovable properties on the basis of an order, issued by the competent bodies, determined with special law. In this case permission for construction shall not be issued.

(12) The owners of the affected properties shall be indemnified for the damages of para 11 immediately after control is achieved over the disaster, the accident or the catastrophe under the conditions and by the order of special law.

Art. 194. (1) The owners and the inhabitants of immovable properties shall be obliged to ensure free access in them for implementing permitted or recommended investigation, design, construction, mounting, control and other works in connection with the development of the territory on the basis of an order by the mayor of the municipality and in the cases defined by the law - with order by the chief of the Directorate for national construction control.

(2) The owners of immovable properties shall be obliged to ensure free access in them for implementing activities and measures in case of disasters, accidents and catastrophes and accomplishment of complex geo-protective designs (protection from of landslides, protection of river and sea banks and strengthening works). The implementation of the activities and the designs shall be made in such a way so that the sites of the basic construction are not affected. The access shall be ensured with an order by the bodies of para 1 unless other has been provided in a special law.

(3) The access to the corresponding immovable property shall be ensured compulsory by administrative order and if necessary - with the co-operation of the police in case of non fulfilment of the obligations of para 1 and 2.

(4) After the finish of the works of para 1 and 2 the person to whom access has been ensured shall be obliged to remove all the damages caused to the immovable property in connection with the accomplishment of the works. If the damages cannot be removed the rightful claimant shall be indemnified for the caused damages.

(5) The determining of the extent of the indemnification shall be implemented by the order of art. 210 and it shall be paid in one month term after the valuation has entered into force.

Section III. Removal of constructions not fit for use or threatening the security

Art. 195. (1) Constructions which due to natural wearing out to other circumstances have become dangerous for the health and the life of the inhabitants, unfit for use, threatened from self collapse or harmful in sanitary - hygiene respect and cannot be repaired or fortified, shall be removed.

(2) (amend. SG 28/05, amend. SG 94/05) The status of the construction shall be established by a commission of specialists appointed by the mayor of the municipality. The commission shall act ex officio or upon request by the interested persons. Specialists determined by the Ministry of Culture shall obligatory participate in the commission for immovable properties part of the cultural - historic heritage.

(3) The commission shall collect ex officio all the necessary data about the kind and the status of the construction and listen to the interested persons.

(4) The commission shall take decision the construction to be removed or to be repaired, fortified and cleaned within certain term..

(5) The decision of the commission shall be approved by the mayor of the municipality who shall issue the

corresponding order. When the construction creates immediate danger for the life of the citizens the mayor of the municipality shall admit preliminary fulfilment of the order for removal of the construction.

Art. 196. (1) The constructions of art. 195 shall be removed by their owners for their account within the term defined in the order for removal.

(2) When the construction is not removed within the defined term it shall be removed by the municipality for the account of the owner. On the ground of an order for removal entered into force and record of the expenses made a writ of execution shall be issued in favour of the municipality to collect the taking.

Art. 197. (1) (amend. SG 28/05, amend. SG 94/05) An owner can remove his lawful construction after notifying the municipal (district) administration and the Cadastral agency out of the cases of this section, and when the construction is a site of the cultural - historic heritage - after a preliminary written permission by the Ministry of Culture.

(2) The chief architect of the municipality (district) can issue obligatory technical instructions depending on the kind of the constructions, the complexity and the character of the removal.

Chapter fourteen. CONSTRUCTION PROHIBITION

Art. 198. (1) Construction prohibition can be imposed with an order of the mayor of the municipality for the time necessary for:

1. creating general and detailed development plans;
2. implementing investigations for underground networks of the technical infrastructure and for construction them.

(2) The construction prohibition shall be imposed one time for a term not longer than two years. A second construction prohibition can be imposed with an order of the Minister of Regional Development and Public Works for a term not longer than one year.

(3) The Minister of Regional Development and Public Works can impose construction prohibition for clarification of the general stability of the terrain in landslide regions for a term up to two years, and in connection with the implementation of geo-protection measures - till their finish.

(4) The construction prohibition shall stop the effect for the implementation of the general and the detailed development plans entered into force on the part of the territory it refers to.

Chapter fiveteen. RIGHT OF THE STATE AND OF THE MUNICIPALITY TO BE FIRST BUYER

Art. 199. (1) The state and the municipality shall have the right to priority before third persons who are not co-owners to buy out an immovable property on market prices in the cases when according to a detailed development plan it is provided for construction of a site - public state or public municipal property.

(2) The owner can sell a property of para 1 or parts of it to a third person only after proposing it for buying out to the state or to the municipality depending on the provisions of the detailed development plan and present to the notary a written refusal. In the refusal shall be pointed out the conditions under which has been

proposed the buying out. In the case shall be applied the conditions and the order provided in art. 33 of the Law for the ownership.

Chapter sixteen. TECHNICAL REQUIREMENTS AT ACQUISITION AND SUBDIVISION OF IMMOVABLE PROPERTIES

Art. 200. (1) Really determined parts of landed properties within the boundaries of the settlements and the settlement formations can be acquired with legal transactions or with prescription only if the requirements for the minimum dimensions of art. 19 are met.

(2) The rule of para 1 shall not be applied in the cases when the part of the landed property is joined to a neighbouring property under the conditions of art. 17 and the other part meets the requirements of art. 19 or is joined to a neighbouring property.

(3) (revoked, SG 36/04)

Art. 201. (amend. SG 65/03) (1) At court division of regulated landed property with objective formation of new regulated landed properties the court shall require a statement from the municipal (district) administration about the divisibility of the property.

(2) The regulated landed properties shall be indivisible when design for their subdividing into two or more parts cannot be prepared without creating inadmissible by law disposition or existing buildings or permitted constructions and without creating regulated landed properties with face and area below the minimum established by law for the defined with the plan for building up for the divided property character and way of building up.

(3) (amend. SG 28/05, amend. SG 94/05) When the regulated landed property is divisible the chief architect of the municipality (district) shall with motivated instruction to the parties order to submit design for change or the acting plan for regulation. The order for change of the plan for regulation shall enter into force by the order of art. 15, para 6 and shall be applied after the court decision for subdivision enters into force. For regulated landed properties with statute of sites of the cultural – historic heritage shall be required preliminary co-ordination with the Ministry of Culture.

(4) When the regulated landed property is indivisible the chief architect shall send his statement to the court in 14 days term after the request of the court of para 1 is received at the municipality.

(5) The court shall consider the statement of the chief architect of para 4. When it decides that the statement is ungrounded and the obstacles of para 2 for division of the regulated landed property are not existing, the court shall with a definition issue obligatory instructions for change of the plan for regulation by the order of para 3.

Art. 202. A voluntary subdivision of co-owner building, home or other site as well as legal transactions for transfer of really defined parts thereof can be implemented only if the detached shares or parts comply with investment designs approved for this, except the sites of art. 147, para 1, item 1. This shall be certified by the municipal (district) administration.

Art. 203. (1) Court subdivisions of a co-owned building, home or another site shall be implemented only if the corresponding shares can be detached into independent sites without significant restructuring and inconveniences greater than the usual, observing the construction rules and normatives. The chief architect of the municipality (the district) shall, upon a proposal by the court and within the term defined by the court,

approve an investment design or issue a motivated refusal. If there is a technical opportunity, proven with an investment design, even more than one variant of subdivision shall be approved.

(2) The control of lawfulness of the approval of the designs or the refusal of para 1 shall be implemented by the court before which is pending the case for subdivision in the same procedure.

Art. 204. Copies of the detailed development plans entered into force under art. 200 and 201 and the approved investment designs under art. 202 and 203 shall be sent to the Cadastral agency under conditions and by order defined according to the Law for the cadastre and the property register.

Chapter seventeen. INDEMNIFICATION AT COMPULSORY ALIENATION OF IMMOVABLE PROPERTIES FOR CONSTRUCTION OF SITES - PUBLIC OWNERSHIP OF THE STATE AND THE MUNICIPALITIES

Section I. Conditions for compulsory alienation and indemnification

Art. 205. Immovable properties - ownership of corporate bodies and individuals, can be alienated by the order of the Law for the state ownership and the Law for the municipal ownership for sites - public ownership of the state and of the municipalities, on the grounds of detailed development plans entered into force, as follows:

1. (suppl. SG 65/03) for construction and reconstruction of the transport technical infrastructure - communication networks and facilities - roads, streets, squares over-ground and underground tracks of railway and tram lines and facilities thereof;
2. (amend. SG 65/03) for construction and reconstruction of other networks and facilities of the technical infrastructure - water supply, sewerage, treatment of drinking and waste waters, electricity supply, gas supply, telecommunication networks etc.;
3. for implementing of activities for preservation of the environment and the natural resources, geo-protection activity, fortifying of the banks, as well as for public works activity - green areas for wide public use, water areas and courses, graveyard parks and treatment of household wastes;
4. for construction of public sites of health care, social support and education.

Art. 206. (1) Immovable properties or parts thereof affected by the immediately provided construction or becoming unfit for construction or use according to the development, the sanitary - hygiene and the fire safety rules and normatives, as well as according to the requirements for safety and security, shall be alienated for the construction of the sites of art. 205.

(2) Parts of landed properties shall be alienated only if the remaining part of the property can form a regulated landed property in compliance with the requirements of art. 19.

(3) It shall be admitted parts of landed properties from which cannot be formed regulated landed properties to be amalgamated into co-owned regulated landed properties under the conditions of art. 17 and 19 without being alienated.

(4) In the cases when the basic construction is preserved and the remnant of the landed property can be used for the designation which the property has had before the alienation a small regulated landed property can be

formed.

(5) The whole landed property shall be alienated when there is no consent of the owners in the cases of para 3 and 4.

Art. 207. (suppl. SG 65/03) The landed property shall not be alienated if the owner establishes right of construction, except the elements of the transport technical infrastructure – public ownership of the state and the municipalities at the construction of sites and facilities of art. 205.

Art. 208. (suppl. SG 65/03) The term for starting the alienation procedure under the Law for state ownership and the Law for the municipal ownership for immovable properties defined in the detailed development plans for construction of sites - public state or municipal ownership, shall be five years after the plans enter into force and ten years after the detailed development plans for construction of elements of the technical infrastructure of art. 64 – public ownership of the state and the municipalities, enter into force. After the elapse of this term the owners of the immovable properties shall have the rights of art. 134, para 2, item 1.

Art. 209. (1) (amend. SG 65/03) The conditions and the order for compulsory alienation under the Law for the state ownership and the Law for the municipal ownership shall not be applied when parts of landed properties are alienated for widening of the elements of the transport infrastructure – motor ways and roads of the republican road network, railway lines and stations, airports, ports, streets, boulevards and squares with which the properties can be used for the designation they have had before the alienation. In these cases the owners shall be indemnified with money.

(2) (suppl. SG 65/03) The regional governor, respectively the mayor of the municipality, shall issue an order with which on the ground of a valuation prepared by licensed specialists determines for the alienation:

1. the extent of the pecuniary indemnification according to market prices;
2. the date on which the alienated part will be taken.

(3) The order of para 2 shall be subject to appeal by the order of art. 215, para 1.

(4) The part of the landed property shall be considered alienated from the day of payment of the pecuniary indemnification.

Section II. Indemnification in other cases

Art. 210. (1) The preparation of the valuations and the determining of the extent and the payment of indemnifications in the cases explicitly provided by the law shall be implemented on market prices determined by a commission appointed by the mayor of the municipality.

(2) The mayor shall order ex officio or on the ground of a request by the interested persons the determining of indemnifications or the valuation of the commission.

(3) The decision of the commission shall be notified to the parties of by the order of art. 41 - 52 of the Civil Procedure Code. They can be appealed by the order of art. 215, para 1.

(4) The sum of the indemnification of the valuation entered into force shall be paid to an account in a commercial bank and shall be paid to the rightful claimants upon order by the mayor of the municipality or an official authorised by him.

(5) The person wishing to use the valuation before the decision of the commission has entered into force has to pay to the bank to the account of the rightful claimant a sum equal to the defined indemnification. The payment of the sum shall have effect with regard to the rightful claimant from the day of the announcement by the order of art. 41 - 52 of the Civil Procedure Code made by the municipality. The sum paid shall be paid to the rightful claimant upon order by the mayor of the municipality. The rightful claimants must be indemnified fully for the difference in one month term after the valuation has entered into force.

(6) (amend. SG 65/03) In case of refusal or delay to be paid the sum of the decision of para 3 entered into force the interested party can be supplied from the court with a writ of execution under art. 237, items c) and i) and art. 242 and the following of the Civil Procedure Code and to require the Directorate for national construction control to stop the activities and the acts till the payment of the sum.

(7) The lawful interests shall be due for the unpaid indemnification from the day of elapse of the term for payment.

Art. 211. (1) The due pecuniary indemnification of art. 210, para 4 shall be paid to a commercial bank at disposal of the rightful claimants when:

1. the right to receive indemnification has not yet been established with the corresponding documents;
2. the rightful claimant has not appeared to present the corresponding documents in 14 days term after receiving of the notification by the order of art. 41 - 52 of the Civil Procedure Code;
3. there is a dispute between several persons for the right over the due sum; in this case the bank shall pay the sum to the person established his rights by court order;
- 4, the rightful claimants are with unknown whereabouts.
5. (new – SG 65/03) the landed properties are in not regulated territories, left after restoration of the rights of the owners, and they are managed and ruled by the municipality under the conditions and by the order of the Law of ownership and use of farm lands.

(2) The payment of the sum shall have effect with regard to the rightful claimants from the day of the notification by the order of the Civil Procedure Code.

Chapter eighteen. MUNICIPAL FUND "PUBLIC WORKS ON THE TERRITORY"

Art. 212. (Revoked, SG 111/01)

Part five. CONTROL OVER THE DEVELOPMENT OF THE TERRITORY

Chapter nineteen. COURT CONTROL OF THE INDIVIDUAL ADMINISTRATIVE ACTS FOR DEVELOPMENT OF THE TERRITORY

Art. 213. (amend. SG 65/03) The courts shall implement control over the lawfulness of the administrative acts for development of the territory under the conditions and by the order of this law and for issues not provided into it - under the Law for the administrative procedures and under the Law for the Supreme Administrative Court.

Art. 214. Individual administrative acts in the sense of this law shall be:

1. the acts for development of the territory under art. 1, the refusals for issuing of such acts and the administrative acts for repealing or leaving into force of acts issued by administrative order with which are created rights or obligations or are affected rights or lawful interests of separate individuals or corporate bodies regardless whether they are explicitly pointed out as addressees;
2. the acts of item 1 issued by the Directorate for national construction control, by the mayors of districts and mayoralities, by the chief architects and by other authorised officials at the municipal and the district administrations;
3. the acts for stopping, prohibition of the use and for removal of unlawful constructions.

Art. 215. (1) (suppl. SG 65/03) The individual administrative acts under this law, the refusals for issuing them and the administrative acts with which they are repealed or left into force except these of art. 216, para 1, shall be appealed about lawfulness before the court at the location of the immovable property and depending on the price of the affected interest. When the interest is invaluable the acts and the refusals shall be appealed before the regional court and for Sofia - before the city court. The acts and the refusals of the Minister of Regional Development and Public Works, the Minister of Defence, the Minister of Interior and of the regional governors shall be appealed before the Supreme Administrative Court.

(2) The decisions of the commission of art. 210, para 3 can also be appealed by the order provided in para 1, summoning to the court the municipality and the interested parties.

(3) The prosecutor can submit protests about the lawfulness of the acts subject to appeal.

(4) The appeals and the protests shall be submitted through the body which act is appealed or protested in 14 days term after the announcing of the act. The corporate body on behalf of which is issued the act shall also be summoned as party in the cases.

Art. 216. (amend. SG 65/03) (1) The following administrative acts of the chief architects of the municipalities (the districts) shall not be subject to direct appeal by court order:

1. the refusals of co-ordination and approval of investment designs, when they are not part of the complex design for investment initiative;
2. the permissions for construction together with the co-ordinated and approved investment designs, when such are required and the refusal for issuing them when they are not part of the complex design for investment initiative.

(2) The administrative acts of para 1 shall be subject to appeal about lawfulness before the chiefs of the regional directorates for national construction control and for the special sites, connected with the defence and the security of the state – before the Minister of Defence, respectively the Minister of Interior.

(3) The appeals shall be submitted by the interested persons through the body, issued the act, by the order of the Law of the administrative procedures.

(4) The appeals and the protests against the acts of para 1 shall not stop their implementation.

(5) The chief of the regional directorate for national construction control shall decide with motivated order on the grounds of the submitted appeal after assessing its admissibility in 15 days after receiving it. With his order the chief of the regional directorate for national construction control can revoke entirely or partially the

appealed act or to reject the appeal, leaving the appealed act into force.

(6) The orders of the chief of the regional directorate for national construction control shall be appealed by the order of art. 215.

Art. 217. (1) The appeals and the protests before the court shall not stop the implementation of the following administrative acts:

1. (revoked – SG 65/03);
2. (amend. – SG 103/05) orders for stopping and prohibition of access to constructions of Art. 224, Para 1;
3. prohibition of the access and the use of constructions;
4. (revoked – SG 65/03);
5. (revoked – SG 65/03);
6. (revoked – SG 65/03);
7. (new – SG 65/03) for entering of the constructions into exploitation;
8. (prev. 7 – SG 65/03) orders under art. 194, para 1 for ensuring free access in immovable properties;
9. (prev. 8, amend. SG 65/03) orders under art. 179 and 195;
10. (prev. 9, amend. SG 65/03) orders under art. 209, para 2;
11. (new – SG 103/05) orders under Art. 57a, Para 3;

(2) The court can stop the fulfillment of the administrative acts of para1 except these of item 2.

Art. 218. The complex design for investment initiative shall be appealed before the court in 14 days term after the announcement about the issuing of the permission for construction.

Art. 219. (1) The provisions of art. 126b - 126e inclusive of the Civil Procedure Code shall be applied for the received appeals and the formed court procedures under this chapter.

(2) The Civil Procedure Code shall be applied for the summoning of the participants in the court procedures.

(3) (new – SG 65/03) For the issues not provided with this chapter shall be applied the Law of the administrative procedures, respectively the Law of the Supreme Administrative Court.

Chapter twenty. ADMINISTRATIVE CONTROL OVER THE DEVELOPMENT OF THE TERRITORY AND THE CONSTRUCTION

Art. 220. (1) (amend. SG 65/03) The Minister of Regional Development and Public Works shall exercise control over the observation of the provisions of this law and of the normative acts about its implementation at designing and construction, in this number the use of high quality construction materials and Art.s with regard to be ensured the security, the safety, the accessibility and the other normative requirements for the

constructions.

(2) (amend. SG 65/03) The Minister of Regional Development and Public Works shall implement control over the activity of the Directorate for national construction control.

(3) (amend. SG 65/03) The Minister of Interior or officials, authorised by him, shall exercise control over the observing of the requirements for fire safety.

(4) (revoked – SG 65/03).

Art. 221. (1) (suppl. SG 65/03) The Directorate for national construction control shall be a corporate body at budget maintenance with headquarters in Sofia. It shall be comprised by a central management and regional directorates at the regional centres. In connection with occurred needs temporary territorial bureaus of the Directorate for national construction control can be established with an order by its chief without increasing the approved budget and payroll of the directorate. The Directorate for national construction control shall obligatory insure its employees against accident and with insurance "Life" for the account of its budget.

(2) The employees of the Directorate for national construction control shall have the right to uniform clothing and distinguishing signs, to use special facilities and with the permission of the Ministry of Interior possess personal arms for defence at implementation of their official obligations.

(3) The bodies of the Ministry of Interior as well as the other state and municipal bodies shall be obliged to render co-operation to the Directorate for national construction control and its employees in the implementation of their functions.

(4) The orders, the instructions and the rulings of the bodies of the Directorate for national construction control, issued within their competence, shall be obligatory for the persons they refer to.

(5) In connection with the implementation of their functions under this law the bodies of the Directorate for national construction control shall have the right:

1. (suppl. SG 65/03) to free access to the constructions as well as to the buildings and the facilities during their use by the order of art. 194, para 1 and 3;

2. (amend. SG 65/03) to require all necessary documents for the check, data, identification, written data and explanations from the officials at the state and municipal administrations, from the participants in the construction, from the persons at the construction and the construction site, from the interested central and territorial administrations, the specialised control bodies and operating companies;

3. to use data from the Unified system for civil registration and administrative servicing under conditions and by order determined with a law.

(6) (new – SG 103/05) The funds, generated from the discounts in amount of 15 per cent of the collected under this law by the Directorate of National Construction Control revenues for the budget, which are fees, fines and property sanctions, shall be spent only for removal of illegal constructions, for development of the material basis, for improvement of the qualification and for stimulation of the officials of the directorate under conditions and procedure, determined by an ordinance of the Minister of the Regional Development and Public Works.

Art. 222. (1) (amend. SG 65/03) The chief of the Directorate for national construction control or an official, authorised by him, shall:

1. stop unlawful constructions;
2. stop constructions, parts thereof or separate construction and mounting works, implemented in deviation from the approved construction papers and give permission for continuation after the removal of the breaches and payment of the due fines and proprietary sanctions;
3. prohibit the access to constructions of items 1 and 2 and order the mounting of signs for restriction and not admitting people and machinery in the constructions;
4. prohibit the supply of constructions of items 1 and 2 with electric and heat energy, water and gas;
5. prohibit the input of construction products, which are not assessed for compliance with the essential requirements to the constructions;
6. prohibit the use of constructions or parts of them, which have not been entered into exploitation according to the established order or are used not for their designation according to the issued construction papers and the conditions for entering into exploitation;
7. prohibit the access to constructions and parts of them, which have not been entered into exploitation by the established order or are used not for their designation according to the issued construction papers and the conditions for entering into exploitation, prohibit their supply with electric and heat energy, water and gas and order the mounting of signs for restriction of the access and not admitting of people etc.;
8. issue permissions for use of constructions or refuse their issuing;
9. propose the divesting of permissions for assessment of the compliance of the construction products and of permissions for issuing of technical approvals;
10. issue orders for removal of unlawful constructions;
11. issue orders for revoking or change of the orders of the chiefs of the regional directorates for national construction control, for which direct court control is not provided, under the conditions and by the order of the Law of the administrative procedures;
12. sign fulfilment of strengthening and restoration measures for not admitting of accidents, damages etc. on constructions and parts of them, for which the construction is stopped, the effect of the construction papers or their use is prohibited;
13. order liberation of the construction and the construction site from people, machinery, articles, products, materials, generally dangerous means etc;
14. impose the sanctions, provided in this law.

(2) (amend. SG 65/03) The bodies of the Directorate for national construction control, according to their competence, shall:

1. ascertain the unlawful construction;
2. ascertain violations at the use of constructions or parts of them;
3. ascertain violations at the issuing of construction papers;

4. fulfil the orders for stopping, for prohibition of the use, for prohibition of the access to constructions and construction sites and for removal of the unlawful constructions;
5. investigate accidents in construction;
6. control the fulfilment of the measures for restoration of territories with special territorial development protection;
7. ascertain other breaches of this law and of the by-law normative acts for its implementation;
8. create and maintain register of the issued punitive decrees;
9. certify the order books in the cases, provided by the law.

(3) (amend. SG 65/03) The bodies of the Directorate for national construction control shall, at implementing orders for stopping, for prohibition of the use, the access and for compulsory removal of unlawful constructions, have the right to use on the territory of the construction site the following special facilities:

1. facilities for compulsory restriction of the movement of automobiles and construction machinery or for movement of such machinery out of the construction site;
2. appliances for opening fences and premises;
3. light and sound appliances;
4. construction machines and construction mechanisation, technical facilities and techniques.

(4) The technical facilities of para 3 can be used only by employees who have the necessary qualification.

(5) The ruling shall be fulfilled compulsory with the co-operation of the bodies of the Ministry of Interior in case of counteraction or refusal to be fulfilled a ruling for access to or leaving of the construction site and in other cases determined by the law.

Art. 222a. (new – SG 103/05) The mayor of the municipality shall:

1. stop constructions, parts of them, as well as separate construction and montage works under the conditions and the procedure of Art. 224 and shall give permit for their processing after the removal of the breaches and payment of the due fines and property sanctions;
2. prohibit the access to constructions under item 1 and order the putting of marking signs for limitation and stopping people and technical equipment on the constructions;
3. prohibit the supply with electricity and heating power, water and gas to constructions under item 1;
4. prescribe execution of strengthening , recovering and other measures for avoiding accidents and damages on constructions or parts of them, for which the construction works is stopped;
5. impose the provided by the law fines and property sanctions.

Art. 223. (1) The municipal administrations shall implement control over the application of the development plans, the approved investment designs, the permissions for construction, the determined construction lines

and levels as well as over the observation of the normative acts for development of the territories for development of the territory.

(2) (amend. SG 65/03) In the administration of each municipality shall be appointed employee or employees for control of the construction, who shall implement the control of para 1, prevent, do not admit and ascertain breaches in the construction.

(3) (amend. SG 65/03; amend. – SG 103/05) At ascertaining of construction of Art. 224, Para 1 or unlawful use of construction the employees of para 2 shall be obliged in three days term to compile and hand over to the violator fact finding act under art. 224, para 2 or under art. 178, para 5. In three days term after the elapse of the term for objections the fact finding act of Art. 178, Para 5 shall be sent to the Directorate for national construction control.

(4) (new – SG 103/05) Upon execution of their functions under this law, the officials of the municipal administrations shall have the right:

1. of free access to the constructions, as well as to the buildings and equipments during their usage under the procedure of Art. 194, Para 1 and 3;
2. to require all needed for the checks documents, data, legitimating, written statements and explanations from the participants in the constructions, by the persons on the building and the construction spot, by the interested administrations, the specialized controlling bodies and the exploitation companies;
3. to use data from the Unified system for civil registration and administrative servicing under conditions and procedure determined by a law.

Chapter twent and one. NOT ADMITTING AND REMOVAL OF THE UNLAWFUL CONSTRUCTION (title amend. SG 65/03)

Art. 224. (amend. SG 65/03) (1) (amend. - SG 103/05) The mayor of the municipality shall, with motivated order, stop the implementation of or prohibit the access to construction or part of it, which is implemented:

1. (amend. - SG 103/05) without approved investment designs and/or without entered in force permission for construction;
2. with essential deviations in the sense of art. 154, para 2;
3. with construction products not complying with the essential requirements to the constructions or in violation of the rules for implementing of the construction and the mounting works;
4. without ensured by the assignor construction supervision when such is compulsory;
5. (amend. - SG 103/05) without being compiled record for construction line and level and/or without the order book being certified.

(2) (amend. – SG 103/05) The circumstances of para 1 shall be found fact finding act, compiled by officials of Art. 223, Para 2. The act of findings shall be handed over to the interested persons who can lay objections in 7 days term. The order under Para 1 shall be issued by the within tree days period from the elapse of the period under sentence two. Where the offender is not known, copies of the act of findings and the order shall be put on the site and on the determined for this purpose places in the premises of the municipality, the region or the town hall. Copies of the act of findings and the order under Para 1 shall be sent to the Chief of

the Directorate for national construction control and to the Chief of the regional directorate for national construction control.

(3) (amend. – SG 103/05) Where is found by an act of findings, drafted by the bodies of the national construction control, the order under Para 1 shall be issued by the Chief of the Directorate for national construction control or by empowered by him/her persons. Copies of the act of findings and the order shall be sent to the Mayor of the municipality.

(4) The order of para 1 shall give obligatory instructions for removal of the reasons, lead to the stopping of the construction and the terms for their fulfilment. If necessary shall be ordered liberation of the construction and the construction site from people and machinery as well as cutting of the supply with electric and heat energy, water and gas. The order shall be compulsory for the suppliers and shall be fulfilled immediately.

(5) (suppl- SG 103/05) The construction, stopped with the order of para 1 can continue with permission by the body, who has issued it after removal of the reasons, lead to its stopping. In the cases of Art. 154, Para 2, items 5-8 the permit for continuing the construction works shall be issued after submission of surveying and other data, calculations and documents as per the instructions of Para 4, which shall be applied as an integrate part of the approved investment project and prove that the occurred deviations are removed and the performed part of the construction is lawful.

(6) (new – SG 103/05) Within three days period from finding of an illegal construction un the meaning of Art. 225, Para 2 by the officials of Art. 223, Para 2, the mayor of the municipality shall send the correspondence to the Chief of the Directorate for national construction control for initiation of procedure under Art. 225.

(7) (prev. text of Para 6 - SG 103/05)At finding of unlawful construction in the sense of art. 225, para 2 the bodies for national construction control shall stop the construction, prohibit the access to the construction and send the file to the chief of the Directorate for national construction control for starting of procedure under art. 225.

Art. 225. (amend. SG 65/03) (1) The chief of the Directorate for national construction control or an official authorised by him shall issue an order for removal of unlawful constructions or parts of them.

(2) A construction or part of it is unlawful when it is implemented:

1. (amend., SG 65/04; ; amend. - SG 103/05) in discrepancy of the provisions of the acting detailed development plan;

2. (amend. - SG 103/05) without approved investment designs and/or without permission for construction;

3. (amend. - SG 103/05) with essential deviations from the approved investment design of art. 154, para 2, items 1, 2, 3 and 4;

4. with construction products, not compliant with the essential requirements to the constructions or in breach of the rules for fulfilment of construction and mounting works, if this influences the constructive security and the safe use of the construction and it is impossible the construction to be brought in compliance with the requirements of this law.

(3) (amend. - SG 103/05) The order of para 1 shall be issued on the basis of fact finding act, compiled by officials of the Directorate for national construction control. The act shall be handed over to the interested persons who can lay objections in 7 days term.

(4) If the order for removal is not fulfilled voluntary within the defined term in it, it shall be fulfilled

compulsory by the bodies of the Directorate for national construction control independently or together with persons, to whom this has been assigned by the chief of the directorate or by official, authorised by him, by order, established in an ordinance of the Minister of Regional Development and Public Works.

(5) On the basis of order for removal of the construction, entered into force, and record about the incurred expenses for the removal writ of execution shall be issued for collecting of the receivable from the liable persons by the order of art. 237, item i) of the Civil Procedure Code.

(6) The compulsory removal shall be for the account of the perpetrator and of:

1. the person, exercised construction supervision;
2. the constructor – in case the construction has continued after issued order for stopping of the construction by the Directorate for national construction control or order by the person, exercising construction supervision, entered in the order book of the construction;
3. the constructor – in the cases of para 2 , items 2, 3 and 4;
4. the designer and the person, assessed the compliance of the investment designs – at non compliance of the approved investment design, according to which is fulfilled the construction, with the requirements for safety of art. 169, para 1, items 1, 2, 3 and 4 and/or with the designation of the land.

(7) The responsibility of the persons of para 6 shall be solidary.

Art. 226. (revoked – SG 65/03).

Art. 227. (revoked – SG 65/03).

Art. 228. The provisions of the Law for the administrative procedures and the Law for the Supreme Administrative Court shall be applied for issues which are not provided in this chapter and in chapter twenty.

Chapter twent and two. TECHNICAL COMPETENCE

Art. 229. (1) Individuals can implement investigation, design, control, construction and supervision activities if they have technical competence according to the acquired speciality and education - qualification degree.

(2) Corporate bodies can implement activities of para 1 if they include individuals with the corresponding technical competence.

Art. 230. (1) (amend. SG 20/03, suppl. SG 65/03) Development schemes and plans and investment designs shall be worked out only by designers - individuals who apart from the technical competence under art. 229, para 1 have also full designer's competence. The conditions and the order for recognising of full designer's competence shall be determined by a law.

(2) (amend. SG 20/03, amend. SG 65/03) With the law of para 1 shall be determined the admissible activities, which can implement the persons having restricted competence.

(3) (amend. SG 43/02, SG 20/03) The civil and the other servants at the territorial administrations, who have restricted designer's competence, shall have right out of the working time to work out designs of development schemes and plans and investment designs, as well as to exercise technical control for

territories, for which the employees are not bodies with expert, co-ordination, approving, permitting, controlling or other authorities by the order of this law. The employees of the municipal administration can work out designs ex officio for development plans for separate state and municipal land properties.

(4) The foreign individuals and corporate bodies who have according to their national legislation recognised designer's competence, can implement independently investigation and designing for sites in the country only with won competition and when they have been determined as contractors under the conditions and by the order of the Law for the public procurement. In all other cases they can implement investigation and design only together with Bulgarian designers. These requirement refer to individuals and corporate bodies from states where the Bulgarian designers have the sane rights as well as to local companies where participate only foreign individuals and/or corporate bodies.

Art. 231. The conditions and the order for issuing permissions and for registration of individuals and corporate bodies implementing construction, shall be provided by a law.

Chapter twent and three. ADMINISTRATIVE-PUNITIVE RESPONSIBILITY

Art. 232. (1) An official shall be punished with a fine from 100 to 500 levs, if under another law a graver penalty has not been provided, who:

1. does not fulfil or fulfils badly or not on time obligations assigned to him under this law, the acts for its implementation and the other rules and normatives for designing and construction as well as decisions and instructions based on them;
2. co-ordinates, approves or issues construction papers in breach of this law, the acts for its implementation and the other rules and normatives for designing and construction, as well as the development plans in effect;
3. does not undertake on time measures to prevent unlawful construction, to stop or remove unlawfully done construction and mounting works or removal of other consequences of the breaches;
4. requires as conditions for co-ordination and approval of investment design or for permitting a construction documents which are not required by this law or by another normative act;
5. (amend. SG 65/03) does not decide, within a term determined with a normative act, about a requirement for co-ordination, approval, compiling or issuing of construction papers, sketches, visas for designing etc.; does not implement checks or other technical services; does not answer to received appeal; does not send the request, respectively the appeal, to the competent body;
6. permits, admits connection or connects external measures and facilities of the technical infrastructure with an unlawful construction or with a construction for which no permission for use has been issued except in the cases when with a normative act temporary connection is permitted.

(2) (amend. SG 65/03) A person - participant in the construction shall be punished with a fine from 100 to 1000 levs, if under another law a graver penalty has not been provided, who implements, orders or admits the implementation of unlawful construction.

(3) A person who, without having right, implements activity included in the competence of the persons exercising construction supervision, shall be punished with a fine from 300 to 1500 levs, if under another law a graver penalty has not been provided, who implements, orders or admits the implementation of unlawful construction.

(4) (amend. SG 65/03) A person shall be punished with a fine from 300 to 1500 levs, if under another law a graver penalty has not been provided, who:

1. (amend. SG 65/03) without having the respective competence implements investigation and design work, participates in making of assessment of the compliance of investment designs, at exercising the construction supervision or manages the construction works;

2. as designer works out designs not compliant with this law, the acts for its implementation and the other rules and normatives for designing and construction or does not exercise author's supervision according to the concluded contract;

3. (revoked – SG 65/03);

4. (revoked – SG 65/03);

(5) A person shall be punished with a fine from 100 to 500 levs, if under another law a graver penalty has not been provided, who:

1. (suppl. SG 65/03) does not fulfil a written order of a control body issued within its competence or of the person, exercising construction supervision to stop, to remove, to restore or repair constructions or parts thereof;

2. cuts down or roots out, orders or admits to be cut down or rooted out a durable decoration tree or a tree with historic importance without preliminary written permission of the competent bodies;

3. (new – SG 65/03) does not ensure access, does not present the necessary documents, data, identification and written information to the control body;

4. (prev. 3 – SG 65/03) works at a construction and does not leave it after a written warning by the control bodies that the construction is being implemented unlawfully;

5. (prev. 4 – SG 65/03) does not fulfil orders of the competent control bodies issued in connection with activities and measures for geo-protection;

6. (prev. 5 – SG 65/01) does not implement the restoration works and does not remove for his account the damages caused to other's immovable property in connection with a construction accomplished by him within the term defined by the bodies of the municipality or the bodies of the Directorate for national construction control.

Art. 233. (amend. SG 65/03) The punishment shall be a fine from 100 to 500 levs for other breaches of this law, the acts for its implementation and the other rules and normatives for designing and construction as well as of the decisions and the instructions based on them, if under another law a graver penalty has not been provided.

Art. 234. (1) (suppl. and amend. - SG 103/05) The punishment shall be a fine from 300 to 5000 levs regardless of the penalty for the first breach if the breach of art. 232 and art. 233 is continued after it has been ascertained with an act or if within the term for issuing punitive decision another breach is made by the same person.

(2) (amend. SG 65/03) The punishment shall be a fine from 2000 to 30 000 levs if within 3 years after the punitive decision enters into force a new breach is made of the same provision. The fine shall be from 100 to 500 levs in insignificant cases.

Art. 235. (1) In the cases of art. 232, para 2 the violators can be removed from the construction on the grounds of a motivated order by the chief of the Directorate for national construction control or an official authorised by him.

(2) The removal shall be done by compulsion and if necessary - also with the co-operation of the bodies of the Ministry of Interior in case of refusal for voluntary fulfilment of the order.

(3) The appeal against the order of para 1 shall not stop its fulfilment.

Art. 236. The Minister of Regional Development and Public Works can deprive the violator in case of systematic breaches of art. 232, para 1, implemented by a chief architect of a municipality (district), established by the Directorate for national construction control, from the right to take the position of chief architect of a municipality (district) for a term up to 2 years.

Art. 237. (1) The chief of the Directorate for national construction control or an official authorised by him shall impose a proprietary sanction to a corporate body or sole entrepreneur as follows:

1. (amend. SG 65/03; amend. - SG 103/05) to a perpetrator, an assignor or contractor of a construction, unlawful in the sense of art. 225, para 2 - in extent from 5000 to 50 000 levs;
2. (new – SG 103/05) to a perpetrator, an assignor or contractor of a construction, or to a person exercising construction control over a construction in the meaning of Art. 224, Para 1 - in extent from 1000 to 10 000 levs
3. (amend. SG 65/03M prev. text of item 2 - SG 103/05) to an assignor or contractor of a construction, who has continued to implement construction and mounting works at a site stopped with an order under art. 224, para 1 or art. 159, para 4 or at a construction with stopped effect of the construction papers - in extent from 10 000 to 100 000 levs;
3. (new – SG 65/03; prev. text of item 2) to a person, who uses construction without this being permitted by the established lawful order – in extent from 1000 to 10 000 levs;
5. (prev. 3, amend. SG 65/03; prev. text of item 4, SG 103/05) to a person, who without having right, implements activity included in the competence of the consultant and the technical control of part "Constructive" - in extent from 3000 to 30 000 levs;
6. (prev. 4, amend. SG 65/03, prev. text of item 5, amend. – SG 103/05) to a person performing assessment of adequacy of an investment project in offence of the requirements of Art. 142, Para 5 and/or at exercising of construction control has admitted execution of unlawful construction in the meaning of Art. 225, Para 2 – in amount from 30 000 to 150 000 levs;
6. (prev. 5, amend. SG 65/03, prev. text of item 6 – SG 103/05) to a supplier of electric or heat energy, water or gas who has not fulfilled an order under art. 224, para 4 or art. 178, para 5 - in extent from 5000 to 50 000 levs.

(2) (new - SG 103/05) The mayor of the municipality shall impose property sanction to a legal person or to a sole entrepreneur as follows:

1. to a perpetrator; an assignor or contractor or a person exercising construction control over a construction at a site stopped with his/her an order under art. 224, para 1 - in extent from 1000 to 10 000 levs;
2. to a perpetrator; an assignor or contractor or a person exercising construction control over a construction,

who has continued to implement construction and mounting works under item 1 - in the amount of Para 1, item 3;

3. to a supplier of electric or heat energy, water or gas who has not fulfilled an order under art. 57a, para 6 or under Art. 222a, item 3 - in extent from 5000 to 50 000 levs.

(3) (prev. text of Para 2, suppl. – SG 103/05) The sanctions of para 1 and 2 shall be imposed by the order of art. 238 and 239 of this law.

Art. 238. (1) The establishing of the breaches of this law, the issuing, the appealing and the execution of the punitive decisions shall be implemented by the order of the Law for the administrative breaches and penalties as far as in this law other has not been provided.

(2) (amend. SG 65/03) The acts for establishing of breaches under this law shall be compiled by:

1. employees of the municipal (district) administrations;
2. employees of the Directorate for national construction control;
3. employees, determined by the Minister of Interior – for breaches of the norms for fire safety;
4. (amend., SG 95/2005, in force from 01.03.2006) employees, determined by the chairman of the State Agency for Metrological and Technical Supervision – for breaches of the norms for safety of the installations and the facilities with increased danger;
5. employees, determined by the Minister of Environment and Waters, for breaches of the norms for protection of environment and waters.

Art. 239. (1) The punitive decisions shall be issued by:

1. the Minister of Regional Development and Public Works or officials authorised by him - for breach of the provisions for development of the territory;
2. (suppl. – SG 103/05) the chief of the Directorate for national construction control or officials authorised by him - for breach of the provisions for development of the territory (designing, construction, not admission and removal of unlawful construction and quality of the construction materials etc.);
3. (new – SG 65/03) the Minister of Interior or officials, determined by him – for breaches of the provisions for fire and accident safety.
4. (prev. 3 – SG 65/03) the Minister of Regional Development and Public Works or officials authorised by him - for breach of the provisions for preservation of environment;
5. (prev. 4 – SG 65/03, amend., SG 95/2005, in force from 01.03.2006) the chief of the State Agency for Metrological and Technical Supervision or officials authorised by him - for breach of the provisions concerning equipment and facilities with increased danger.
6. (new – SG 103/05) by the mayor of the municipality – in the cases of Art. 232, Para 5, items 1, 2, 3, 4 and 6 and under Art. 233 – if the acts of findings of breaches are drafted by the officials of Art. 238, Para 2, item 1 as well as in the cases of Art. 237, Para 2.

(2) The one year term of the Law for the administrative breaches and penalties for the start of administrative

punitive procedures for breaches of this law, the acts for its implementation and the other rules and normatives for designing and construction, shall start on the day of issuing the permission for use of the construction, and when a permission for use is not required - on the day of committing the breach.

(3) A punitive decision with which is imposed a fine up to 100 levs inclusive, shall not be subject to appeal.

(4) A punitive decision with which is imposed proprietary sanction to corporate bodies and sole entrepreneurs up to 5000 levs inclusive, shall not be subject to appeal.

(5) (revoked – SG 65/03)

Additional provisions

§ 1. (1) The Minister of Regional Development and Public Works can assign his functions under this law to his deputies and to other officials in the system of the Ministry of Regional Development and Public Works.

(2) (new – SG 65/03) The regional governor can concede his functions under this law to his deputies or to other persons from the regional administration.

(3) (prev. (2) – SG 65/03) The mayor of the municipality can, on the basis of a decision of the municipal council, concede his functions under this law to his deputies and to other officials of the municipal (district) administration.

(4) (prev. (3), amend. SG 65/03) The chief architect of the municipality can, on the basis of a decision of the municipal council, concede his functions under this law to other officials of the municipal administration.

§ 1a. (new – SG 65/03) The Minister of Defence, respective the Minister of Interior, or officials, authorised by them, shall approve the investment designs, issue permission for construction, enter into exploitation and implement control over constructions, connected with the defence and the security of the country.

§ 2. (1) When with this law and with the acts for its implementation are provided obligations for the owners, including the corporate bodies using and managing the properties, connected with construction, reconstruction, maintenance or removal of constructions, facilities, installations, plantations and other works, in compliance with the rules and the normatives for development of the territory and the requirements for safety, health care, fire safety, aesthetics, cleanness, quietness of the citizens etc., and these obligations are not fulfilled in the defined term, the works can be implemented by the municipality for their account. The municipality can be supplied with a writ of execution for collecting the receivable by the order of art. 237, item h) of the Civil Procedure Code on the basis of a record about the implemented expenses.

(2) In case of co-owned immovable properties the municipality can permit the works of para 1 to be implemented by some of the co-owners for the account of all the co-owners.

§ 3. Fees shall be collected under the law for the local taxes and fees and the Law for the state fees for co-ordination and approval of investment design, for issuing permission for construction, record for determining construction line and level, act for legalisation, permission for use of a construction and for other administrative and technical services under this law. the account of all the co-owners.

§ 4. (1) The announcements of the competent bodies to the interested persons under this law and the acts for its implementation when other has not been provided, shall be made by the order of the Civil Procedure Code. The absent persons shall be notified with sticking of the announcement at their home or at the

immovable property, referred by the development plan, the investment design, the valuation, the request, the response, the appeal, the order or the other papers. The announcement shall be put on a visible place in the building of the municipality, the district or the mayoralty. The announcement made so shall be certified in an official note with the signatures of two officials. The official note shall be attached to the corresponding file.

(2) The rules of para 1, second sentence and the following, shall not be applied in the cases when this law and the acts for its implementation provide explicitly that the announcements shall be made by the order of the Civil Procedure Code.

(3) In the cases of para 1 for residential buildings with regime of condominium the announcements shall be handed over to the chairpersons of the management councils (the managers).

§ 5. In the sense of this law:

1. (suppl. SG 65/03) The words "National expert council", "regional expert council" and "municipal (district) expert council" shall be understood respectively as: "National expert council for development of territory and regional policy", "regional expert council for development of territory" and "municipal (district) expert council for development of territory", the word "the Directorate" shall be understood respectively as "Directorate for national construction control" and "the Directorate for national construction control" and the words "assessment of the compliance" and "assessment of the compliance of the designs" shall be understood as "assessment of the compliance of the designs with the essential requirements to the constructions".

2. "Landed property" is a part of territory, included this covered durably with water, determined with boundaries according to the right of ownership.

3. "Unregulated territory" is a territory where the landed properties are not regulated with a detailed development plan.

4. "Territories with special territorial development protection" are the protected territories for protection of environment under the Law for the protected territories, for cultural - historic protection under the Law for the monuments of culture and the museums, other territories with specific characteristic which development and control regimes are provided by separate laws (high mountain, border territories, coastal seaside, the territory of the capital etc.), the landslide territories, the sanitary - protection zones around the water sources and the facilities for drinking - household water supply and the water sources of mineral waters - public state ownership according to the Law for the waters.

5. "Territories with regime of preventive development protection" are territories, determined with development schemes and plans, which have high natural - landscape, ecological and cultural value but are not announced as protected by a special law.

6. "Territory of a settlement" is the settlement territory encompassed by its boundaries (construction boundaries), determined with a development plan without including the territory belonging to the settlement.

7. "Small settlements" under art. 58 are the villages as well as the towns with population up to 30 000.

8. "Territories" or "development zone" of art. 11 is a multitude of neighbouring landed properties with similar characteristics and prevailing designation.

9. "The admissible load of the territories designated for construction" shall be determined by the intensity of construction and the admissible activities according to the concrete designation of the landed properties.

10. "Quarter" is regulated territory limited by streets or by streets and boundaries of urbanised territory,

comprising one or more landed properties.

11. "Regulated landed property" or "regulated property" is a landed property for which with a detailed development plan have been determined boundaries, access from a street, road or alley, concrete designation and development regime.

12. "Identification of newly formed regulated landed property" of art 16, para 5 is a description of the boundaries and defining the identifier of the property.

13. "Prevailing flatland terrain" of art. 19, para 1, item 4 is terrain with slope up to 10 percent and "prevailing steep terrain" of art. 19, para 1, item 5 is terrain with slope over 10 percent.

14. "Narrow regulated landed property" is a property with face for which extent is applied the deviation of art. 19, para 3.

15. (Amend., SG 41/01) "Built area" is the area is the area limited by the external outlines of the surrounding walls of the first over-ground floor or of the semi - underground floor, including the area of the ventilation pits and the passages within these contours. The built area at ground level shall not include terraces, external staircases and staircase broadstep, slopes, ramps, garages and other elements with height up to 1.2 m above the average level of the adjacent terrain.

16. "Free yard area" is the difference between the area of the regulated landed property and the built area. As such area shall be considered also the open usable terraces over the underground floor as well as the verdure areas.

17. "Density of the construction" is the ratio of the sum of the built areas of the basic and the supplementing construction to the area of the regulated landed property expressed as percentage. Density of construction can be determined also generally for a quarter, development territory or zone as well as for parts thereof.

18. "Total built area" is the sum of the built areas of all the floors of the basic and the supplementary construction on and above the terrain. The total built area shall include also the built areas in the under - roof space of the buildings provided for homes, studios and studies. The built area of the over - ground floors shall include the whole area of the balconies, the loggias and the terraces.

19. "Intensity of construction" of the regulated landed property is the ratio of the total built area to the area of the regulated landed property expressed in absolute number. The intensity of construction can be determined also generally for a quarter, development territory or zone as well as for parts thereof.

20. "Way of construction" is the disposition of the buildings and the constructions of the basic and the supplementing construction in the regulated landed properties.

21. "Free" is the construction when the buildings in the regulated landed properties are located at a distance from the property boundaries (regulation lines) to the neighbouring regulated landed properties, as well as at the north side regulation line in narrow regulated landed properties along streets with orientation north - south and the half - directions up to 45 degrees.

22. "Connected" is the construction when the buildings in two or more neighbouring landed properties are located contacting each other at the property boundaries (regulation lines). The connected construction in neighbouring regulated landed properties is contact of the buildings of the basic construction or of these of the supplementing construction.

23. "Complex" is the construction in big regulated landed properties in groups of buildings located freely or

contacting each other.

24. "Restructuring of residential complexes, of industrial, resort, tourist and other settlement formations" is a change of their structure and construction, in this number through formation of regulated landed properties for existing and new buildings, for public verdure, as well as for other designation, on the basis of a detailed development plan.

25. "External construction line" is the line of construction to the street. It can coincide with the street regulation line or be at a distance from it inside in the regulated landed property.

26. "Internal construction line" is the line of construction to the neighbouring regulated landed properties or to neighbouring buildings. The internal construction lines are side and to the bottom of the regulated landed property.

27. "Depth of the basic construction of buildings" is the distance from the external construction line to the opposite internal construction line.

28. "Disposition of a residential building at the more favourable orientation of sunlight" is the disposition of the building at determining the distances to neighbouring buildings in compliance with the following grading of the geographic directions: south, south-east and south-west; east; west, north-east and north-west; north. In case of orientation intermediary to these directions, the closer geographic direction shall be assumed.

29. "Residential building" is a building designated for constant inhabiting, comprised by one or more homes covering at least 60 percent of its total built area.

30. "Home" is a totality of premises, covered and/or open spaces, unified functionally and spatially in one entity for satisfying residential needs.

31. (suppl., SG 107/03) "Technical infrastructure" is a system of buildings, facilities and linear engineering networks of transport, water supply and sewerage, electric supply, central heating, gas supply, telecommunications, hydro-meliorations, treatment of waste and geo-protection activity.

32. (amend. – SG 103/05) "Common networks and facilities of the technical infrastructure" are the networks to the common control - measuring devices in the immovable properties, including distribution appliances.

33. "Easement strip" is a part of a landed property around networks and facilities of the technical infrastructure, for which with a normative act restrictions have been introduced in the regime of construction and use of the landed property.

34. "Official pavement" is a pavement designated for passing of officials in connection with implementing activities for maintaining and repair of the streets, the facilities thereof and the technical infrastructure.

35. "Treatment of wastes" is the collecting, the preservation and the defusing of the wastes and all the intermediate operations as well as the second use thereof, recycling and restorations or production of energy and materials from waste observing the Law for restriction of the harmful influence over the environment.

36. "Construction papers" are all the necessary approved investment designs for implementing or legalising, the permission for constructions or the act for legalisation, as well as the records for determining the construction line and level.

37. (amend. SG 76/05) "Construction site" is the terrain necessary for accomplishment of the construction and determined with an investment design with the boundaries of the landed property where the construction

is implemented.

38. (amend. SG 65/03) "Constructions" are over-ground, semi – underground, underground and under-water buildings, constructions, additional constructions, superstructures, fences, networks and facilities of the technical infrastructure, public works and sport facilities as well as their major repairs, reconstruction and restructuring, with or without change of the designation.

39. (amend. SG 65/03) "Site" is an independent construction or real part of construction with defined name, location, independent functional designation and identifier under the Law of the cadastre and the property register.

40. (suppl. SG 65/03) "Construction and mounting" are the works by which the constructions are built, repaired, reconstructed, restructured or restored.

41. (new – SG 65/03; amend. – SG 103/05) "Change of the designation" of a site or of part of it shall be the change from one manner of usage to another as per the corresponding to them codes, constituting basic cadastral data and determined by the Law of the cadastre and the property register and the secondary legislation on its application.

42. (new – SG 65/03) "Major repair" of a construction is partial restoring and/or partial replacement of constructive elements, basic parts, facilities or installations of constructions, as well as the construction – mounting works, with which initially input but worn out materials, constructions and constructive elements are replaced with other kinds or are implemented new kinds of works, with which is restored their exploitation fitness, their exploitation is improved or is extended its term.

43. (new – SG 65/03) "Current repair" of a construction is the improvement and the maintenance in fitness of buildings, structures, facilities and installations, as well as internal restructuring at which are not:

a) affected the construction of the building;

b) implemented activities as removal, movement of existing walls and openings in them when they affect the construction of the building;

c) changed the designation of the premises and the loads in them.

44. (new – SG 65/03) "Reconstruction" of a construction is restoration, replacement of constructive elements, basic parts, facilities and installations and making of new such, with which is increased the load capacity, the stability and the durability of the constructions.

45. (prev. 41 – SG 65/03) "Stage" is part of the construction with independent functional designation for which a separate permission for construction and permission for use can be issued.

46. (prev. 42 – SG 65/03) "Rough construction" is a building or a construction which surrounding walls and roof are ready, without or with different degree of finishing works.

43. (revoked – SG 65/03).

47. (prev. 44 – SG 65/03) "Floor" is part of a building between two consequent floor structures.

48. (prev. 45 – SG 65/03) "Underground floor" is the floor which ceiling is located under the elevation of the average level of the adjacent pavement to the street (of the adjacent terrain to the street) or up to 0.3 m above this elevation.

49. (prev. 46 – SG 65/03) "Semi - underground floor" is the floor which floor is located below the elevation of the adjacent pavement (of the adjacent terrain to the street) and the ceiling - more than 0.3 m above this elevation.
50. (prev. 47 – SG 65/03) "Over-ground floor" is the floor which floor is located on or above the elevation of the average level of the adjacent pavement (of the adjacent terrain to the street).
51. (prev. 48 – SG 65/03) "Attic floor" is the floor located in the space under the roof and limited partially or entirely by the roof surfaces.
52. (prev. 49 – SG 65/03) "Averag level of the adjacent terrain" is the level of the terrain measured at the middle of the corresponding surrounding wall of the building.
53. (prev. 50 – SG 65/03) "Level socle" is the level of the floor of the first over-ground floor.
54. (prev. 51 – SG 65/03) "Level ridge" is the highest horizontal part of the roof of the building.
55. (prev. 52 – SG 65/03) "Facade" is an external surrounding wall of a building, stepping on the terrain.
56. (prev. 53 – SG 65/03) "Side wall" is an external wall of a building or construction without cornice or eave and without openings for doors and windows, located on the internal boundary of a landed property.
57. (prev. 54 – SG 65/03) "Balcony" is an open usable area on console structure, protruded in front of the facade of the building.
58. (prev. 55 – SG 65/03) "Loggia" is a usable area opened from the external part and included in the total volume of the building.
59. (prev. 56 – SG 65/03) "Terrace" is an open usable area located ober premises, columns or on the terrain.
60. (prev. 57 – SG 65/03) "Benchmark" in the sense of art. 157, para 4 is a geodetic sign serving as starting point at measurements, levelling and setting out points and lines of a plan of the locality.
61. (prev. 58 – SG 65/03) "Abrasion" is washing out the banks of water areas and rivers.
62. (new – SG 65/03) "Site of national importance" is a site, determined as such with an act of the Council of Ministers.
63. (new – SG 65/03) "Special sites, connected with the defence and the security of the country" are landed properties and the constructions in them – state ownership, the information about which is state secret in the sense of art. 25 of the Law of protection of the classified information.

Temporary provisions

§ 6. (1) The territorial development plans, the general and the detailed town development plans, in effect by the day when this law enters into force, shall preserve their effect. The plans pointed out shall be amended under the conditions and by the order of this law.

(2) The yard regulation plans, in effect by the day when this law enters into force, can be applied according to the previous order in 6 months term after the day when the law enters into force. The municipal administration shall ensure the implementation of the necessary valuations in one month term after the

request has been received.

(3) (Amend., SG 41/01) Territorial development plans, general and detailed, and detailed town development plans and the cadastral plans to them, presented for announcement by May 31, 2001, shall be announced, coordinated, approved appealed and enter into force according to the previous order. In these cases the approval acts for approval shall be issued by December 31, 2001.

(4) After the yard regulation plans of para 3 enter into force, they can be applied in 6 months term after the day when they have entered into force. The municipal administration shall ensure the accomplishment of the necessary valuations in one month term after the request has been received.

(5) Transactions for disposition with a yard regulation parcel for which the due indemnifications for settlement of accounts for regulation, when such indemnifications are provided, cannot be implemented after the elapse of the terms of para 2 and 4.

(6) (revoked, SG 36/04)

(7) (amend. SG 65/03) The existing cadastral plans, the land reallocation plans and of the other plans, connected with restoration of the right of ownership in farm land and lands and forests of the forest entirety shall be used for working out of development schemes and plans till the working out and the entering into force of cadastral map for the respective territory.

§ 7. The term for starting alienation, under the law for the state ownership and the Law for the municipal ownership, of immovable properties for construction of sites - public state or public municipal ownership, determined with the detailed plans in effect, shall be five years after this law enters into force. After the elapse of this term the owners of the immovable properties shall have the rights of art. 134, para 2, item 1.

§ 8. (1) After the elapse of the of § 6, para 2 and 4, the alienating effect of the yard regulation plans, entered into force but not applied, for equaling the parts in the formed co-owned yard regulation plans and for added landed properties or parts of landed properties, shall be terminated. This is ground for change of the yard regulation plans under the conditions and by the order of this law. The municipal administration shall ex officio change the yard regulation plans upon a written request of the interested owners, bringing in compliance the new internal regulation lines on the existing boundaries of the landed properties.

(2) The procedures for application of the yard regulation plans already started shall be finished according to the previous order. As started procedure shall be considered the day of submitting of the request for valuation to the municipal administration within the term of § 6, para 2 and 4.

(3) Para 1 and 2 shall not be applied with regard to the regulation plans in effect for sites of the public ownership. The term of art. 208 shall start on the day when this law enters into force.

§ 9. (1) The repealed provisions of the Law for territorial and urban development and the repealed art. 102 of the Law for the ownership shall be applied for the alienation procedures, started under the repealed (SG 124/98) provisions of chapter five, section I of the Law for territorial and urban planning under which an order for alienation has been issued and the immovable property has been taken till October 30, 1998.

(2) The order for alienation and for indemnification shall be repealed and the procedure shall be terminated by the mayor of the municipality with an order in cases when the immovable property has not been taken till October 30, 1998.

(3) Funds shall be provided every year in the state and the municipal budgets for ensuring the

indemnification of the owners of para 1.

§ 10. The right to indemnification with immovable property or with other real right for alienated and taken immovable property shall not lapse by prescription.

§ 11. The five year prescription term of art. 67 of the Law for the ownership shall not pass and shall not be applied in the cases when the construction right has been received as indemnification for an alienated immovable property.

§ 12. (1) The already started procedures for approval of investment designs and issuing of permissions for construction till this law enters into force, shall be finished by the previous order.

(2) As started procedure for approval of an investment design and issuing of permission for construction shall be considered the day of submitting the investment design for approval to the competent body. As started procedure shall be considered also the existence of a preliminary investment design co-ordinated by the competent body.

§ 13. (1) (amend. SG 20/03) The individuals who have technical competence according to the acquired speciality and qualification degree with a document for graduated education till this law enters into force shall have also full designing competence in the sense of art. 230, para 1.

(2) The contracts for construction supervision and construction as well as for technical control in designing and construction, concluded till this law enters into force, shall preserve their effect unless the parties do not change or terminate them with mutual consent.

(3) (revoked – SG 20/03).

(4) Till the law of art. 230, para 1, enters into force the individuals, exercising technical control over the structural part of the investment designs, shall be entered in a register at the Directorate for national construction control under conditions and by order determined by the Minister of Regional Development and Public Works.

§ 14. (revoked – SG 65/03)

§ 15. The terms for all the procedures started till this law enters into force shall expire according to the provisions having been in effect until now.

§ 16. (1) (suppl. SG 65/03) Constructions made till April 7, 1987 without construction papers but having been admissible according to the detailed town development plans and under the rules and the normatives in effect during their implementation or according to this law, shall be tolerable constructions and shall not be subject to removal and prohibition for use. They can be subject to transfer transaction after presenting of a certificate by the bodies which are authorised to approve the corresponding investment designs, that the constructions are tolerable.

(2) Unlawful constructions which have been started during the period till April 8, 1987 - June 30, 1998, but not legalised till this law enters into force, shall not be removed if they have been tolerable under detailed town development plans and rules and normatives that have been in effect during the implementation or according to this law and if they have been declared by their owners till December 31, 1998.

(3) Unlawful constructions which have been started after June 30, 1998, but have not been legalised till the promulgation of this law, shall not be removed if they have been tolerable under detailed town development plans and rules and normatives that have been in effect during the period pointed out or according to this law, and if they have been declared by their owners before the approving bodies in 6 months term after the promulgation of this law.

(4) The constructions of para 1 and the legalised constructions of para 2 and 3 shall be valued and indemnification shall be due for them to the owners by the general order.

§ 17. (1) (suppl. SG 65/03) Constructions with temporary development statute, constructed by the order of the repealed (SG 6/98) para 4 and art. 120 of the Regulation for implementation of the Law for territorial and urban development on land - state or municipal property, out of the cases of art. 179 and art. 195 of this law, can be preserved till the realisation of the constructions provided with a detailed development plan in effect, with a decision of the regional governor or the municipal council. The temporary constructions shall be removed after the occurrence of investment initiative for realisation of the provisions of the detailed development plan on the ground of an order by the mayor of the municipality issued by the order of art. 196 of this law.

(2) (Amend., SG 41/01) Procedures for change of a detailed development plan with objection temporary constructions of para 1, to receive durable development statute with the compliant to the dimensions and kind can be admitted upon a decision by the regional governor, taken in 6 months term after this law enters into force. After the establishing of durable development statute a construction right shall be established to the owners of the existing constructions under the conditions and by the owner of the Law for the state ownership and the Law for the municipal ownership.

(3) (amend. SG 65/03) In the cases of para 2 when a durable construction statute is established with construction indices, dimensions and function, which significantly differ from the existing temporary construction, the latter shall be removed by the order of para 1, and the assignor of the new construction shall be determined by the general order.

Concluding provisions

§ 18. (1) The Minister of Regional Development and Public Works shall approve construction and technical rules and normatives, issue ordinances and instructions and approve models of documents for the implementation of this law.

(2) (revoked – SG 65/03)

(3) (revoked – SG 65/03)

(4) The Minister of Regional Development and Public Works and the Minister of Interior shall approve the construction - technical rules and normatives for the safety of the traffic.

(5) (revoked – SG 65/03)

(6) The Minister of Regional Development and Public Works, the Minister of Health, the Minister of Environment and Waters and the Minister of Interior shall approve the construction - technical rules and normatives for restriction and removal of the harmful noise in settlements in separate homes, sites and premises and in the places for recreation, tourism and sanatorial - resort treatment.

(7) The Minister of Regional Development and Public Works shall, together with the chiefs of the interested

central and territorial administrations, approve the technical rules and normatives for designing, construction and use of the facilities and the networks of the technical infrastructure.

§ 19. The tasks and the functions of the Directorate for national construction control shall be provided with a regulation approved by the Council of Ministers upon a proposal by the Minister of Regional Development and Public Works.

§ 20. (1) This law shall repeal the Law for territorial and urban development (prom. SG 29/73; corr. SG 32/73; amend. And suppl. SG 3, 102/77, SG 36/79, SG 3/80, SG 45/84, SG 19/85, SG 36/86, SG 14/98, SG 31/90; corr. SG 32/90; amend. SG 15/91; amend. And suppl. SG 63/95, SG 104/96, SG 41, 79/98; corr. SG 89/98; amend. SG 124, 133/98, SG 26, 86/99, SG 14, 34/2000).

(2) The by-law normative acts issued on the grounds of the Law for the territorial and urban development shall be implemented till the issuing of the corresponding new by-law normative acts as far as they do not contradict with this law.

§ 20a. (new – SG 65/03) The conditions and the order for designing, fulfilment and finishing of the constructions, connected with the defence and the security of the country, shall be determined with an ordinance by the Minister of Regional Development and Public Works, the Minister of Defence and the Minister of Interior.

§ 21. When in connection with the development of the territory are reckoned existing buildings, the lawful constructions shall be kept in mind.

§ 22. The detailed development plan shall be considered as applied:

1. with regard to the regulation - with the payment of the due sums for the contracts of art. 17, para 3, when such are provided, plotting of the property in the cadastre and entering into the property register;
2. with regard to the construction - with the laying of the foundations of the constructions according to issued construction papers.

§ 23. (1) When provisions of other laws contradict with the provisions of this law about issues for the development of the territory provided in it, the provisions of the Law for the spatial planning shall be applied.

(2) The provisions of other laws referring to the repealed Law for territorial and urban development and the Regulation for its implementation shall refer to the corresponding provisions of this law.

(3) The provisions of other laws connected with the names of the territorial development plans, general and detailed town development plans, shall be applied for the corresponding development schemes and plans under this law.

§ 24. (1) (prev. text of § 24 – suppl., SG 65/04) For projects funded entirely or partially by programmes of the European Union - accession funds, PHARE programme and others, shall be applied the provisions of the Framework agreement between the government of the Republic of Bulgaria and the European Commission, ratified on April 4, 1995, as well as the provisions and the procedures of the annual financial memorandums for the corresponding programmes. For projects for construction of sites of national importance, financed entirely or partially through financial agreements party to which is the Republic of Bulgaria, ratified by the National Assembly, shall apply the terms and the procedures stipulated by the agreements concluded by the rules of the International Federation of the Consulting Engineers (FIDIC), unless the financial agreement

stipulates other procedures.

(2) (new, SG 65/04) In the cases of para 1 the functions and the acts of the persons carrying out construction supervision, author's supervision, technical control under part "Constructive" of the infrastructural investment projects and coordination of the technical and working drawings and details under the law shall be implemented and issued by the engineer under the agreement concluded by the rules of FIDIC or the rules indicated by the financial agreement or by the frame agreement (the annual financial memorandums for the respective programmes).

(3) (new, SG 65/04) The acts issued under para 2 shall be drawn up and signed according to the requirements of the agreements concluded by the rules of FIDIC or the rules indicated in the financial agreement or the frame agreement (the annual financial memorandums for the respective programmes). Applied for the form and the rules for drawing up acts and written records shall be the established by the rules of FIDIC or by the rules indicated by the financial contract or the frame agreement (the annual financial memorandums for the respective programmes).

(4) (new, SG 65/04) The issuance of the permits for using the sites under para 1 shall be carried out on the grounds of the acts, written records and other accompanying documentation worked out by the engineer during the construction.

§ 30. The implementation of the law shall be assigned to the Minister of Regional Development and Public Works.

§ 31. The law shall enter into force from March 31, 2001 except § 16, para 3 and § 17, which shall enter into force on the day of promulgation of the law in State Gazette.

The law was passed by the 38th National Assembly on December 19, 2000 and was affixed with the official seal of the National Assembly

Temporary and concluding provisions (SG 65/03)

§ 182. The constructions, the sites and the facilities of art. 54, 55, art. 56, para 1 and art. 57, para 1 shall not be immovable properties under art. 110 of the Law of the ownership, shall not be plotted in the cadastral map, shall not be recorded in the cadastral registers, and for certifying of the right of ownership or of other rights in them shall not be compiled or issued acts, subject to entering in the property register.

§ 183. (1) The procedures for approval of investment designs and issuing of permissions for construction, started till this law enters into force, shall be finished by the previous order or upon wish of the assignor – by order of this law.

(2) As started procedure for approval of investment design and issuing of permission for construction shall be considered the day of submitting of investment design for approval by the competent body. As started procedure shall be considered also the existence of preliminary investment design, co-ordinated by the competent body.

(3) The procedures for investigation of the opportunity for legalisation, started till this law enters into force, shall be finished by the previous order. As started procedure shall be considered the day of submitting of the written request for legalising to the competent body.

- § 184. (1) Constructions, implemented unlawfully till this law enters into force, can be legalised on request by the owner if they are admissible according to the provisions which were in effect when they have been implemented or according to the acting provisions.
- (2) The procedure for legalising of the constructions of para 1 shall start with application by the owner to the body, which has issued or should have issued the permission for construction, submitted in 6 months term after this law enters into force
- (3) In one month term after receiving of the application the officials from the municipal administration shall compile fact finding act for establishing of the unlawful construction, on the basis of which the body of para 2 shall require the necessary documents of art. 144 and determine term for their presenting.
- (4) At not presenting of the necessary documents within the defined term or when the body of para 2 decides that the conditions for legalising do not exist, it shall issue motivated refusal, announce it to the interested persons and notify the Directorate for national construction control for applying of the measures of art. 225.
- (5) The constructions shall be legalised to the name of the owner of the land, to the name of the person, to whom has been established right to construction or to the name of the person, who has right to construct in other's property by force of special law. If the construction has been made by no owner the relations between the constructor and the owner shall be provided according to the requirements of art. 72 – 74 of the Law of the ownership.
- (6) For the unlawfully implemented constructions in co-owned immovable properties and in condominium, which are admissible for legalising and can be used independently, the act for legalising can be issued to the name of all co-owners, respectively owners in condominium, if they have not objected against the unlawful construction during its implementing. In this case the disputes about the rights in the legalised construction shall be resolved by the general claim order.
- (7) The legalising shall consist in co-ordination of investment design – surveying for legalising, bringing of the construction in compliance with the co-ordinated design, payment of the due fines and fees and issuing of act for legalising. The design – surveying for legalising, shall be worked out in scope, determined with the ordinance of art. 139, para 5.
- (8) The time for implementing of the unlawful construction shall be established with all proving means, admitted under the Civil Procedure Code, including with declarations. For entering of untrue data in the declarations the persons shall bear punitive responsibility.
- (9) For the terms for co-ordinating of investment designs – surveying for legalising and for issuing of acts for legalising, for the announcing of the issued acts for legalising or of the refusals to be issued such acts, for their appealing according to lawfulness and for the notifying of the respective regional directorates shall be applied the requirements of chapter eight.
- (10) The acts for legalising together with the investment designs – surveying for legalising as well as the refusals of para 4 shall be subject to appeal by the order of art. 216.
- (11) For the unfinished parts of the construction shall be co-ordinated investment design and permission for construction shall be issued by the general order.
- (12) The constructions of para 1, which are not announced for legalising within the term of para 2 or for which the procedure for legalising has finished with refusal to be issued act for legalising, entered into force, shall be removed by the order of art. 225.

§ 185. The persons, authorised by the Minister of Regional Development and Public Works to exercise independent construction supervision in designing, independent construction supervision in designing and construction and independent construction supervision in construction, for whom the term for authorisation has not elapsed, can exercise construction supervision at constructions of first, second, third and fourth category as well as to implement assessment of the compliance of the investment designs for the constructions of first, second and third category. After the elapse of this term in order to implement the activities of art. 166, para 1, item 1 the persons must have license, issued by the Minister of Regional Development and Public Works under conditions and by order, determined in art. 167, para 1 and 2.

§ 186. The persons, exercising construction supervision and licensed for this by the chief of the Directorate for national construction control, can continue to exercise construction supervision for the constructions of first, second, third and fourth category till the elapse of the term of the license. After the elapse of this term in order to implement the activities of art. 166, para 1, item 1 the persons must have license, issued by the Minister of Regional Development and Public Works under conditions and by order, determined in art. 167, para 1 and 2.

§ 187. (1) In six months term after this law enters into force the municipal councils can confirm the orders of the chief architect of the municipality (district), issued pursuant to art. 6, item 6 of the revoked Law for territorial and urban development (prom. SG 29/73; corr. SG 32/73; amend. and suppl. SG 3, 102/77, SG 36/79, SG 3/80, SG 45/84, SG 19/85, SG 36/86, SG 14/98, SG 31/90; corr. SG 32/90; amend. SG 15/91; amend. And suppl. SG 63/95, SG 104/96, SG 41, 79/98; corr. SG 89/98; amend. SG 124, 133/98, SG 26, 86/99, SG 14, 34/2000, revoked SG 1/01) as well as the orders of the mayors of districts, issued pursuant to art. 6, items 6 and 7 of the same law during the period from September 11, 1991 till December 31, 2001 except those revoked as unlawful.

(2) The decisions of the municipal councils of para 1 shall be promulgated in State Gazette.

Temporary provisions(SG 65/04)

§ 24. Projects for construction of sites of national importance, financed entirely or partially through financial agreements and contracts, indicate in §24, para 1 of the Concluding Provisions, whose designing or construction has started before the enactment of this law, shall be concluded by the previous order or at the assignor's choice – by the order of this law.