

# **THE PLANNING AND BUILDING ACT**

**Act of 14 June 1985 No. 77, with amendments in force 1 April 2005**

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## **CHAPTER I. GENERAL PROVISIONS**

### **Section 1. Applicability**

Unless otherwise decided in or in pursuance of an Act, this Act applies to the whole country including watercourses. In the case of sea areas the Act applies out to the base lines. In the case of certain sea areas the King may fix the limit of the area of application further in than the base lines. However, the Act does not apply to marine pipelines for transport of petroleum.

The King may decide that the Act shall apply in whole or in part to Svalbard.

### **Section 2. Purpose**

Planning pursuant to the Act is intended to facilitate coordination of national, county and municipal activity and provide a basis for decisions concerning the use and protection of resources and concerning development and to safeguard aesthetic considerations.

By means of planning, and through special requirements concerning individual building project, the Act shall promote a situation where the use of land and the buildings thereon will be of greatest possible benefit to the individual and to society.

When carrying out planning pursuant to this Act, special emphasis shall be placed on securing children a good environment in which to grow up.

### **Section 3. By-laws**

For a municipality or part of a municipality, by-laws may be adopted which modify, make more restrictive, add to or exempt from the provisions of this Act to the extent considered necessary out of regard for local conditions, unless otherwise provided by the Act.

Nevertheless, the provisions of Chapters I, II, VI, VII, VII-a, X, XVI, XVIII, XIX, XX and XXI of the Act may not be departed from by means of by-laws unless explicitly stated in the provision concerned. The provisions of the Act concerning expropriation and refund may not be departed from to the detriment of a landowner or a holder of rights. Nor may modifications be made by means of by-laws to the provisions of section 65, first paragraph or section 66, subsection 1, or any changes be made in the provisions laid down in or in pursuance of sections 81, 82 and 84.

### **Section 4. Adoption of by-laws**

By-laws shall be adopted by the Municipal Council itself. Amendment or repeal of a by-law shall be done in the same way.

### **Section 5. Maps and geodata**

The municipality shall ensure that there is an up-to-date, public set of basic map data for the purposes of the Act, including the preparation of the land-use part of the municipal master plan, zoning plans and site plans. The State shall make national map data available to all municipalities.

The set of basic map data must also be available for use for other public and private purposes.

The municipality may require any person who presents an environmental impact assessment, plan proposal or project application to prepare maps, when this is necessary in order to be able to come to a decision on the impact assessment, proposal or application. In accordance with regulations pursuant to the fourth paragraph, the municipality may make provisions or administrative decisions concerning requirements as regards technical design and content,

including in larger matters the requirement that the data be submitted in digital form. The municipality may incorporate such maps into the public set of basic map data.

The Ministry may in regulations make rules regarding maps and geodata, including requirements relating to content, design, quality, reporting, updating and storage.

The King may decide that national or local projects shall be initiated to collect, check, revise or supplement information relating to planning and building matters and the public set of basic map data. The King may order public agencies to provide the information necessary to carry out the project.

## **Section 6. Regulations**

The Ministry may lay down regulations for the purpose of implementing and supplementing the provisions of this Act, including time limits for the individual parts of the preparatory proceedings for and processing of planning and building matters, procedures for dealing with administrative appeals and the effects of failure to comply with a time limit. The Ministry may also make regulations prescribing exemptions to the rules regarding time limits.

## **Section 7. Dispensation**

When special reasons exist for so doing, the municipality, unless otherwise stipulated in the provision concerned, may after application grant permanent or temporary dispensation from provisions contained in this Act, by-laws or regulations. The authority to make a decision concerning dispensation from the land-use part of the municipal master plan, a zoning plan or a building development plan, unless otherwise stipulated in the plan concerned, is assigned to the Standing Committee for Planning Matters pursuant to section 9-1 of this Act. The conditions for granting dispensation from plans or planning provisions as mentioned in the previous sentence are the same as those following the first comma in the first sentence. The Standing Committee for Planning Matters is also the authority empowered to grant dispensations pursuant to sections 17-2, 23 and 33 of this Act. Dispensations may be made subject to conditions.

Temporary dispensation may be granted for a specific period or for an indefinite period and implies that the applicant, when the period of dispensation has expired, or by order and without cost to the municipality, must remove or alter that which has been constructed or discontinue the temporarily permitted use or comply with the requirement for which postponement has been granted, and if required, restore the property to its previous state. The dispensation may be made subject to a declaration where also the owner (lessee) on his part accepts these obligations. It may be required that the declaration be registered. It is binding on the mortgagee and other holders of rights to a property regardless of when the right was established and regardless of whether the declaration is registered.

Before a decision is made, notice shall be given to adjoining and opposite neighbours in the manner stipulated in section 94, subsection 3. Nevertheless, separate notice is not necessary when the application for dispensation is submitted together with an application for permission pursuant to section 93 or when the application obviously does not affect the neighbour's interests. In connection with dispensation from the land-use part of the municipal master plan, a zoning plan, a building development plan or from sections 17-2 and 23 of this Act, the county and national authorities whose area of responsibility is directly affected shall be given the opportunity to express their opinion before dispensation is granted.

## **Section 8. Delegation of the Municipal Council's authority**

The authority and responsibilities of the Municipal Council pursuant to sections 4, 9-1, 20-5, 27-1, 27-2, 27-3, 28-2, 30, 35 subsection 2, 36, 37, 69 subsection 4, 109 and 118 may not be delegated.

## **CHAPTER II. THE PLANNING AND BUILDING AUTHORITIES**

### **Section 9-1. The planning authorities in the municipality**

The Municipal Council shall be responsible for and shall administer municipal planning and work on zoning plans in the municipality. In each municipality there shall be a Standing Committee for Planning Matters. In municipalities with a parliamentary system of government, cf. Chapter 3 of the Local Government Act, the Municipal Council itself may assign the Committee's functions to the Municipal Executive Board. Section 31, subsection 6, of the Local Government Act shall not apply when the Municipal Executive Board deals with matters which pursuant to this Act have been assigned to the Standing Committee for Planning Matters. The Municipal Council shall designate a head of department or another civil servant who shall have particular responsibility for safeguarding the interests of children when the Standing Committee prepares and considers proposals for plans pursuant to this section.

### **Section 9-2. The planning administration in the municipality**

The head of the municipal administration shall be administratively responsible for the municipality's planning functions pursuant to this Act.

### **Section 9-3. Duty of other public bodies to cooperate**

Public bodies with tasks concerning use of resources, protection and conservation, physical development, or social and cultural development within the area covered by the municipality shall give the municipality necessary assistance in planning activity.

Such bodies shall, at the request of the municipality, participate in advisory committees established by the municipal council in order to promote cooperation on planning.

After the municipality and the body concerned have expressed an opinion, the Ministry may exempt a county or national body from participating in such cooperative committees.

### **Section 9-4. Cooperation between the Public Roads Administration, the county and the municipality on the planning of national and county roads**

The Public Roads Administration may prepare and submit draft overall plans, including road surveys, pursuant to chapters V and VI, and zoning plans and building development plans pursuant to chapter VII. The decision to present such plans for public inspection may be made by the Public Roads Administration. The municipality shall be kept informed of the planning work.

The Ministry may lay down more detailed provisions concerning road planning, including road surveys, cf. section 6.

The county and the municipality are under obligation to consider the draft plans submitted by the Public Roads Administration without delay.

### **Section 10-1. The municipality's functions and duty to cooperate**

The municipality shall perform the functions assigned to it in this Act, in regulations and in by-laws, and shall oversee compliance with planning and building legislation in the municipality.

The planning and building authorities shall seek cooperation with other public authorities with interests in matters pursuant to the Planning and Building Act, and shall collect comments in matters pertaining to the area of responsibility of the authorities concerned.

### **Section 10-2. (Repealed by the Act of 11 June 1993 No. 85)**

### **Section 10-3. (Repealed by the Act of 5 June 1987 No. 25)**

### **Section 11-1. (Repealed by the Act of 11 June 1993 No. 85)**

### **Section 11-2. (Repealed by the Act of 11 June 1993 No. 85)**

### **Section 12-1. The highest planning authority in the county**

The County Council shall be responsible for and shall administer work on county master plans. The County Council's authority to adopt county master plans may not be transferred to another body.

### **Section 12-2. The planning administration in the county**

The County Governor shall be responsible for administering the tasks of the county pursuant to this Act.

Every county shall have an expert planning and development administration to prepare and consider plans and to provide expert advice on planning pursuant to this Act.

### **Section 12-3. Duty of other public bodies to cooperate**

Public agencies whose tasks concern use of resources, protection and conservation, physical development and cultural or social development within the area covered by the county shall give the county necessary assistance in planning work. The County Governor shall oversee that national bodies fulfil their obligations to provide assistance.

Such bodies shall, at the request of the county, take part in advisory committees established by the county to promote cooperation on planning.

After the county and the body concerned have expressed an opinion, the King may exempt a municipal or national body from participating in such cooperative committees.

As far as possible, the county shall provide municipalities with assistance and advice in connection with their functions pursuant to this Act.

### **Section 13. National planning and building authorities**

The King is responsible for and directs planning activity at the national level.

The Ministry shall have the main administrative responsibility for the national authorities' planning functions pursuant to this Act, and shall work to ensure that the decisions made at the national level are followed up in county and municipal planning.

The Ministry is also the central building authority.

The Ministry may transfer the authority assigned to it in or in pursuance of this Act to the County Governor. Furthermore, as a national building authority the Ministry may transfer technical control and approval functions to another public or private expert. However, the Ministry may not

delegate the authority to lay down regulations. The provisions of section 12-3, last paragraph, apply correspondingly to the County Governor.

#### **Section 14. Distribution of planning functions and cooperation thereon**

The provisions of chapters IV-VII of the Act apply to the distribution of planning functions between the municipal, county and national authorities. If there is any doubt about the distribution of functions between the planning bodies concerned, and it is impossible to reach agreement, the matter will be decided by the King.

The national, county and municipal planning authorities shall cooperate on collection, handling and exchange of information that is considered to be of major importance for planning and information activities pursuant to the Act. The Ministry may issue further rules for implementation of this cooperation.

#### **Section 15. Relationship to the Public Administration Act, and appeals**

Unless otherwise provided, the Public Administration Act applies to the handling of matters pursuant to this Act.

The county and national bodies may appeal against individual decisions pursuant to this Act if the decision directly affects the area of responsibility of the authority concerned.

The Ministry is the administrative appeal body in the case of decisions pursuant to this Act.

In the case of an appeal against a decision made by the Standing Committee for Planning Matters pursuant to this Act, the matter shall be submitted to the Committee which may reverse the decision if it finds the appeal to be justified. If this is not the case, the matter shall be sent to the Ministry with the Committee's comments. In the case of an appeal against a decision concerning dispensation made by the Municipal Council or another body empowered to grant dispensations pursuant to a special provision in the land-use part of the municipal master plan, a zoning plan or a building development plan, the matter shall in the same way be submitted to the body that is empowered to grant dispensations.

The Ministry is the administrative appeal body in the case of decisions made by the county governor or another public or private expert.

### **CHAPTER III. CONSULTATION, PUBLICATION AND INFORMATION**

#### **Section 16-1. Consultation, publication and information**

The national, county and municipal planning authorities shall make an active effort at an early stage of the planning work to inform the public about planning activities pursuant to the Act. Affected individuals and groups shall be given an opportunity to participate actively in the planning process.

When a draft plan pursuant to sections 18, 20-5 and 27-1 is published, it shall be pointed out whether there are alternative draft plans pursuant to this Act which have not been or will not be made public. If so, it shall also be pointed out that these are available at the office of the planning authority.

Any person has the right, at the office of the authority concerned, to acquaint himself with the alternative draft plans referred to in the second paragraph and with the documents forming the basis for the draft plans, with the exceptions in consequence of sections 5a or 6 of the Public Administration Act.

## **Section 16-2. Requirements relating to environmental impact assessments for plans with significant effects**

The provisions regarding environmental impact assessments in chapter VII-a, as well as the administrative provisions of sections 19-4, 20-5, 27-1 and 27-2, shall apply to county master plans and municipal master plans that lay down guidelines or limits for future physical development, and to zoning plans that may have significant effects on the environment, natural resources or the community.

## **CHAPTER IV. PLANNING AT NATIONAL LEVEL**

### **Section 17-1. National policy provisions**

The King may define general objectives and frameworks and issue guidelines for the physical, economic and social development in counties and municipalities that shall form the basis for planning pursuant to this Act.

When necessary in order to safeguard national or regional interests the King, after consultation with the affected municipalities and counties, may prohibit for a period of 10 years the initiation of specified building or construction activity within specifically defined geographical areas unless consent has been obtained from the Ministry, or may decide that, without such consent, such projects may only be initiated in accordance with the land-use part of the municipal master plan or a zoning plan. The King may extend the prohibition for five years at a time.

Before a decision mentioned in the second paragraph is made, the proposed provisions shall be made available for public inspection in the affected municipalities in accordance with the provisions of section 27-1.

### **Section 17-2. Prohibition against building on and partitioning off a property inside a 100 metre wide belt along the shoreline to the sea**

Buildings, structures, installations and fences may not be erected nearer to the sea than 100 metres from the shoreline measured horizontally at normal high tide, and nor may such be substantially altered. The prohibition also applies to the division of property, including the sale or leasing out of an undeveloped part (parcel or plot) of a property.

The provision in the first paragraph does not apply to built-up areas nor to areas covered by a zoning plan or shore plan. The same applies to areas which in the land-use part of the municipal master plan are designated as building areas or areas for extraction of raw materials. Nor does the provision apply to measures which comply with the provisions laid down pursuant to section 20-4, second paragraph, letter c. In cases of doubt the County Governor decides whether an area is to be regarded as a built-up area.

Nor does the provision in the first paragraph apply to:

1. buildings, structures, installations or fences that are necessary for defence, agriculture, reindeer farming, timber rafting, hunting and fisheries industry, for water supply, sewerage installations, power plants and water regulation installations, general transport and communications, mining operations or operations connected with mineral deposits not covered by special mining permit arrangements, other than gravel, sand and clay; nor do they apply to the partitioning off, sale or leasing out of an undeveloped part of a property for such economic activities.
2. bathing facilities etc. and toilet facilities in recreation areas open to the general public, and buildings etc. for purposes of nature conservation in areas that are protected in pursuance of the Nature Conservation Act.

3. jetties on a developed property to ensure access for the owner or user.

## **Section 18. Centrally prepared zoning plan and the land-use part of the municipal master plan**

When the implementation of important national or county development, construction and conservation measures make it necessary, or when other societal considerations so dictate, the Ministry may request the municipality concerned to prepare and adopt a zoning plan or a land-use part of a municipal master plan, or may do this itself.

The provisions of the Act concerning a zoning plan and the land-use part of the municipal master plan apply correspondingly to plans prepared pursuant to the first paragraph. The Ministry acts in lieu of the Municipal Council as regards the authority to instruct the Standing Committee for Planning Matters.

## **CHAPTER V. COUNTY PLANNING**

### **Section 19-1. County planning**

The county shall ensure that county planning is carried out continuously within the county's area.

The Ministry shall oversee compliance with the obligation to carry out continuous county planning.

County planning shall coordinate national, county and the main aspects of municipal physical, economic, social and cultural activity in the county.

In each county, the county shall prepare a county master plan. The county master plan consists of objectives and long-term guidelines for development in the county and a coordinated programme of action for the activity of the national and county sectors, stating how the objectives are to be achieved. The programme of action shall also cover municipal sectors in so far as matters of major importance to the county or large parts of it are concerned.

The plan shall also lay down guidelines for the use of land and natural resources in the county in respect of issues that will have significant impact beyond the boundaries of a municipality or which the individual municipality is unable to resolve within its own area and which must be considered for several municipalities jointly.

When appropriate, a county master plan may be prepared for specific areas of activity or groups of projects covered by the county planning, and for parts of the county.

The planning shall be based on the financial and other resource-related prerequisites for its implementation.

### **Section 19-2. Cooperation between counties on planning**

The Ministry may lay down provisions concerning cooperation between two or more counties in connection with county planning. The municipality of Oslo is regarded as a county in this connection. The Ministry may hereunder lay down provisions concerning the establishment of the necessary cooperative bodies, concerning which tasks cooperation shall encompass and concerning which geographical areas it shall cover. Before such provisions are laid down, the counties concerned shall have been given an opportunity to express their views.

### **Section 19-3. Organization of county planning work**

The county organizes county planning work in accordance with the provisions of sections 12-1, 12-2 and 12-3. It establishes the committees and decides the measures that it

considers necessary for coordination, cooperation and consultation pursuant to section 16-1, and ensures that drafts of the county master plan, including revisions and alterations of the plan, are proposed at the right time. The County Governor shall oversee that national bodies fulfil their obligation to provide assistance, cf. section 12-3.

The county shall cooperate continuously with the municipalities in the county, and with public bodies and private organizations and others that have a particular interest in county planning work.

#### **Section 19-4. Consideration of the county master plan**

As early as possible during preparation of the draft plan, the county shall make known the proposed goals for development in the county and the main elements of the proposed long-term guidelines for the sectors' planning and programme of action. The proposals shall be presented in a form which makes them suitable as a basis for public debate and shall be made public in an appropriate manner.

The draft county master plan shall be submitted for comment to the County Governor, to the municipalities and to public bodies and organizations etc. which will be affected by the draft. A time limit, which must not be less than 30 days, may be fixed for expressing an opinion.

When it has been adopted by the County Council, the county master plan is submitted to the King for approval. In connection with the approval the King may stipulate such changes in the plan as are found to be necessary out of consideration for national policy interests.

#### **Section 19-5. Revision**

At least every second year the County Council should evaluate the assumptions on which the plan is based and its implementation, and make any necessary changes. Major changes and additions which affect national and municipal interests shall be reported to the Ministry, which decides whether the whole plan or part of the plan shall be taken up for review.

The County Council shall review the plan at least once during each election period. The provisions of sections 19-1 to 19-4 shall apply correspondingly.

The Ministry may order county master plans to be changed.

#### **Section 19-6. Effects of the county master plan**

The county master plan shall form the basis for county activity and shall serve as a guideline for municipal and national planning and activity in the county.

If, within the national fields of activity, it becomes relevant to deviate from the assumptions of the county master plan, the national body concerned shall raise the matter with the county planning authorities. As far as possible, such matters should be taken up by the State early enough to enable new or modified solutions to be included in the routine review of the county master plan, cf. section 19-5.

### **CHAPTER VI. MUNICIPAL PLANNING**

#### **Section 20-1. Municipal planning**

Municipalities shall carry out continuous planning with a view to coordinating physical, economic, social, aesthetic and cultural development within their own areas.

A municipal master plan shall be prepared in each municipality. The plan shall comprise a long-term and a short-term component. The long-term component consists of:

- goals for development in the municipality, guidelines for sector planning and a land-use part for the management of land and other natural resources.

The short-term component consists of:

- a coordinated programme of action for sectoral activity during the next few years.

Municipal planning shall be based on the financial and other resource-related prerequisites for implementation.

A land-use plan and a programme of action may be prepared for parts of the municipality and a programme of action for specific areas of activity.

At least once during every election period the Municipal Council shall evaluate the municipal master plan as a whole, including whether it is necessary to change it in any way.

The Ministry shall oversee compliance with the obligation to carry out continuous municipal planning.

## **Section 20-2. Organization of municipal planning work**

The municipality organizes municipal planning work in accordance with the provisions of sections 9-1, 9-2 and 9-3. It establishes the committees and takes the measures that it considers necessary for coordination, cooperation and consultation pursuant to section 16-1. The county shall, as far as possible, give the municipality expert planning assistance and guidance.

At an early stage in the preparations the municipality shall seek cooperation with public authorities, organizations etc. that have particular interests in the municipal planning work.

## **Section 20-3. Inter-municipal planning**

The Ministry may lay down more specific provisions concerning inter-municipal planning. Hereunder, the Ministry may lay down provisions concerning the establishment of the necessary cooperative bodies, concerning which tasks cooperation shall encompass, and concerning which geographical areas it shall cover. Before such provisions are laid down, the municipalities concerned shall be given an opportunity to express their views.

## **Section 20-4. The land-use part of the municipal master plan**

As far as is necessary the part referring to land use shall designate:

1. Building areas.
2. Agricultural areas, nature areas and areas for open-air recreation.
3. Areas for extraction of raw materials.
4. Other areas that are reserved or are to be reserved for specifically defined purposes pursuant to this or another Act and areas reserved for the Norwegian Defence Forces.
5. Areas for special use or protection of sea and watercourses, including areas for traffic, fisheries areas, aquaculture areas, nature areas and open-air recreation areas separately or in combination with one or more of the mentioned land-use categories.
6. Important links in the system of communications.

Supplementary provisions may be laid down in connection with the land-use part of the municipal master plan:

- a) In the case of areas reserved for development, areas for extraction of raw materials and areas alongside watercourses up to 100 m from the shoreline measured horizontally at average flood water level, it may be stipulated that projects referred to in sections 81, 86a, 86b and 93 of this Act may not be carried out until the area has been included in a zoning plan or a building development plan.
- b) In the case of areas set aside for development it may be stipulated that development shall take place in a specific order, and that development within the areas concerned may not take place until technical installations and community services such as

electricity supply, communications, including a system of footpaths and cycle paths, health and social welfare services, including day care centres, schools and day care facilities for schoolchildren, etc. have been established. In connection with development areas, and in agricultural areas, nature areas and areas for open-air recreation where scattered development is permitted, provisions may also be laid down concerning the permitted height of buildings, building density and other ways of controlling the size, form etc. of buildings and installations. Further criteria may also be laid down for the location of various development projects and use of land within the building areas.

- c) In the case of the areas mentioned in the first paragraph, sub-paragraph 2, provisions may be laid down concerning the extent and location of scattered residential buildings and commercial buildings that are not connected to industry specifically linked to the local area, and concerning leisure cabins, including a requirement for a building development plan.
- d) In the case of building areas and agricultural areas, nature areas and open-air recreation areas where scattered building of dwellings is permitted, requirements may be imposed concerning the size and functions of play areas and other outside public areas, including requirements that such outside areas are completed at the same time as the dwellings.
- e) It may be stipulated that the building of new or the substantial extension of existing leisure cabins shall not be permitted for the whole or parts of the municipality.
- f) In the case of areas alongside watercourses within 100 m of the shoreline measured horizontally at average flood water level, it may be stipulated that the initiation of specified building and construction projects is prohibited.
- g) In the case of certain stretches of road and certain projects in the roads network it may be stipulated that it is sufficient to include the area in a building development plan before construction is started.
- h) In the case of specified areas it may be stipulated that the designation of land use pursuant to the first paragraph shall not have legal consequences pursuant to section 20-6, second paragraph. Nor will the plan, in the event, have consequences pursuant to section 20-6, third paragraph.

## **Section 20-5. Consideration of the municipal master plan**

In good time before the municipal master plan is considered by the Municipal Council the municipality shall make sure that the most relevant matters in the municipal planning work are made known in a manner that it finds appropriate, to enable them to become a topic for public debate.

The draft municipal master plan shall be sent to the county, affected national bodies and organizations etc. that have particular interests in the planning work, and shall be made available for public inspection as stipulated in section 27-1. A time limit, which must not be less than 30 days, may be stipulated for expression of an opinion. The case shall then be submitted to the Municipal Council for decision.

The rules concerning participation and public inspection in the first and second paragraphs do not apply to the updating of the municipality's overall programme of action.

If objections are connected to clearly delimited parts of the plan, the Municipal Council may nevertheless decide that the rest of the plan shall have legal effect pursuant to section 20-6.

If the county, a neighbouring municipality or affected national expert authorities have objected to the land-use part of the municipal master plan, this part shall, after a decision by the Municipal Council, be sent to the Ministry for approval unless the municipality has taken the objections into account. The Ministry will decide whether the objections shall be upheld. In this connection the Ministry may make such changes to the plan as are found to be necessary.

When the whole municipal master plan, the land-use part or the updated programme of action have been adopted by the Municipal Council with legal effect, a copy shall be sent to the Ministry, the County Governor, the county and affected national expert authorities for information.

Even if the county or affected national expert authorities have had no objections to the land-use part of the municipal master plan the Ministry may, after the Municipal Council has had an opportunity to express an opinion, make changes to the plan out of consideration for national interests. The municipality must be informed within three months' of the Ministry's receiving it that the plan will be changed.

When the plan is final, it shall be made public in an appropriate manner in the municipality.

The Municipal Council's and the Ministry's decision to approve the plan or to alter the land-use part of the plan may not be appealed.

The provisions of this section apply correspondingly to the consideration of the land-use part of the municipal master plan or a programme of action applying to parts of the municipality or specific areas of activity.

When revising the municipal master plan or the main elements of such a plan alone, the provisions of this section and section 33 apply correspondingly.

## **Section 20-6. Effects of the municipal master plan**

The municipal master plan shall form the basis for planning, management and development in the municipality.

Projects mentioned in sections 81, 86a, 86b and 93 must not, unless otherwise provided, conflict with land use or provisions laid down in the final plan for land use. The same applies to other measures which may be of major disadvantage for implementation of the plan. In the case of areas that are to be reserved for specified purposes in pursuance of this or other Acts, cf. section 20-4, first paragraph, subparagraph 4, the effect of the land-use part of the plan is limited to a period of four years from the time the plan is adopted by the Municipal Council. Upon application by the municipality, the Ministry may extend the period of effect by up to two years.

Unless otherwise provided, the land-use part of the municipal master plan takes precedence over older provisions concerning national policy, a zoning plan and a building development plan, but lapses to the extent that it contravenes such provisions that are made to apply later.

## **Section 21. Realization of property**

If an undeveloped property or a large part of such a property is set aside in the land-use part of the plan for the purposes mentioned in section 25, subparagraphs 3, 4, 7 and 8 and for State, county or municipal buildings or graveyards and cemeteries, and the property is not, within four years, zoned or set aside for other purposes in the land-use part of the plan, the landowner (lessee) may claim compensation after judicial assessment, or that the land be expropriated immediately, if the reservation of the land entails that the property can no longer be used in a profitable manner. If the land has been developed, the owner/lessee has the same right when the buildings have been removed.

# **CHAPTER VII. THE ZONING PLAN**

## **Section 22. Definition**

For the purpose of this Act a zoning plan shall mean a detailed plan with associated provisions which regulates the use and protection of land, watercourses, sea areas, buildings and the external environment in specific areas in a municipality within the framework defined in sections 25 and 26.

A zoning plan may cover one or more of the purposes and provisions mentioned in sections 25 and 26.

### **Section 23. Duty to prepare a zoning plan – relationship to master plans**

1. A zoning plan shall be prepared for the areas in the municipality where it is decided in the land-use part of the municipal master plan that development etc. may take place only in accordance with such a plan and for areas where large building and construction works are to be undertaken. A building permit pursuant to section 93 may not be issued until a zoning plan has been prepared.

Zoning plans shall also be prepared to the extent necessary to ensure implementation of the integrated planning pursuant to the Act. Zoning plans shall be sufficiently limited in scope to enable them to be implemented within a reasonable period of time.

2. When buildings have been destroyed by fire or in some other way, the municipality shall immediately raise the question of whether the area needs to be zoned or rezoned.

3. National policy provisions, the county master plan and the land-use part of the municipal master plan shall serve as guidelines for preparation of zoning plans.

### **Section 24. Simplified zoning plan**

For specific building areas, a zoning plan may be limited to zoning provisions which determine the different categories of land use and the density of the development. Further provisions concerning the method of calculation may be laid down in regulations. In the case of certain building areas, it may be required that building development plans are prepared pursuant to section 28-2.

### **Section 25. Categories of land use**

To the extent necessary the zoning plan shall designate:

1. Building areas:

including areas for dwellings with associated facilities, shops, offices, industry, buildings for leisure purposes (leisure cabins with connected outhouses), as well as sites for public (State, county and municipal) buildings with a specified purpose, other buildings of specifically defined use to the general public, hostels and catering establishments and garages and petrol stations.

2. Agricultural areas:

including areas for farming and forestry, reindeer farming and market gardening.

3. Public traffic areas:

Roads – for the purpose of this Act this also includes streets with pavements, footpaths, cycle paths, courtyards and squares – bridges, canals, railways, tramways, bus stations, parking areas, harbours, airports and other traffic facilities and the necessary land for installations and means of making the traffic areas safe etc.

4. Public outdoor recreation areas:

Parks, hiking trails, camping sites, areas used for play and sport, and sea areas used for such activities.

5. Danger areas:

Areas for high voltage installations, shooting ranges, stores of flammable goods and other installations which may represent a hazard to the public, and areas where, due to risk of landslide, flood or other special hazard, building is not permitted or shall be permitted only on special conditions out of consideration for safety.

6. Special areas:

including areas for private roads, camping, areas for installations in the ground and in watercourses or for marine installations, areas with buildings and installations which should be preserved on account of their historical, antiquarian or other cultural value, fishing settlements, reindeer farming areas, areas for open-air recreation that are not included under item 4, green belts in industrial areas, nature conservation areas, climate conservation zones, sources of water supply with catchment area, areas with unobstructed visibility close to roads, areas where building is restricted around airports, and areas and installations for operation of radio navigation aids outside airports, areas for installation and operation of municipal technical facilities, graveyards and cemeteries, water and sewerage installations, areas for construction and operation of plants for energy production or district heating, cableways, amusement parks, golf courses, stone quarries and soil extraction sites and other areas entailing significant encroachment on terrain, installations for the Telecommunications Administration and exercise areas with appurtenant installations for the Defence Forces and the Civil Defence.

7. Common areas:

Common exit roads and common parking areas, common playgrounds for children, courtyards and other areas common to several properties.

8. Areas for renewal:

Densely built areas which are to be totally renewed or improved.

Several land use categories may be established within the same area or in the same building. However, the land use categories open air recreation area and nature conservation area may not be combined with the category agricultural area. It may also be stipulated that an area or building, after a specifically defined period of time or when other specific conditions have been fulfilled, shall be transferred from one land use category to another.

## **Section 26. Zoning provisions**

To the extent necessary, provisions may be made by means of a zoning plan concerning the design and use of areas of land and buildings in the area covered by the plan. The provisions may impose conditions for use or may prohibit certain kinds of use in order to promote or ensure compliance with the purpose of the zoning. It may also be required that measures in pursuance of the plan are implemented in a special order. No provisions may be laid down concerning the discharge of water or the water level.

Provisions pursuant to the first paragraph should stipulate the smallest play area required for each dwelling unit and lay down further rules for the content and design of such areas.

## **Section 27-1. Preparation of zoning plans**

1. The Municipal Council shall ensure that the Standing Committee for Planning Matters has proposals for zoning plans prepared as required by section 23 and that the plans are taken up for revision as circumstances require. For this purpose the Municipal Council may give the Standing Committee for Planning Matters the directions and general guidelines needed for the work. The plans shall be prepared by experts, and shall be presented in a uniform and understandable form. In the same way, the Municipal Council may order the Standing Committee for Planning Matters to have zoning plans prepared for areas which are not subject to the zoning obligation stipulated in section 23, or to revise such plans.

When an area is to be zoned, the Standing Committee for Planning Matters shall ensure that an announcement of this is published, usually in at least two newspapers that are widely read locally. The announcement shall describe the intended purpose of the zoning and the expected consequences for the area. As far as possible, landowners and holders of rights (including lessees) should be notified by letter and should be given a reasonable time limit by which to express an opinion before the Standing Committee for Planning Matters in the event considers the zoning proposal.

When zoning and rezoning areas with existing buildings, the municipality shall facilitate the active participation of persons living in the area or who are engaged in commercial activity in the area.

The Standing Committee for Planning Matters shall, at an early stage of the preparations, seek cooperation with public authorities, organizations etc. that have particular interests in the zoning work, cf. sections 9-3 and 16-1.

2. When a proposal for a zoning plan has been prepared in accordance with the provisions of subsection 1, it shall be submitted to the Standing Committee for Planning Matters, which decides whether it shall be made available for public inspection. The announcement concerning public inspection shall normally be published in at least two newspapers that are widely read locally. It shall clearly define the area covered by the proposal and shall state a reasonable time limit for comment, which must not be fixed at less than 30 days. Nevertheless, in minor zoning matters, the Standing Committee for Planning Matters may specify a shorter time limit. As far as possible, landowners and holders of rights in the area should be informed by letter. When the time limit has expired, the Standing Committee for Planning Matters takes the case up for consideration, together with the comments that have been received. The Standing Committee for Planning Matters shall be informed if the matter has not been dealt with within 24 hours after a decision has been made to make the proposal available for public inspection.

In connection with the announcement pursuant to the provisions of the first paragraph, the Standing Committee for Planning Matters shall submit the matter to neighbouring municipalities, the county and the national expert bodies that have special interests in the area, with a reasonable time limit for expressing an opinion. Objections shall be submitted within the time limit.

## **Section 27-2. Zoning decisions**

1. When the Standing Committee for Planning Matters has finished dealing with the proposal, it is submitted to the Municipal Council for a decision, if necessary with alternatives. The Municipal Council must make a decision within twelve weeks of the Standing Committee for Planning Matters having finished dealing with the proposed plan. If the Municipal Council disagrees with the proposal it may return the case for re-consideration, if necessary with guidelines for the further work.

2. If objections to the plan have been received from the county, neighbouring municipalities or national expert authorities whose area of responsibility will be affected, a zoning plan that has been adopted by the Municipal Council must be sent to the Ministry, which decides whether the plan shall be confirmed. If the Ministry confirms the plan it may, after the municipality has been given an opportunity to express an opinion, make such changes in the plan as are found to be necessary. Nevertheless, this must not lead to any changes in the main features of the plan.

3. The municipality shall announce the plan as soon as it has been adopted and in the event confirmed. A copy of the plan shall be sent to the county and the Ministry. The announcement shall as a rule be published in at least two newspapers that are widely read locally. It shall clearly state the area covered by the plan and inform about the time limits mentioned in section 32, subsection 1, second paragraph, and in section 42, second paragraph. The municipality shall have decisions concerning the zoning of areas to be renewed (section 25, subsection 8), with the restrictions on use pursuant to section 31, subsection 4, registered in respect of the affected properties. As far as possible, landowners and holders of rights in the area shall receive special notification by letter. The letter shall contain information about the right to appeal, if relevant, pursuant to section 27-3 (cf. Chapter VI of the Public Administration Act) and about the time limits mentioned in section 32, subsection 1, second and third paragraphs and section 42, second paragraph.

If the Ministry finds that a zoning plan that has been finally considered in the municipality conflicts with national interests, the county master plan or the land-use part of the municipal master plan, it may – after the municipality has been given an opportunity to express an opinion – at its own initiative cancel the plan or make such changes as found to be necessary. The changes made by the Ministry must not lead to any change in the main features of the plan.

### **Section 27-3. Appeal against zoning decisions**

The Ministry's decision in zoning matters may not be appealed.

The Municipal Council's final decision in zoning matters may be appealed to the Ministry pursuant to section 15 of this Act. The appeal shall be submitted in writing to the Standing Committee for Planning Matters which – if it finds grounds to allow the appeal – submits the matter to the Municipal Council with a proposal for changing the decision, and otherwise expresses an opinion and sends the matter via the County Governor to the Ministry.

### **Section 28-1. Alteration and cancellation of a zoning plan**

1. In the case of alteration or cancellation of a zoning plan, sections 27-1 and 27-2 shall apply correspondingly.
2. Less important changes to a zoning plan may be made by the Standing Committee for Planning Matters. Changes which may lead to increased costs for the municipality shall be submitted to the Municipal Council in advance. In the case of zoning plans referring to national and county roads, less important changes as a result of technical conditions during the period of implementation may be made by the regional roads department.
3. If the parcelling of land is not fixed in a zoning plan, this may be determined by the Standing Committee for Planning Matters.
4. Before a decision is taken pursuant to subsection 2 or 3 the owners/lessees of properties that are directly affected shall be given an opportunity to express an opinion.

### **Section 28-2. Building development plans**

For the purposes of this Act a building development plan means a plan adopted by the Standing Committee for Planning Matters itself which establishes land use and design of buildings, installations and associated outside areas within a specifically delimited area where, according to

the land-use part of the municipal master plan or a zoning plan, such a plan is required as a basis for development.

A building development plan may, within the framework of the land-use part of the municipal master plan or a zoning plan and the categories of land use mentioned in section 25, provide for any supplements or changes to such plans as are considered necessary to carry out the development.

The preparation of a building development plan is subject to the provisions of section 27-1, subsection 1, second, third and fourth paragraphs. When the plan is prepared by a private person, section 30, third paragraph, applies correspondingly.

Before the proposed building development plan is adopted it shall be made available for public inspection pursuant to the provisions in section 27-2, subsection 2. If the building development plan causes other than minor changes to the land-use part of the municipal master plan or to a zoning plan, it shall be submitted to neighbouring municipalities, the county and national expert authorities as provided in section 27-1, subsection 2. If any objections to the plan are received from the county, neighbouring municipalities or a national expert authority whose area of responsibility will be affected, the plan must be sent to the Municipal Council and be dealt with in the same way as a zoning plan pursuant to the rules in section 27-2, subsection 2.

As soon as the plan has been adopted, the municipality shall announce it publicly. The announcement shall as a rule be made in at least two newspapers that are widely read locally. It shall clearly define the area covered by the plan and provide information about the time limits mentioned in section 32, subsection 1, second paragraph and section 42, second paragraph. As far as possible, landowners and holders of rights in the area should be notified specially by letter. The letter shall contain information on the right to appeal, if relevant, pursuant to the sixth paragraph of this section (cf. Chapter VI of the Public Administration Act) and the time limits mentioned in section 32, subsection 1, second and third paragraphs and section 42, second paragraph.

Decisions of the Standing Committee for Planning Matters concerning a building development plan may be appealed to the Ministry pursuant to section 15 of this Act.

Section 31, subsection 1, applies correspondingly to a building development plan adopted by the Standing Committee for Planning Matters.

In the case of changes in a building development plan the above provisions apply correspondingly.

## **Section 29. Cooperation between municipalities and public agencies concerning zoning**

When county or national authorities are to make preparations for measures which make it necessary or desirable to undertake zoning or rezoning, they shall consult the municipality at an early stage in the preparations.

The municipality may in the event leave it to the authority concerned to prepare a proposal for a zoning plan and make the announcements pursuant to section 27-1, subsection 1, second paragraph and subsection 2.

Disputes between the municipality and the county concerning zoning shall be decided by the Ministry, which may in the event issue the necessary instructions concerning zoning, cf. section 18. Disputes concerning national measures shall be raised pursuant to section 18.

## **Section 30. Private zoning proposals**

Landowners, holders of rights or other interested parties who wish to have a zoning plan prepared should, before the planning is started, submit the zoning issue to the Standing Committee for Planning Matters. The Standing Committee for Planning Matters can give advice about whether the plan should be prepared and can help in the planning work.

When private zoning proposals are received, the Standing Committee for Planning Matters shall consider the proposal as soon as possible and within twelve weeks. The person submitting the proposal and the municipality may agree on another time limit. If the Standing Committee for Planning Matters itself finds no reason to present a zoning proposal for the area, the person who has submitted the proposal shall be informed by letter. If the proposal refers to unzoned land or entails a significant change in the current zoning plan, the person who has submitted the proposal may demand that the zoning issue be put before the Municipal Council.

The provision in section 27-1, subsection 1, second paragraph applies correspondingly to private zoning proposals. The obligation concerning public announcement and information pursuant to section 27-1, subsection 1, second paragraph, rests with the person who has had the zoning plan prepared.

### **Section 31. Effects of a zoning plan**

1. A finally adopted zoning plan is immediately binding on all projects mentioned in sections 81, 86a, 86b and 93 within the area covered by the plan. Moreover, the land may not be taken into use in another way or be partitioned off for purposes which will make it difficult to implement the plan.

A decision by the Municipal Council pursuant to section 27-2, subsection 1, is immediately binding if it is valid without confirmation by the Ministry pursuant to section 27-2, subsection 2. A decision made by the Standing Committee for Planning Matters pursuant to section 28-1, subsections 2 and 3, is immediately binding.

2. The right of the Municipal Council to undertake expropriation in pursuance of a zoning plan or a building development plan pursuant to section 35, subsections 1 and 2, no longer applies if the Municipal Council's decision concerning expropriation is not made within a period of ten years after the plan has been announced pursuant to section 27-2, subsection 3.

In the case of areas that are zoned for renewal (section 25, subsection 8) the right to expropriate and the limitations on use of land pursuant to subsection 4 no longer apply to properties for which the Municipal Council or the expropriator pursuant to section 35, subsection 6, have not requested judicial assessment before a period of five years has expired.

3. When public roads are closed down in accordance with a zoning plan for areas which are or will be densely developed, section 8 of the Public Roads Act of 21 June 1963 does not apply.

4. From the time a decision to zone an area for renewal (section 25, subsection 8) has been announced in accordance with section 27-2, subsection 3, a landowner (holder of rights) within the area may not assert a right in accordance with the plan. From the same time, the rules concerning limitations on the right of use pursuant to section 28 of the Act of 23 October 1959 relating to expropriation of real property shall apply correspondingly to the landowner (holder of rights) within the area to be renewed.

### **Section 32. Compensation for loss caused by a zoning plan or building development plan**

1. If a zoning plan or building development plan, through provisions imposing limitations on buildings near to roads or for other special reasons, makes the property unsuitable as a building plot, and also prevents it from being used in another profitable manner, the municipality shall pay compensation in an amount fixed by judicial assessment unless it acquires the property pursuant to section 43. The same applies if a zoning plan entails that properties which can only be used for agricultural purposes can no longer be operated profitably. When planning nature conservation areas pursuant to this Act the municipality shall pay compensation in an amount fixed by judicial

assessment in accordance with sections 20, 20b and 20c of the Act of 19 June 1970 No. 63 on nature conservation.

A claim for compensation must be presented at the latest three years after a zoning plan is announced publicly pursuant to section 27-2, subsection 3, a decision pursuant to section 28-1, subsection 2 is announced, or a building development plan is announced publicly pursuant to section 28-2, fifth paragraph.

If the land has been developed, the owner (lessee) has the same claim when the buildings have been removed. The claim must in such case be presented at the latest three years from the time of removal.

Unless otherwise provided, compensation for loss caused by a zoning plan that is prepared and adopted by the Ministry or by the municipality in pursuance of section 18 shall be paid by the State.

2. When a property is developed in accordance with a zoning plan or a building development plan and is thus significantly better utilized than other properties in the area, and the value of the latter are consequently considerably reduced, the owners (lessees) of these properties may be awarded compensation fixed by judicial assessment, to be paid by the owner of the first-mentioned property. The amount of the compensation may not exceed the increase in value which the improved utilization entails for the property concerned, after deductions for the refunds which the owner (lessee) has been obliged to pay in accordance with the provisions of Chapter IX of the Act as a result of the utilization of the property.

The claim for compensation must be presented at the latest three months after a building permit has been issued. The owner (lessee) of a property whose utilization has been improved may demand prior judicial assessment so that the question of compensation can be decided when the final zoning plan or building development plan is available. The compensation falls due for payment when construction work is started, but at the earliest three months from the time when the sum is finally fixed.

### **Section 33. Temporary prohibition against division and construction work**

If the Standing Committee for Planning Matters itself finds that an area should be zoned or rezoned, the said committee may decide that projects such as mentioned in sections 81, 86a, 86b and 93 may not be started until the question of zoning has been finally decided. The same applies to other projects which may make planning or implementation of the plan more difficult.

The Standing Committee for Planning Matters may consent to a property being divided or to work being done if, in the judgement of the Council, this will not make the new zoning more difficult.

If the intended zoning is for purposes of renewal (section 25, subsection 8), the council may also decide that the landowner (holder of rights) may not, without the consent of the municipality, have legal disposal of property within the renewal area in a way which might make implementation of the plan more difficult or more expensive. The Committee shall have such a decision registered in respect of the affected properties.

If the question of zoning is not finally decided at the latest two years after the prohibition is imposed, the prohibition shall lapse and the registered decision pursuant to the third paragraph shall be deleted. Previously submitted proposals for division and applications for building permits shall immediately be taken up for consideration and decision. The Standing Committee for Planning Matters may in the event fix the boundaries of building plots and the location, height and area of the building(s).

The Ministry may extend the time limit in special cases. An application for extension of the time limit must state the length of the desired period of extension and be sent through a postal operator or by telegraph or given to a public official with authority to receive the application,

before the time limit expires. If an extension of the time limit is applied for, the prohibition applies until the matter is decided.

If the time limit is extended the Ministry may decide that the affected landowners, immediately or as from a specific date, shall be given the right to demand realization of their property as if the property – or the part of the property affected by the prohibition against construction – had been zoned for the purposes mentioned in section 25, subsections 3, 4, 7 or 8 or for State, county or municipal buildings or graveyards or cemeteries. The provisions of section 42 are made to apply correspondingly.

In connection with planning pursuant to section 17-1, second paragraph, and section 18 and otherwise when there are special reasons for doing so, the Ministry may make decisions as mentioned in the first paragraph. In such case the provisions of sections 16 and 27, first and second paragraphs, of the Public Administration Act apply correspondingly in relation to the municipality concerned.

The provisions apply correspondingly when the land-use part of the municipal master plan is revised, cf. section 20-5, last paragraph.

## **CHAPTER VII-A. ENVIRONMENTAL IMPACT ASSESSMENTS**

### **Section 33-1. Scope and purpose**

The provisions shall apply to plans pursuant to the Planning and Building Act as specified in section 16-2, and certain specified plans and projects pursuant to other legislation, which may have significant effects on the environment, natural resources or the community.

The purpose of the provisions is to ensure that the environment, natural resources and the community are taken into account during the preparation of the plan or project, and when a decision is taken as to whether, and if so subject to what conditions, the plan or project may be carried out.

### **Section 33-2. General provisions**

For plans and projects that are covered by the provisions, as early as possible during the preparation of the plan or project, a proposal shall be drawn up for a programme for the planning and assessment process. The proposal shall describe the purpose of the plan or application, the need for assessments and arrangements for participation. The proposal shall be circulated for consultation and made available for public inspection.

Proposed plans or applications accompanied by an environmental impact assessment shall be prepared on the basis of the prescribed planning or assessment programme and circulated for consultation and made available for public inspection,

Administrative decisions on the matter shall be published with the grounds for the decision. The grounds shall state how the effects of the proposed plan or application and any consultative comments received have been assessed, and what importance has been attached to them in making the decision, particularly as regards the choice of alternatives.

In connection with the decision, conditions shall be considered and insofar as necessary laid down with a view to monitoring and remedying possible negative effects of significant importance. The conditions shall be set out in the decision.

### **Section 33-3. Relationship to other states**

If plans and projects that are considered pursuant to this chapter may have significant negative effects in another country, the state in question shall be notified and given the opportunity to participate in the planning or assessment process pursuant to these provisions.

#### **Section 33-4. Costs**

The costs of preparing an environmental impact assessment shall be borne by the person presenting the proposal.

#### **Section 33-5. Regulations**

The King may in regulations issue provisions concerning plans and projects that are covered by this chapter as well as supplementary provisions concerning environmental impact assessments.

**Section 33-6. (Repealed by the Act of 24 September 2004 No. 72.)**

**Section 33-7. (Repealed by the Act of 24 September 2004 No. 72.)**

**Section 33-8. (Repealed by the Act of 24 September 2004 No. 72.)**

**Section 33-9. (Repealed by the Act of 24 September 2004 No. 72.)**

**Section 33-10. (Repealed by the Act of 24 September 2004 No. 72.)**

**Section 33-11. (Repealed by the Act of 24 September 2004 No. 72.)**

**Section 33-12. (Repealed by the Act of 24 September 2004 No. 72.)**

**Section 33-13. (Repealed by the Act of 24 September 2004 No. 72.)**

### **CHAPTER VIII. EXPROPRIATION**

#### **Section 34. Definition**

For the purposes of this Act, expropriation takes place when the right of ownership to real property or any building or other object permanently attached to such property is acquired by compulsion in return for compensation fixed by judicial assessment, or when any right of use, easement or other right to or over real property is acquired, altered, transferred or redeemed by compulsion in return for compensation fixed by judicial assessment.

#### **Section 35. Expropriation for the purpose of implementing a zoning plan or building development plan**

1. The Municipal Council may effect expropriation for the purpose of implementing a zoning plan or building development plan.

The State may effect expropriation for the purpose of implementing a zoning plan or building development plan. The provisions made in subsections 2 to 6 hereunder shall apply correspondingly.

2. As far as is necessary for the purpose of implementing a zoning plan or building development plan, the Municipal Council may, with the consent of the Ministry, extend the expropriation pursuant to subsection 1 to include temporary and/or permanent encroachment on land and rights outside the zoning area. Nevertheless, consent is not necessary in the case of expropriation of land for road cuttings and fillings outside the zoning area.

3. Before the Municipal Council makes a decision concerning expropriation pursuant to subsection 1 and concerning an application for consent to expropriation pursuant to subsection 2, the matter shall be clarified as well as possible, and the persons who are to be affected by the encroachment shall be given an opportunity to express an opinion. Sections 12 and 28 of the Act of 23 October 1959 concerning expropriation of real property shall apply correspondingly.

Nevertheless, section 12, first paragraph, second sentence, of the Expropriation of Property Act shall not apply when expropriation is effected pursuant to this section.

4. Expropriation of individual developed or undeveloped lots should normally not be effected unless the municipality has first given the owner or the lessee a reasonable time limit within which to build in accordance with the plan, and the said time limit has been exceeded. This does not apply to lots within areas zoned for renewal (section 25, subsection 8).

5. Expropriation pursuant to this section may not be effected in respect of land designated in the plan as agricultural areas (section 25, subsection 2).

6. In the event of expropriation of land designated as a renewal area (section 25, subsection 8), the Municipal Council may consent to another legal person who is to be responsible for the renewal having the right of expropriation.

### **Section 36. Expropriation independent of a zoning plan**

1. With the consent of the Ministry, the Municipal Council may effect expropriation in order to secure for the municipality land for new built-up areas. Consent may be granted and the encroachment may be implemented even if no zoning plan, building development plan or relevant building plans have been prepared for the area concerned.

2. With the consent of the Ministry, the Municipal Council may effect expropriation for the purpose of zoning a district that has been destroyed by fire or otherwise, even if no zoning plan or building development plan exists.

3. If an owner of real property does not put into effect or comply with the provisions of an improvement programme pursuant to section 89a within a time limit fixed by the municipality, the Municipal Council may, with the consent of the Ministry, expropriate all or parts of the property and the rights therein for the purpose of implementing the programme.

4. Section 35, subsection 3, first paragraph, applies correspondingly in the case of expropriation pursuant to subsections 1, 2 and 3.

### **Section 37. Expropriation for water and sewerage installations, etc.**

For sewerage installations, cf. section 21 of the Pollution Control Act, for a zoned area, the Municipal Council may, with the consent of the Ministry, effect expropriation outside the ground acquired for the road for the purpose of pipelines and appurtenant devices. In connection with the expropriation pursuant to the first sentence, expropriation may also be effected for water pipes with appurtenant devices.

Section 35, subsection 3, first paragraph, applies correspondingly.

### **Section 38. The landowner's right to expropriate for purposes of access, sewerage installations and common areas, and for green belts in industrial areas**

In cases where pursuant to section 67, it is decided that division or building must not take place unless a road or main sewers have been constructed, the landowner (lessee) may, subject to the consent of the Municipal Council, effect expropriation for these purposes. In connection with expropriation for sewerage installations, section 37, first paragraph, second sentence, applies correspondingly.

Similarly, a landowner (lessee) in any block of buildings for which, in a zoning plan or building development plan, areas have been set aside for a common exit road, common parking area, common playground, common courtyard or any other form of common area for several properties, may be given permission to effect expropriation in order to implement the whole or part of the plan.

When the municipality, pursuant to section 67 a, second paragraph, has made it a condition for granting a building permit that green belts in industrial areas be acquired in accordance with a zoning plan or building development plan, the landowner (lessee) may, with the consent of the Municipal Council, effect expropriation for this purpose.

### **Section 39. Adjustment of lots**

1. In order to obtain suitable lots, the municipality may, pursuant to a decision by the Municipal Council, expropriate undeveloped parcels of land which according to a zoning plan or building development plan may not be built on independently.
2. The municipality may make it a condition for granting a building permit (section 93) that the applicant acquires smaller parcels of undeveloped land in order to give the lot a more suitable boundary or form. The municipality may consent to the applicant effecting the necessary expropriation.
3. For the purposes of this section, land with building(s) thereon is also regarded as undeveloped land when, in the opinion of the municipality, such building(s) is/are of little financial or practical value.

### **Section 40. Time of the expropriation**

Expropriation that may be effected by the municipality pursuant to this Act without the special consent of the Ministry may take place gradually and to the extent decided by the municipality, regardless of whether the purpose of the expropriation will not be realized until later.

### **Section 41. Preliminary assessment**

When a proposed zoning plan or building development plan has been adopted by the Standing Committee for Planning Matters, the Municipal Council may demand a judicial assessment for the purpose of fixing compensation in cases of expropriation pursuant to section 35. Before enforcement can be demanded on the basis of such an assessment, cf. section 41 of the Act of 1 June 1917 No. 1 concerning judicial assessment and cases of expropriation, the plan must be final and the Ministry's consent to the expropriation must have been obtained in those cases where such consent is needed.

### **Section 42. The landowner's right to demand realization of property**

If a zoning plan or building development plan entails that the municipality pursuant to section 35, subsection 1, or another legal person with the consent of the municipality pursuant to subsection 6, has the right to expropriate an undeveloped property as a whole, the landowner (lessee) may demand that the expropriation be effected immediately when the decision applies to land that has been designated in the plan for the purposes mentioned in section 25, subsections 3, 4, 7 and 8

or for State, county or municipal buildings or graveyards and cemeteries. The same applies when the right to expropriate covers undeveloped parts of the property, if as a result of the expropriation the property will no longer be considered suitable for profitable use, taking into account the size of the whole property, its location and other circumstances.

A demand pursuant to the first paragraph must be presented not later than three years from the date of publication of the zoning plan or the building development plan pursuant to section 27-2, subsection 3 or 28-2, fifth paragraph, or of notification of a decision pursuant to section 28-1, subsection 2. If the land is built on, the owner (lessee) has the same right when the building has been removed. The demand must in that case be presented not later than three years from that date.

### **Section 43. Extension of the expropriation**

1. If a landowner or holder of rights so demands, it may be decided that expropriation pursuant to this Act shall also include land, buildings, rights or other objects which would be substantially reduced in value for the owner or holder of rights if expropriation were effected. In such cases it may also be decided, if so demanded, that the expropriation shall involve renunciation of ownership, even if right of use or other special right in the property has been demanded.
2. When the municipality effects expropriation pursuant to this Act, it may be decided, if the municipality so demands, that the expropriation shall also include land, buildings, rights or other objects as mentioned in subsection 1, if it is found that the municipality has a justifiable interest in such an extension of the expropriation.

When it is confirmed by judicial assessment that the conditions for compensation pursuant to section 32, subsection 1, subsist, it may, if the municipality so demands, be decided that the municipality may expropriate the property concerned if it is found that the municipality has a justifiable interest in so doing.

3. A decision referred to in subsections 1 and 2 will be made by the court in the course of the same judicial assessment as is required for fixing the compensation.

### **Section 44. Compensation in the form of land, temporary dwelling**

When the municipality has effected expropriation of land on which a house has been built, the owner of the house should, if possible, be given an opportunity to take over another residential lot in the vicinity. The same applies to all house-owners in renewal areas. The municipality will provide a temporary dwelling for a person who becomes homeless as a result of expropriation pursuant to this Act.

### **Section 45. Take-over of property by the State or the county**

1. If the municipality has acquired a property which, in a zoning plan or building development plan, is set aside as a site for a State building, the municipality may fix a reasonable time limit for the State to take over the property. If the State fails to take over the property before the time limit has expired, the municipality may keep it for its own use or otherwise dispose of it.
2. When a property has been designated for the purposes mentioned in section 25, subsection 3, and installations belonging to the State are concerned, the State is liable for compensation claimed pursuant to section 32 and for the cost of realization of the property pursuant to section 42 in so far as it is not provided by other legislation or by agreement that the municipality shall be responsible for these costs. In the same case the State may effect expropriation pursuant to section 35.
3. The provisions of subsections 1 and 2 apply correspondingly to the county in respect of property that has been set aside as the site of a county building or for installations belonging to the county.

## **CHAPTER IX. REFUNDING COSTS OF ROADS, WATER SUPPLY AND SEWERAGE**

### **Section 46. Projects for which a refund is payable**

1. Any person who has laid, re-laid or extended an approved public road or approved public installation for transporting water or waste water may claim to have his costs refunded pursuant to the provisions of this Act. Private claims for a refund of costs are subject to a condition that the project has been imposed in accordance with section 67. The term "road" means a roadway with pavement and turning places, path, cycle track, public footpath or public place. No refund may be claimed of the costs of a stretch of public road from which private exit roads are not permitted.
2. Moreover, a refund may be claimed by a person who in accordance with a zoning plan or a building development plan has provided land for or developed a common exit road, common courtyard, other area common to several properties or a green belt along an industrial area. Finally, anyone who has laid, altered or extended private installations for transporting water or waste water in an area that is included in a zoning plan or a building development plan, may claim a refund of costs.

### **Section 47. The refund unit**

1. The total costs relating to a stretch where a continuous development, alteration or extension of projects mentioned in section 46, subsection 1, takes place shall be distributed between the areas which, pursuant to section 49, are liable to pay a refund to the unit. If the conditions of the terrain or a change in the character of the area bordering the stretch or other special circumstances so indicate, the municipality may decide that the costs shall be distributed on the basis of another unit when this is found necessary in order to prevent a clearly unfair distribution of costs among the properties affected by the project.
2. In the case of projects mentioned in section 46, subsection 2, the project described in the plan constitutes a unit.

### **Section 48. Costs that are refundable**

The person entitled to a refund may reclaim all costs necessarily incurred in order to complete the project.

Where ground is acquired for a road or the construction is carried out to a greater width than that specified in section 67, the costs shall be reduced in proportion to the ratio between the width for which a refund may be claimed, and the actual width. If, as a consequence of the greater width, it becomes necessary to remove a building or installation, the amount of compensation and the costs of demolition and clearing up are not refundable.

If pipes with a greater diameter than that specified in section 67 are laid, the costs shall be reduced in proportion to the ratio between the pipe diameter for which a refund may be claimed and the actual diameter of the pipe.

### **Section 49. Areas liable to pay a refund**

1. A refund for projects mentioned in section 46, subsection 1, is charged to an undeveloped area that may be built on, and that because of the project obtains or may obtain lawful connection to a road, water pipe or sewer pursuant to section 67. An undeveloped part of a developed property is also regarded as an undeveloped area when the undeveloped part can be built on independently. The same applies to a part of a developed property that cannot be built on independently, if existing buildings constitute less than two thirds of the permitted utilization. Finally, an area

with buildings which in the opinion of the municipality are due for demolition or which for other reasons have a value clearly lower than the value of the site they occupy, is also regarded as undeveloped.

A refund is also to be charged to developed land that has been granted a temporary postponement of the fulfilment of its obligations pursuant to section 67, if such obligations are fulfilled through the project.

2. The refund for projects mentioned in section 46, subsection 2, is to be charged to the areas that they are intended to serve according to the zoning plan or the building development plan. In the case of areas that are wholly or partly developed, the same rules as in subsection 1 shall apply.

### **Section 50. Distribution factors. Valuation. Additional refund**

1. The costs for which a refund may be claimed are to be apportioned among the areas that are liable to pay a refund, one half being allotted to each of the factors building plot area and permitted utilization. When the utilization has not been determined in an approved plan, the municipality will decide the presumably permitted utilization.

The Municipal Council may, for the whole or part of the municipality, determine another ratio between the factors or that other factors shall be applied.

2. The amount of the refund that may be imposed on the individual property shall be limited to the added value that the project is assumed to confer on the property. The owner or the lessee may demand that the added value be determined by valuation carried out by three experts appointed by the district court. The demand for valuation must be submitted to the municipality not later than three weeks after notification of the municipality's decision pursuant to section 53 has been received. The valuation may be reviewed by three new experts appointed by the Court of Appeal. A claim for a review may be presented by those affected financially and must be submitted not later than three weeks after notification of the result of the valuation has been received. The municipality may, pursuant to section 31 of the Public Administration Act, grant reinstatement of proceedings if the said time limit of three weeks is exceeded. The person who demands valuation shall bear the costs of the valuation proceedings. The valuation committee may decide on another distribution of the costs. This decision may not be appealed.

If as a result of the provision in the first paragraph not all the costs pursuant to section 48 are covered in respect of one or more of the properties, the refund creditor may demand that the amount or amounts that are not covered be distributed among the other properties in accordance with the provisions of subsection 1. It is a condition that each of the properties on which an additional refund has been imposed must be assumed to have an added value at least as great as the sum of the amounts to be refunded by the property. The provisions of the first paragraph apply correspondingly. The time limit for claiming a valuation begins to run from the date notification of an additional refund is received.

### **Section 51. Right to realization of property**

A landowner who thinks that his area of land cannot be built on in a financially justifiable manner if it is to be burdened with the refund imposed may claim that the developer purchase the area. The claim must be submitted not later than three months after receiving the final demand for a refund. The developer is obliged to issue a summons for a judicial assessment in order to determine the purchase sum.

### **Section 52. Approval of plans**

Before the project is started, the developer shall prepare plans on a map, together with an estimate of the costs. The developer shall indicate on the map which properties may benefit from the installation. The developer shall send the material to the municipality for approval, with a copy

to affected landowners or lessees. The parties concerned may submit an opinion to the municipality within three weeks of receiving the material. The municipality may require to be supplied with binding quotations for the execution of the project, if relevant obtained by competitive tender.

### **Section 53. Preliminary calculation of the refund**

Before the municipality makes a decision concerning a preliminary calculation of the refund, the persons financially affected shall be sent for comment a provisional refund map showing the areas liable to pay a refund and specifying the size and utilization of the said areas. They shall also be sent an estimate of costs and a provisional summary of their distribution among the areas liable to pay a refund, and shall be informed of the right to demand a valuation pursuant to section 50, subsection 2. The persons concerned may submit their comments to the municipality within three weeks of receiving the material.

When the material pursuant to section 52 is available and the time limit laid down in the first paragraph has expired, the municipality shall as soon as possible decide which areas are liable to pay a refund and, as the case may be, decide which refund unit pursuant to section 47, subsection 1, second sentence, and which utilization presumably permitted pursuant to section 50, subsection 1, first sentence, shall apply. If the municipality makes a decision pursuant to section 47, subsection 1, second sentence, the reason shall be stated.

### **Section 54. When the project may be started**

Unless it is otherwise decided by the municipality in a particular case where importance should be attached to the nature of the project and the significance that proceeding with it has for the project, the right to claim a refund lapses if the project is started before the material pursuant to section 52 has been approved by the municipality.

### **Section 55. Determination of the refund**

When the work has been completed, an account shall be drawn up with the necessary vouchers. Private refund creditors shall send the account together with the vouchers to the municipality for checking.

The municipality shall as soon as possible provisionally determine the amount that may be claimed as a refund, and distribute it among the areas liable to pay a refund. The draft shall be sent for comment to the persons liable to pay a refund. A decision on the refund shall subsequently be made by the municipality. The decisions in the case made pursuant to section 53 are binding on the person who makes the decision on a refund. The decision shall be notified to the persons concerned, with notice of the time limit for institution of legal proceedings pursuant to section 58.

### **Section 56. Due date of payment**

The refund amount falls due for payment five weeks after the persons liable to pay a refund have been notified of the decision thereon.

In respect of an area which is liable to pay a refund pursuant to section 49, subsection 1, second and third sentences, the amount of the refund does not, however, fall due before division or building has been completed.

If the owner (lessee) so wishes, a refund amount that may be claimed by the public authorities may be paid over a maximum period of five years in annual instalments with ten per cent interest per annum on the amount outstanding at any time. The King may determine a higher or lower rate of interest than that laid down in the previous sentence.

If as a result of a temporary prohibition against building, or for any other special reason unrelated to the affairs of the persons liable to pay a refund, the area cannot for the time being be

utilized in the manner stipulated in the obligation to pay a refund, payment of the refund amount, or the relevant part of it, as the case may be, may not be claimed before the opportunity for such utilization occurs.

From the date that payment is due, the refund debtor is obliged to pay interest on the amount overdue at the current rate. The Act of 17 December 1976 No. 100 relating to interest on overdue payment, etc. applies correspondingly. If the date for payment of a refund is postponed, the refund amount shall be adjusted in accordance with the consumer price index from the time the persons liable to pay a refund have been notified until the date that payment is due.

### **Section 57. Refund debtor, legal charge**

The person who owns the area that is liable to pay a refund when the decision on a refund is made is responsible for payment. Any claim for a refund that has been finally determined is secured by a legal charge on the area liable to pay a refund or – if the area has not been separated by division proceedings – on the property of which the area is a part. The claim for a refund is enforceable by execution.

When the land is leased out, the lessee, unless it is otherwise agreed, is responsible for payment if the land is leased out by a heritable lease or for so long a period that at least 30 years of the tenancy remain after the claim or any part of it has fallen due. The same applies if the lessee by agreement has the right to claim that the lease be extended for so long a period that the total remaining period of tenancy, if the lease is extended, will be at least 30 years.

### **Section 58. Legal proceedings**

Legal proceedings to test the legality of the refund decision must be instituted not later than two months after notification of the decision. Reinstatement of proceedings may not be granted when the time limit has been exceeded.

Any landowners concerned who have not been made parties through a summons shall be notified by the court and be given a time limit of three weeks within which to intervene as parties. If the decision on a refund is declared invalid, it shall be wholly rescinded and remitted to the municipality for a new hearing.

## **CHAPTER X. ASSESSMENT AUTHORITY**

### **Section 59. Ordinary assessment authority**

Assessment is dealt with pursuant to the Act of 1 June 1917 No. 1 relating to assessment and expropriation cases, unless otherwise indicated by the provisions of this chapter or section 41.

In cases not relating to section 32 or Chapter VIII, the assessment in a district sheriff's district will be conducted by the district sheriff (*lensmann*).

### **Section 60. Special court of assessment in building cases**

When special reasons so indicate, the Ministry may on the application of a municipality decide that there shall be a court of assessment consisting of five members in the municipality to make assessments pursuant to this Act, and in cases concerning voluntary purchase of land and rights that could have been expropriated by the purchaser pursuant to the provisions of this Act. When the volume of cases so warrants, the Ministry may decide that a court shall have two or more divisions, constituted as specified in the first sentence. The Ministry may issue rules concerning the distribution of cases.

The president of the court of assessment together with his personal deputy shall be appointed by the Ministry, the other members together with their deputies shall be appointed by the district court. The appointment shall last for four years. The president and his deputy shall have the qualifications prescribed for district court judges.

If in a particular case it is not possible for a full court to sit because of unavoidable absence or disqualification, substitutes may be appointed by the proper authority pursuant to the second paragraph.

When appropriate, the Ministry may decide that two or more municipalities shall have a common court of assessment. If one court of assessment is common to two or more municipalities that do not have the same district court, the Ministry decides which court shall appoint the members.

Members of a court of assessment for building cases shall be remunerated by the municipality. Such remuneration is determined by the county governor on the advice of the Municipal Council. When two or more municipalities have a common court of assessment, the county governor decides the distribution among the municipalities.

In other respects the provisions concerning judicial assessment in the Assessment Act shall apply when conducting assessments as mentioned in the first paragraph, cf. however sections 41 and 61 of the present Act.

### **Section 61. Costs of a case**

In the case of an assessment pursuant to this Act that is not concerned with expropriation, the assessment authority may decide that one of the parties shall wholly or partly compensate the other for the costs specified in sections 42 and 43 of the Act of 1 June 1917 No. 1 relating to assessment and expropriation cases.

## **CHAPTER XI. DIVISION OF PROPERTY**

### **Section 62. (Not enacted)**

### **Section 63. Division of property**

A property may not be divided or units established for leasing out as mentioned in section 93 h, in such a manner as to cause a situation that contravenes this Act, regulations, a by-law or plan. Nor must a property be divided or a unit as mentioned above leased in such a manner that lots are formed which, in the opinion of the municipality, are not well suited for building purposes, owing to their size or shape.

### **Section 64. (Not enacted)**

## **CHAPTER XII. THE BUILDING LOT**

### **Section 65. Water supply**

No building may be constructed or put to use for the purpose of housing humans or animals without satisfactory access to hygienically safe and sufficient potable water.

When a public water main is laid across the property or in a road bordering upon it, or across a nearby area, such buildings as are located on the property shall be connected to the main.

When, in the opinion of the municipality, the cost of implementing the provisions of the second paragraph will be disproportionately high, or when other special reasons so indicate, the municipality may approve some other arrangement.

The municipality may, also in cases other than those mentioned in the second paragraph, require that buildings be connected to a public water main when special considerations so warrant.

## **Section 66. Access and sewers**

1. A property may be divided or developed only if the building lot(s) either has (have) been secured lawful access to a road that is open to general traffic, or by judicially registered document or in some other way has(have) been secured such road access as the municipality considers satisfactory. An exit road from a public road must be approved by the roads authority concerned, cf. the Public Roads Act of 21 June 1963, sections 40-43.

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

2. Before a lot is partitioned off or construction of a building is started, drainage of waste water shall be ensured in accordance with the Pollution Control Act.

When a public sewer is laid across the property or in a road bordering upon it, or across a nearby area, such buildings as are located on the property shall be connected to the sewer. The municipality may waive this requirement if it leads to disproportionate cost or if there are other special reasons for so doing.

The municipality may also in cases other than those mentioned in the second paragraph require that the building be connected to a sewer, when special considerations so warrant.

## **Section 66a. District heating plants**

After a licence has been granted pursuant to the Act relating to the production, conversion, transmission and distribution of energy, etc. (the Energy Act), it may be decided by means of a by-law that buildings constructed within the area to which the licence applies must be connected to the district heating plant.

## **Section 67. Requirement concerning construction of roads and common main pipeline for water and waste water**

1. In zoned areas and areas covered by a building development plan, a lot may be divided or developed only if:
  - a) a road has been laid and approved as far as is shown in the plan, up to and along the side of the lot from which access to it is gained. It may be required that the road be laid out to a width of ten metres with the necessary additions for filling and cutting, and be built up to an effective road width of up to six metres. In the case of properties where, according to the plan, all or some of the buildings are presumed to serve other than a residential purpose, and in the case of properties where the plan allows apartment blocks of four storeys or more, the obligation both in respect of purchase of ground and execution of road work shall nevertheless apply to a road width of up to 20 metres with the necessary additions for filling and cutting.
  - b) a main sewer pipe, also including if necessary special storm water drainage pipes, leads to and alongside or across the lot. The installation of pipes with a diameter of more than 305 mm cannot be required.

The municipality may approve sewerage connection to another main sewerage plant.

- c) a water main leads to and alongside or across the lot. The installation of pipes with a diameter of more than 105 mm cannot be required. The municipality may approve water supply from another water pipe.

The municipality may grant permission to divide a lot on condition that the works pursuant to the first paragraph, a, b and c are carried out before the lot is developed.

2. In areas which in a municipal master plan are set aside for buildings or extraction of raw materials, the municipality may make it a condition for permission to divide a property or for a building permit that the measures mentioned in subsection 1, a-c, have been carried out.
3. The municipality may lay down rules concerning execution of the work.
4. Roads, main sewers and water mains which are laid by the landowner (lessee) in accordance with the provisions of subsections 1 or 2 above, shall be maintained by the municipality from the date the installation is completed and approved, then becoming the property of the municipality without compensation. Take-over proceedings shall be held. The municipality does not, however, undertake to take over roads that have not been developed to their full width in accordance with subsection 1, a.

The take-over by the municipality does not prevent a landowner (lessee) who is a refund creditor from claiming a refund after the take-over proceedings have been held.

### **Section 67a. Requirement concerning development of common areas and of green belts in industrial areas**

When a zoning plan or a building development plan specifies a common exit road, common yard or other area common to several properties, the municipality may make it a condition for permission pursuant to section 93 that the common area is purchased, made subject to proviso and developed in accordance with the plan.

In industrial areas where a green belt is specified in a zoning plan or a building development plan, the municipality may make it a condition for permission pursuant to section 93 to build on the adjoining lots that a green belt is acquired and developed along the lot in accordance with the plan.

### **Section 68. Building land. Environmental conditions**

Land may only be divided or developed when there is adequate safeguard against risk or significant inconvenience as a result of natural or environmental conditions.

In the case of land or areas as mentioned in the first paragraph the municipality may if necessary prohibit building or impose special requirements concerning building land, buildings and outside areas.

### **Section 69. The undeveloped part of the lot, common areas**

1. When a lot is developed, a sufficiently large part of the lot shall remain undeveloped in order to provide the buildings with adequate light and safety from fire. To whatever extent may be necessary, land shall also be secured to provide satisfactory open-air spaces for residents, including playgrounds for children, and for exit road and parking facilities for automobiles, motorcycles and bicycles as needed by the residents. When found necessary for these purposes, the municipality may require the removal or pruning of trees and plants on the lot.
2. In order to satisfy the purposes mentioned in subsection 1 above, the municipality may agree that a common area be set aside for two or more properties.
3. Provisions may be made in by-laws for the design and development of undeveloped parts of the lot and of common areas.
4. It may be provided by means of by-laws that the municipality may agree that, instead of a parking space on one's own ground or in a common area, a sum of money be paid to the municipality in each case where a parking space is lacking for the purpose of building a parking facility. The Municipal Council will decide what rates shall apply at any time in such cases.
5. The provisions of subsections 1-4 concerning parking spaces apply correspondingly in the event of change of use.

## **CHAPTER XIII. BUILDINGS**

### **Section 70. Location of the building, its height and distance from the boundary of adjoining property**

1. The location of the building, including the level of location, and the height of the building shall be approved by the municipality. A building where the cornice height exceeds eight metres and the height of the roof ridge exceeds nine metres can only be built if authorized in a plan pursuant to Chapters VI and VII. As regards the location of projects to which section 93, first paragraph, applies, the provisions of Chapter XVI shall apply correspondingly.

The municipality shall ensure that the provisions of the Public Roads Act concerning the building limit and unobstructed visibility are complied with.

2. Unless otherwise decided in a plan pursuant to Chapters VI and VII, the distance of the building from the boundary of adjoining property shall be equal to at least half the height of the building and not less than four metres.

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

- a) when the owner (lessee) of the adjoining property has given his written consent, or
  - b) when a garage, outhouse or similar small building is to be erected.
3. Further provisions, including rules concerning fire prevention, the method for calculating height, the distance from the boundary of adjoining property and the area of such buildings as are mentioned in subsection 2, second paragraph, letter b, shall be made in regulations.

### **Sections 71-73. (Not enacted)**

### **Section 74. Arrangement and appearance**

1. Any building with rooms intended for human habitation shall be satisfactorily arranged, with satisfactory lighting, insulation, heating, ventilation and fire prevention.

Any building that is subject to the provisions of the Act of 4 February 1977 No. 4 relating to worker protection and working environment shall moreover satisfy the requirements concerning a completely satisfactory working environment.

Further provisions may be made in regulations.

2. The municipality shall ensure that any work that is subject to the provisions of this Act is planned and carried out in such a way that, in the municipality's opinion, it satisfies reasonable aesthetic requirements both in itself and in relation to the surroundings. Measures taken pursuant to this Act shall be aesthetically well designed in accordance with the functions thereof and with respect for natural and built-up surroundings. Unsightly colours are not permitted and may be required to be changed.

### **Section 75. Privy - WC**

1. Each family apartment shall be provided with a separate water closet or privy. The municipality may also otherwise require that a building be provided with privies and may in such cases determine the number of privies.
2. Where there is an adequate water supply and drainage the Municipal Council, after obtaining an opinion from the municipality, may order installation of water closets in specific areas. When this would be advantageous hygienically and from the point of view of pollution, installation of another specific type of closet may be ordered in specific areas. Given the same conditions, the

municipality may order installation of a water closet or another specific type of closet upon specific properties.

## **Section 76. Additional rooms**

Buildings containing more than one apartment shall have the necessary rooms for laundering and drying clothes, for storing bicycles, perambulators and the like. In addition, each apartment shall have the necessary rooms for storing clothes, food and fuel. It may be decided by means of by-laws that the municipality may require the provision of the necessary garage space to meet the property's needs.

## **Section 77. Execution of construction work. Requirements regarding construction products**

1. Any construction work shall be carried out in a workmanlike and technically sound manner so that the completed construction satisfies the requirements in regard to safety, health, the environment and serviceability laid down in or pursuant to this Act.
2. Any product that is to be used in constructing a building shall possess such characteristics that it will, for the purpose for which it is intended, help to satisfy the requirements mentioned in subsection 1 in the completed structure. The manufacturer or his representative shall ensure that the characteristics of the product are attested and is obliged to provide the supervisory authority with all the information that is deemed to be required for supervising the characteristics of the product. The Ministry will appoint the supervisory authority.

The Ministry may issue regulations concerning technical specifications and the approval and control systems that are to be applied in regard to attestation and supervision, in pursuance of which the Ministry may lay down requirements concerning the marking of construction products (CE-marked product). Such regulations shall conform to the obligations imposed on Norway by international agreements.

If the supervisory authority finds there is a justified suspicion that a CE-marked product which does not comply with the stipulations for such marking is being sold, and the product is intended to be used in a structure, the said authority shall examine the product. If the conditions set out in the first sentence are fulfilled, the supervisory authority may order a temporary stoppage of the sale and use of the product.

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

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

## **CHAPTER XIV. SPECIAL BUILDINGS AND INSTALLATIONS**

### **Section 78. Location of business enterprises and installations, etc. within the municipality**

1. It is not permitted to locate in residential districts any enterprise or installations or to engage in any activity which in the opinion of the municipality would entail special fire hazard or cause significant inconvenience to the residents in the district. Storage and warehouses may be prohibited in residential districts.

Residential buildings may not be erected in industrial districts. Nor may a dwelling be installed in a building used for industrial purposes. The municipality may grant exceptions to this provision in special cases.

It may be decided by means of by-laws that the municipality may prohibit the location, within the municipal area or any part thereof, of enterprises, installations, warehouses or storage of a hazardous or particularly disagreeable nature.

2. The location of sports facilities, petrol and service stations, garages and tank installations, open-air cafes and kiosks must be approved by the municipality. When deciding whether to grant approval, the municipality shall take into account, inter alia, whether such installations will impair the appearance of the district or inconvenience the traffic or population therein.

### **Section 79. Unusual buildings**

The municipality may prohibit buildings which, by their nature or size, differ considerably from the type that is usual in the district, if in the opinion of the municipality such buildings will prevent or especially obstruct a satisfactory development of the district in the future.

### **Section 80. Buildings and activities entailing hazard or particular inconvenience**

In respect of buildings which, by their nature or because of the activities for which they are intended or the traffic they give rise to, are presumed to entail hazard or particular inconvenience to persons in the building or other persons, the Ministry may make special provisions by means of regulations. In the case of these buildings the municipality may impose any special requirements considered necessary over and above the provisions made in this Act, regulations and by-laws. If the hazard or particular inconvenience may be caused by pollution or refuse, then the provisions of the Pollution Act apply instead of the first and second sentences.

### **Section 81. Agricultural buildings**

The provisions of this Act apply in so far as they are appropriate to the erection of new agricultural buildings and to alteration and repair of existing agricultural buildings. The provisions of section 65, second, third and fourth paragraphs, and of section 66, subsection 1 and subsection 2, second and third paragraphs, do not apply. The Ministry may lay down regulations to the effect that also other provisions made in or pursuant to this Act shall not apply, and concerning the practical applicability of the provisions of this section.

No permission pursuant to section 93 is needed for the project if notification is sent to the municipality concerning the project and stating that it will be carried out in accordance with the provisions made in or pursuant to this section. The notification shall be in writing and shall provide information concerning the plans applicable to the work.

Before notification is sent, notice shall be given to adjoining and opposite neighbours, unless they have stated in writing that they have no comments to make. The notice to neighbours shall state that any comments must be received by the municipality not later than two weeks after the notice was sent and the information on which the notification to the municipality is based was made

available. A list of the properties concerned and their owners or lessees shall be provided in the notification to the municipality. Copies of the letters of notice to neighbours and of receipts showing that the letters were sent shall be enclosed with the notification to the municipality. The provisions of section 94, subsection 3, second to fifth paragraphs, shall apply correspondingly.

The project may be carried out three weeks after the report is received by the municipality. The municipality may extend the time limit by a further three weeks when there are special reasons for doing so.

Except for the provisions of section 93a, Chapter XVI of this Act shall not apply to projects that are carried out in accordance with the provisions of the first and second paragraphs. The municipality may give such orders as are considered necessary for ensuring that the project is carried out satisfactorily. If the project is not commenced within three years of the report being sent to the municipality or the project is discontinued for a period of more than two years, the provisions of section 96 shall apply correspondingly.

The Ministry may by regulations make further provisions concerning the contents of the report mentioned in the second paragraph and concerning building and fire prevention requirements.

The provisions of this section also apply to shelters for summer dairy farming or forestry operations.

## **Section 82. Leisure buildings**

With the exception of section 65, second, third and fourth paragraphs and section 66, subsection 2, second and third paragraphs, the provisions of this Act apply to leisure buildings (leisure homes and associated outhouses). The Ministry may issue regulations to the effect that also other provisions made in or pursuant to this Act shall not apply. Moreover, the Ministry may lay down regulations concerning administrative procedures and concerning building and fire prevention requirements.

## **Section 83. Pools, wells and ponds**

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

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

## **Section 84. Other permanent structures or installations. Significant encroachments on terrain, etc.**

Insofar as they are appropriate, the provisions made in or pursuant to this Act apply to permanent structures or installations, significant encroachments on terrain, and the construction of roads and parking places. This applies to projects on or under the ground, in watercourses or in marine areas. The municipality may determine the height and shape of terrain. The Ministry may issue regulations to the effect that provisions made in or pursuant to this Act shall not apply and concerning the practical application of the provisions of this section.

## **Section 85. Temporary or transportable buildings, structures or installations**

Temporary or transportable buildings, structures or installations must not be so placed as to obstruct general passage or outdoor pursuits or in any other way cause significant inconvenience for the surroundings. Insofar as they are appropriate, provisions made in or pursuant to this Act shall apply to the above-mentioned projects.

The municipality shall be notified in advance of the location of temporary buildings, structures or installations. Temporary or transportable buildings, structures or installations must not be positioned for a period exceeding four months without the prior consent of the municipality, and shall be removed immediately when the period has expired or, if such consent has been given for an indefinite period, when the municipality so demands.

It may be decided by means of by-laws that temporary or transportable buildings, structures or installations may not be positioned within specific parts of the municipal area, or that they may be placed there only on specific conditions.

The Ministry may by regulations prescribe that the second and third paragraphs shall not apply to specific temporary or transportable buildings, structures or installations.

## **Section 86. Secret military installations**

When an area, installation or structure is declared secret pursuant to the legislation concerning military secrets, it is the responsibility of the military authority concerned to ensure that the provisions laid down in this Act, regulations or by-laws are complied with.

### **Section 86 a. Minor projects on developed property**

Minor projects on developed property may be carried out without permission pursuant to section 93 if

- a. notice thereof is given to adjoining and opposite neighbours, cf. section 81, third paragraph, which shall be made to apply correspondingly, and they do not subsequently demand that the plans be submitted to the municipality as an application for permission pursuant to section 94. Any demand for such procedure must reach the municipality within two weeks of notice being sent, and
- b. notification of the project is sent to the municipality and the latter does not within three weeks of receiving such notification require that the project be submitted to the municipality as an application for permission pursuant to section 94, and
- c. the project is otherwise carried out in accordance with current provisions made in or pursuant to statute.

With the exception of section 93a, Chapter XVI of this Act shall not apply to projects carried out in accordance with the provisions of the first paragraph. If the project is not commenced within three years of notification being sent to the municipality, or if work is suspended for a period exceeding three months, the provisions of section 96 shall apply correspondingly.

The Ministry may make further provisions by regulations.

### **Section 86 b. Building work within the area of a particular enterprise**

Pursuant to a decision made by the Ministry, building work within the area of a particular enterprise may be carried out without involving the application of Chapter XVI of the Act relating to building permission and control of building work. The Ministry may attach conditions to such a decision. Before the Ministry makes a decision, the municipality shall be given the opportunity to express its opinions.

Building work pursuant to the first paragraph must not be carried out before notification concerning the work is sent to the municipality. If the work is not commenced within three years of

notification being sent to the municipality, or if the work is suspended for a period exceeding three months, the provisions of section 96 shall apply correspondingly.

The Ministry may make further provisions by regulations.

## **CHAPTER XV. EXISTING STRUCTURES**

### **Section 87. Alteration, repair or change of use, etc. of existing structures**

1. Projects affecting a structure must not be carried out if it this would cause the structure to contravene provisions made in or pursuant to this Act, or cause the structure to contravene the said provisions to a greater extent than is already the case. No work specified in subsection 2, a, c or e shall be carried out on a structure that conflicts with a plan pursuant to Chapters VI and VII unless the plan is complied with.

A structure that conflicts with a plan pursuant to Chapters VI and VII must not be put to use for any purpose other than that it had previously.

2. Provisions made in or pursuant to this Act, cf. however the second paragraph, also apply to:

a) alteration or repair of a structure when, in the opinion of the municipality, the work is so extensive that the whole structure is substantially renewed (general renovation).

The Ministry may issue regulations concerning what is to be regarded as general renovation and the procedure for so deciding.

b) alteration or repair of a structure which, in the opinion of the municipality, will entail substantial renovation of certain parts of the structure,

c) any addition to, extension of or underpinning of a structure,

d) erection, alteration or repair of technical installations

e) change of use or any significant extension or significant alteration of previous operations

For the projects mentioned under a), this Act applies to the structure as a whole, for the projects mentioned under b) to e), only to such parts of the structure as are affected by the project. On the basis of projects mentioned under b and d, however, technical requirements may be imposed only in regard to the structure itself and installations pertinent thereto.

3. The municipality may make it a condition for permitting the above-mentioned projects that other parts of the structure are put into proper condition as regards technical requirements if the municipality finds that the structure is in such a poor state that it would otherwise be inadvisable to carry out the project.

### **Section 88. Dispensation from section 87**

The municipality may grant dispensation from provisions made in or pursuant to this Act in respect of the projects mentioned in section 87 when this is justifiable in regard to health, fire prevention and technical considerations, and the project does not cause the building to contravene the Act to a greater extent than it did before. The municipality may impose conditions for such dispensation.

### **Section 89. Maintenance and improvement**

The owner shall ensure that structures and installations to which this Act applies are so maintained as to entail no hazard or significant inconvenience to persons or property, and as not to appear unsightly themselves or in relation to their surroundings. The planning and building authorities may issue such orders as are necessary to prevent or remedy such conditions as are subject to this provision.

The Ministry may by regulations make provisions empowering the planning and building authorities to issue orders for the improvement of existing structures and installations within the

framework of provisions made in or pursuant to this Act when weighty considerations for health, the environment, safety or accessibility make this necessary. Orders may only be issued in respect of specific types of structures, the improvement of which will significantly improve the structural functions. In making an assessment importance shall also be attached to the costs entailed by the order, the number of users, the hazards or inconveniences to which they are exposed and the difference between the existing condition and the current requirements.

The owner shall be granted a reasonable period of time in which to comply with orders pursuant to this section.

### **Section 89 a. Improvement programme**

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

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

The improvement programme may comprise:

1. rebuilding, improvement or repair,
2. composition of apartments, heating, electricity supply, sanitary installations etc.
3. structural and fire prevention conditions
4. laying out common areas and arranging common installations for the buildings, and future maintenance and operation of common areas and common installations.

### **Section 90. (Repealed)**

### **Section 91. Demolition**

If a structure has reached such a state that, in the opinion of the municipality, it cannot be restored except by general renovation, cf. section 87, subsection 2 a, and new building or general renovation cannot be carried out or is not started within a reasonable period of time stipulated by the municipality, the municipality may require the structure or the remains thereof to be removed and the lot to be cleared.

The removal of a structure may similarly be required if, in the opinion of the municipality, it entails a hazard or significant inconvenience to persons or property, or is very unsightly, and it is not repaired within a stipulated time limit.

The municipality may reject an application for demolition pursuant to section 93, first paragraph, letter d, until a zoning plan or building development plan has been adopted for the property. Furthermore, project start-up permission may be required. The provisions in the first and second sentences do not apply to areas owned by the Norwegian Defence Forces.

### **Section 91 a. Change of use and demolition of dwellings**

The Municipal Council may by means of by-laws decide that permission must be obtained from the municipality for:

- a) converting a dwelling into business premises, including a hotel or other type of hostel, or using it for such purposes,
- b) demolishing a building containing a dwelling, except when the building has
  1. been expropriated by the public authorities
  2. is located within an area zoned for renewal (section 25, subsection 8) and has been purchased by the municipality or by another person who, with the consent of the municipality, is to be responsible for the renewal,

- c) combining dwellings or dividing apartments into bed-sitting rooms,
- d) other reconstruction of dwellings than that mentioned in letters a or c when the reconstruction entails that an apartment must be vacated.

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

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

## **Section 92. Other provisions**

The provisions of section 65, second to fourth paragraphs, section 66, subsection 2, second to third paragraphs concerning connection to water mains and public sewers, section 68, to the extent that it concerns drainage of ground water and storm water, section 69, subsection 1, third sentence concerning removal and pruning of trees and plants, section 80 concerning buildings or activities entailing a hazard or particular inconvenience, section 103 concerning fencing, section 105 concerning lighting and cleaning etc., and section 106 concerning technical installations also apply to existing structures. The same applies to section 75 concerning privies and water closets, provided that the order pursuant to section 75, subsection 2, second sentence, is given by the Municipal Council, and that the municipality may accept that a water closet for common use is installed for two or more apartments.

When a developed property includes undeveloped land which, in the opinion of the municipality, is suitable for the building purposes mentioned in section 69, subsection 1, the municipality may require the land to be set aside and developed for such purposes.

Section 74, subsection 2, applies correspondingly to any alteration of an existing structure and restoration of the exterior. The municipality shall ensure that any historical, architectural or other cultural value connected to the exterior of a structure is preserved as far as possible.

### **92a. Alteration or removal of projects pursuant to section 93, second paragraph**

Projects pursuant to section 93, second paragraph, shall be carried out in compliance with the requirements pursuant to provisions made in or pursuant to this Act. Moreover, the planning and building authorities may require that such projects be removed or altered if their position, design etc. or the activity which they otherwise give rise to may lead to a hazard or unreasonable inconvenience for the surroundings or for public interests.

### **Section 92 b. Inspection of existing structures and ground**

The planning and building authorities may inspect structures that are not subject to inspection pursuant to section 97 and ground to ensure that no unlawful use or other unlawful conditions pursuant to this Act subsist which may entail a hazard or significant inconvenience to persons or property. Inspection may, however, only be carried out when there is reason to assume the existence of such conditions as are mentioned above or measures pursuant to section 89 are to be considered.

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

The owner shall be informed of any unlawful conditions mentioned in the first paragraph. The planning and building authorities may give the owner a written order to remedy the matter within a specified time limit, and may in special cases wholly or partly prohibit use of the structure or ground until the unlawful conditions are remedied.

## **CHAPTER XVI. ADMINISTRATIVE PROCEDURES, RESPONSIBILITY AND CONTROL**

### **Section 93. Projects requiring application and permission**

The following projects, on the ground, underground, in watercourses or in marine areas, must not be carried out until a prior application, or an application for dispensation as the case may be, has been sent to the municipality and it has subsequently granted permission:

- a) Erection of, addition to, extension of, underpinning or positioning a permanent, temporary or transportable building, structure or installation.
- b) Alteration of the exterior, significant alteration or significant repair of projects mentioned under a.
- c) Alteration of use or significant extension or significant alteration of previous operation of projects mentioned under a.
- d) Demolition of projects mentioned under a.
- e) Erection, alteration or repair of technical installations.
- f) Division or combination of occupancy units in dwellings and other reconstruction intended to convert dwellings to another purpose.
- g) Erection of fencing against a road, signs or advertising devices and the like.
- h) Division of property or establishment of a unit that can be leased out for a period exceeding ten years. Such permission is not necessary for division done in the course of land consolidation in accordance with a legally binding plan.
- i) Significant encroachment on the terrain.
- j) Construction of roads or parking places.

Permission pursuant to the first paragraph is not necessary for projects that are carried out in accordance with sections 81, 85, 86 a or 86 b. The Ministry may by regulations exempt projects from the provisions of Chapter XVI. The developer is responsible for ensuring that exempted projects are nevertheless carried out in accordance with the requirements otherwise imposed by provisions made in or pursuant to this Act.

#### **Section 93 a. Preliminary conference**

A preliminary conference may be held between the developer, the municipality and other parties and bodies concerned for further clarification of the frameworks and contents of the project. A preliminary conference may be required by the developer or by the planning and building authorities. Minutes of the preliminary conference shall be kept. The minutes shall record the assumptions on which the project is based and form the basis for further action in the matter. The preliminary conference shall be held not later than two weeks after the date on which the developer has requested that such a conference be held.

#### **Section 93b. Responsible applicant and designer**

1. An application for every project pursuant to section 93 shall be managed by a responsible applicant who shall act as a connecting link between the responsible designer, the responsible contractor, the responsible controller, the developer and the municipality. The responsible applicant shall ensure that the application documents how all the relevant requirements of provisions made in or pursuant to this Act shall be fulfilled, unless it is otherwise expressly stated in the application. The application shall be signed by both the developer and the responsible applicant.

2. When the responsibility for project design, execution or control is divided, the responsible applicant shall coordinate the application and ensure that responsibility for all functions has been duly assigned and confirm this in writing in the application. Each individual person is then responsible for what is covered by his allotted share. The division of responsibility must be clearly evident from the application.
3. The responsible applicant and the enterprises responsible for the design shall be approved by the municipality in each individual case. The enterprise must document that it is adequately qualified for the individual building assignment. Its area of responsibility shall be evident from the application. If the work requires special knowledge, this shall be taken into account when deciding whether approval is to be given. The municipality may direct a responsible contractor to use specially qualified persons to execute the parts of the building assignment that they themselves do not execute.

The right to assume personal responsibility may be granted in special cases.

The municipality may withdraw the approval at any time if it finds that the responsible enterprise fails to meet the necessary requirements as regards reliability and competence or if the enterprise concerned has in the case in question, or previously, shown that it is not professionally competent for the task. Before this is done, the enterprise concerned shall be given an opportunity to express its opinion. When the municipality deems it to be necessary, it may immediately invalidate the approval until the matter has been finally decided.

#### **Section 94. Application for permission. Notice to neighbours**

1. An application for permission pursuant to section 93 shall be made in writing and shall provide the information that is necessary for the municipality to decide whether the conditions for granting permission are fulfilled. In the case of technical installations, the application shall also include documentation as a basis for evaluating whether permission for operation may be granted.

The application may be divided up so that documentation as a basis for evaluating any remaining designing, execution and control may be submitted after general permission has been granted in accordance with section 95 a, subsection 1. The same applies to an application for the right to be responsible for execution and control. In special cases the municipality may permit further division of the application.

The persons mentioned in section 3-1, third paragraph, letters a to h, of the Act relating to survey, division and registration of real property (The Land Division Act) may apply for permission to divide a property. The applicant must state how he wishes the division to be done. It may be done by demonstration in the field, by specification of the size of the areas that are to be partitioned off, by definition of ratios between the different parts or in some other way approved by the municipality. The applicant is also obliged to submit a proposal for boundary courses drawn on a map when the municipality so requires. The proposal shall show how the division can suitably be incorporated into future utilization of the area, including how the requirements specified in section 69, subsection 1, can be complied with.

2. When the work pursuant to the statutory provisions is subject to the permission or consent of an authority other than the municipality, or when plans for the work shall be submitted to such an authority, it shall be stated in the application whether the case has been submitted to such an authority. If a decision or opinion has been received from the authority concerned, this shall be enclosed with the application.
3. Before an application is submitted, notice shall be given to adjoining and opposite neighbours unless they have stated in writing that they have no comments to make on the application. In the

notice it shall be stated that any comments must reach the responsible applicant not later than two weeks after the notice was sent and the information on which the application was based has been made available. When notice is sent to adjoining and opposite neighbours, a copy of the letters of notice shall be sent to the municipality, together with particulars of the properties concerned and their owners or lessees. A receipt showing that the letters of notice have been sent, any comments from adjoining and opposite neighbours, and a brief account from the responsible applicant or the developer of any action that has been taken to satisfy such comments, shall be enclosed with the application. Before the municipality makes a decision on the application, it shall consider whether there are grounds to require that notice again be given to adjoining and opposite neighbours.

The municipality may exempt the applicant from giving notice to adjoining and opposite neighbours if their interests are not affected by the work. The municipality may require that owners or lessees other than those mentioned in the preceding paragraph shall also be notified.

If the application concerns such work as is mentioned in section 93, first paragraph, letter d, the applicant shall notify those who have financial charges on the property, and a declaration that this has been done shall be enclosed with the application.

In the case of a divided application, notice shall be sent to neighbours only in regard to an application covering projects mentioned in section 93, insofar as it applies to division of property, the external frameworks of the project or the activity to be carried on, as well as to changes in these matters.

The Ministry may make further provisions by regulations.

## **Section 95. Processing of the application by the municipality**

1. When the application is complete, the municipality shall deal with it and reach a decision on it as soon as possible and at the latest within twelve weeks.

When the project requires the permission or consent of another authority, or when plans for the project shall be submitted to such an authority, the municipality may nevertheless postpone its decision on the case until a decision or opinion has been received from the authority concerned. The municipality may also grant general permission within its own area of authority, with the reservation that permission to start the project will not be granted until the relationship to other authorities has been settled, cf. subsection 2, second paragraph, and section 95 a.

2. Before permission pursuant to section 93 is granted, the municipality shall, on the basis of the information contained in the application, see to it that the necessary control is effected to ensure that the project will not contravene provisions laid down in or pursuant to this Act. When information is not available, the municipality may demand it. The municipality may to the degree necessary instruct the developer to submit parts of the design documentation to independent control.
3. When a project pursuant to this Act or other Acts requires the permission or consent of the health authorities, the fire prevention authorities, the Labour Inspectorate, the roads authority, the harbour authority, the pollution control authority, the Civil Defence, the land law authorities, the outdoor recreation authority or the cultural heritage authority, or plans for the project shall be submitted to the authorities mentioned, the municipality shall submit the matter to the authority concerned, if a decision or opinion has not been obtained in advance. By means of regulations this provision may be extended to apply also in relation to other authorities.

Other authorities must make a decision or express their opinion within four weeks of the matter being sent to them. In special cases, the municipality may, upon request, extend the time limit before it expires. If the project is not conditional on the permission or consent of other authorities, failure to comply with the time limit entails that the building authorities may decide the matter without having to take account of opinions that are subsequently received.

4. If a project in regard to a structure other than those projects mentioned in section 87, subsection 1, first paragraph, will in the opinion of the municipality cause a significant increase in the value of the structure, the municipality may prohibit the execution of the project until the municipality has decided whether it will effect an expropriation. If the municipality has not reached a decision within three months of receiving an application for permission, permission must be granted if the conditions for doing so are otherwise fulfilled.
5. The municipality may make it a condition for granting permission that properties having the same owner, which are to be used jointly, be joined in the Land Register, cf. the Act relating to survey, division and registration of real property (The Land Division Act), section 4-3.  
When a unit is leased out for more than ten years, the municipality may make it a condition for permission that the leased unit be partitioned off from the property by means of division proceedings pursuant to the provisions of the Land Division Act.
6. The municipality shall immediately give written notification of the decision to the responsible applicant and to adjoining and opposite neighbours and others who have protested. In the case of divided approval, notification to neighbours etc. shall be given only concerning the decisions applying to the external frameworks of the project or those which must otherwise be deemed to affect persons other than the developer.
7. Processing of an application pursuant to sections 95, 95 a and 95 b does not entitle a developer to commence the project before permission is granted.

### **Section 95 a. Stage by stage processing**

1. The municipality may grant general permission in regard to the external and internal frameworks of the project. Such permission is final, and it decides that the project may be carried out within the prescribed frameworks and confers the right to commence preparatory measures.
2. Permission to start the work may not be granted until a complete application pursuant to section 94, subsection 1, first paragraph, has been submitted and subjected to the necessary control, nor until any permissions required from other authorities have been granted. The same applies to approval of the responsible contractor and control method pursuant to section 97. Permission may, however, be granted for starting parts of the project, including permission for excavation.

### **Section 95 b. Projects requiring simple processing**

An application for permission in regard to projects requiring simple processing shall be decided within three weeks if the project complies with provisions made in or pursuant to this Act, and there are no protests from adjoining and opposite neighbours, and if further permission, consent or comment from another authority is not necessary. If the municipality has not made a decision before the expiry of the time limit, permission shall be deemed to have been granted by virtue of such expiry. The time limit for an appeal runs from that date. The municipality's decision concerning the type of matter may not be appealed.

The Ministry may make further provisions by regulations.

### **Section 96. Lapse of permission**

If the project has not been started not later than three years after general permission has been granted, the permission lapses. The same applies if the project is suspended for a period exceeding two years. The foregoing provisions apply correspondingly in regard to dispensation.

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

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

## **Section 97. Control of projects. Person responsible for control of design and execution**

1. The municipality shall ensure that the necessary control is exercised to make sure that projects are executed in accordance with the permission granted and the provisions made in or pursuant to this Act.

The control may be exercised by means of documented self-inspections or by an independent enterprise. The developer, the responsible applicant, the responsible designer and the responsible contractor are obliged to provide such information as is necessary for exercising control.

The responsible applicant shall ensure that a plan of control is drawn up. Such a plan shall appear in the application or be submitted not later than in connection with the processing of the application for permission to start the project. The control shall be exercised in a coherent, planned manner in accordance with a method of control approved by the municipality. The municipality may demand additional information regarding control at any time during the administrative processing of the building permit application. After permission has been granted, the municipality may, by a special administrative decision, demand that the plan of control be amended. There must be documentation to show that the control has been carried out as planned.

The provisions of section 93 b, subsection 3, regarding the right to accept responsibility apply correspondingly to enterprises responsible for control.

2. The municipality may at any time inspect the project and make sure that the plan of control is being followed. The municipality may in special cases engage professional assistance in order to have the necessary inspection carried out.

Upon discovery of significant lack of control, the municipality may order the project to be stopped until the matter at fault has been put right. In this connection, the municipality may demand another form of control.

3. The municipality may permit the necessary technical tests to be performed at the developer's expense.
4. Any change of developer during the work shall be reported immediately to the municipality, both by the original developer and the new developer. The same applies to change of owner.

## **Section 98. The responsible contractor**

1. Each project to which section 93 applies shall be directed by one or more responsible contractors who accept responsibility for ensuring that the project is executed in accordance with the permission granted and the provisions made in or pursuant to this Act. The responsible contractor is responsible for ensuring that the provision in section 100 is complied with, and that notification is sent to the responsible applicant when the work is completed, cf. section 99. The same applies to the implementation of the form of control and the plan of control, cf. section 97.
2. The provisions of section 93 b, subsection 3, regarding the right to accept responsibility apply correspondingly to enterprises acting as the responsible contractor. The enterprise's representative at the building site shall be specified.

## **Section 98 a. Central approval of persons exercising the right to accept responsibility**

Enterprises that are qualified to undertake the task of responsible applicant/designer pursuant to section 93 b, responsible contractor pursuant to section 98, or independent controller or documented self-inspection pursuant to section 97, may be granted central approval. Such approval is granted by an approval body authorized by the Ministry and registered in a central open register.

Approval shall be withdrawn in the event of serious or repeated contraventions of provisions made or permissions granted in or pursuant to this Act, or if the approved enterprise no longer possesses the necessary qualifications. Such withdrawal may be effected for a specified period or until the enterprise can document in a new application that the matter that caused the withdrawal has been remedied and the conditions for approval are otherwise fulfilled. However, when particularly mitigating circumstances apply, the withdrawal of approval may be dispensed with. In the case of less serious contraventions, a warning may be given.

When the question of local approval of the right to accept responsibility arises, central approval shall normally be accepted instead without further consideration, provided that the approval duly covers the assignment in question. When central approval has not been granted, the same criteria shall, nevertheless, be applied in the case of local approval. The municipality shall also consider the qualifications in relation to the project.

The Ministry may by regulations make further provisions concerning requirements for approval, the extent and organization of the system, and concerning fees for approval which may not exceed expenses incurred. The requirements for approval shall relate to the enterprises' ability to satisfy the requirements of this Act, and may be concerned with the enterprises' organization, system for satisfying the requirements, and the competence of the enterprises' professional management, based on education and practice. Different levels of approval may be laid down in relation to the degree of difficulty and the consequences of different classes of project.

## **Section 99. Final inspection and certificate of completion**

1. When a project that is subject to the provisions of section 93 has been completed, the controllers shall carry out a final inspection. The final inspection shall also cover outside areas, access and other conditions which may have been imposed in the permission. When this is not subject to doubt, the municipality may decide that the final inspection may be omitted in the case of minor projects.

Permission to operate may be granted in regard to technical installations before they are to be brought into use. Such permission may be granted for a limited period and shall apply to the particular installation.

If it is found that the project has been carried out in accordance with the permission and current provisions, the municipality shall issue a certificate of completion. The project or, as the case may be, the relevant part of it, must not be used before a certificate of completion has been issued.

2. If minor deficiencies are found, provisional permission for use may nevertheless be granted when the municipality finds this unobjectionable. In that case the deficiencies shall be remedied within a time limit stipulated by the municipality. The municipality may require security to be provided to ensure that the deficiencies will be remedied.

3. The municipality may also, after carrying out a final inspection, grant provisional permission to use part of a building or installation, when the municipality finds no objection to the part concerned being used before the entire project has been completed.

## **CHAPTER XVII. SUNDRY PROVISIONS**

### **Section 100. Safety measures. Construction equipment**

No person may carry out building work or demolition, excavation, blasting or filling unless the necessary measures have been taken in advance to safeguard against injury to persons or damage to property, and to maintain the flow of public traffic.

Machinery, scaffolding and all equipment for construction work shall be properly designed and maintained, and the execution of the work shall be organized in such a way as to avoid any hazard to life or health.

The municipality may issue such orders as it considers necessary to ensure that these provisions are complied with, including orders concerning investigations of ground conditions.

### **Section 101. Measures on adjoining land**

1. If a structure can be exposed to damage due to seepage of water, an avalanche or a slide from adjoining land, the municipality may order the owner of the adjoining land to undertake the necessary preventive measures on his land.
2. The municipality may permit the use of adjoining land to the extent necessary for execution of building and maintenance work - including the provision of access - if the work either cannot be performed in another way, or when this, in the opinion of the municipality, would entail substantially higher costs.
3. Before an order pursuant to subsection 1 or permission pursuant to subsection 2 is issued, the neighbour shall be given an opportunity to express an opinion.

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

Compensation for damage and inconvenience shall be determined by judicial assessment. If the measures mentioned in subsection 1 are necessitated because the neighbour has neglected his obligation to drain away water, he may be ordered by judicial assessment to compensate the owner for costs, damage and inconvenience.

### **Section 102. Investigations on real property**

For the purpose of implementing this Act, or in accordance with provisions made pursuant thereto, an owner of real property or a holder of rights therein must permit such investigations as are mentioned in section 4 of the Expropriation Act of 23 October 1959, even if the investigation is not made with a view to possible expropriation. The owner or user may demand notification from the municipality to the effect that it has consented to the investigation. Sections 4 and 19 of the Expropriation Act also apply correspondingly.

### **Section 103. Fencing**

1. In urban areas and in areas where by-laws so require, a lot shall be fenced off from roads when not fully developed right up to the road line. The municipality may also require the lot to be fenced off from the neighbouring lot. When a fence is required pursuant to the second sentence, section 8 of the Act of 5 May 1961 relating to fences between neighbouring properties shall apply with regard to sharing of costs.

The municipality may also require lots to be fenced off from roads outside urban areas.

The municipality may require hedges or other planting instead of fences facing a road.

The Municipal Council may lay down rules concerning the design of fences and other forms of enclosure. Section 74, subsection 2, applies correspondingly.

2. The municipality may grant exemption from the obligation to fence off a lot pursuant to sub-

section 1. Moreover, the municipality may prohibit fences for blocks of apartments and within common areas and areas belonging to row houses. The exemption from or prohibition against fencing here mentioned does not apply when a roads authority finds that fences are needed pursuant to section 44 of the Public Roads Act of 21 June 1963.

### **Section 104. Tidiness and use of undeveloped land. Safety measures in connection with structures, etc.**

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

### **Section 105. Lighting and cleaning, etc.**

The municipality may lay down provisions concerning lighting and cleaning of yards, passages, stairways, and lighting and ventilation pits, and for the placing and design of house numbers.

### **Section 106. Technical installations**

1. Technical installations shall be built or installed, operated and maintained in such a way that requirements concerning health, the environment, safety and energy-saving are complied with. The owner of the installation shall ensure that inspections are conducted and that the necessary repair and maintenance work is carried out by qualified personnel.
2. If, in the opinion of the municipality, any such installation as is mentioned in subsection 1 causes unnecessary nuisance to the surroundings, the owner is obliged when so ordered by the municipality to take the necessary measures, including increasing the height of a chimney if necessary. When special circumstances make this reasonable, it may be decided by judicial assessment that the costs of such measures shall be paid wholly or in part by the owner of other property that has caused the order to be given.

If a permit has been granted for the installation pursuant to the Pollution Control Act, the provisions of the Pollution Control Act shall apply instead of the provisions of the first paragraph.

3. In the case of a chimney that abuts on a neighbour's property, the neighbour may not object to the chimney being attached to a wall or the roof of his property, or to access across his roof for the purpose of cleaning the chimney.

Any compensation shall be determined by judicial assessment.

### **Section 106 a. Lifts, escalators and moving pavements**

1. Lifts, escalators and moving pavements shall be so designed, and the operation of such installations shall be so safe, that use of the installation cannot cause injury to persons. The owner of the installation is responsible for ensuring that installations that are in use are in proper operating order.
2. The owner of the installation shall ensure that the installation is inspected and controlled for safety and that the necessary maintenance and repairs are carried out by qualified personnel. The municipality shall be informed of the system of inspection and safety control for each individual installation.

The municipality may carry out safety control of the installation when it is in operation. Such control may also be carried out by the Ministry or whomsoever the Ministry so authorizes.

3. A municipality that does not itself employ qualified personnel to deal with applications for an installation permit, to control the installation work or to control installations that are in operation, shall employ professional assistance. The owner of the installation may be required to pay the costs of such assistance.

The provisions of sections 77, 87, 89, 91, and of Chapters XVI, XVIII and XIX shall also apply to the extent they are appropriate.

4. The Ministry may by regulations make further provisions, inter alia, concerning installation, concerning inspection, safety control and repair of installations that are in operation, concerning qualification requirements for responsible applicants/designers, responsible contractors and inspection and control personnel, concerning the duties of the owners of installations and concerning the tasks of the municipality.

The Ministry may by regulations make provisions

- a. concerning requirements to make the installation safe in order to prevent damage to property
- b. to the effect that buildings or other permanent structures and installations of a special nature or height shall be planned and erected with lifts in order to ensure suitable routes of communication and
- c. to the effect that the provisions applying to lifts, escalators and moving pavements shall wholly or partly also apply to other permanent lift installations.

## **Section 107. Signs and advertisements**

Signs, advertising devices etc. shall be approved by the municipality before they are erected, unless notification of such matters may be given pursuant to section 86 a. When deciding whether to grant approval or whether it shall be required that such notification as mentioned shall be submitted to the municipality as an application pursuant to section 94, cf. section 86 a, first paragraph, letter a, consideration shall be given to whether the sign or advertising device will be unsightly or disturbing in itself or in relation to the surroundings or to traffic.

Unless this is prevented by permission which has been granted for a specific period of time, the municipality may order the removal or alteration of any such device as mentioned in the first paragraph, when, in the opinion of the municipality, it contravenes the above requirement. The municipality may in all cases order the removal of any device that is presumed to entail a hazard.

## **Section 108. The duty of other authorities to report**

If a person carrying out a fire inspection or any other official inspection discovers any matter that contravenes this Act, regulations or by-laws, the person responsible for the proceedings shall report the matter to the municipality without delay.

## **Section 109. Fees**

A scale may be established for fees payable to the municipality for dealing with applications for division of land, permission, inspection, issue of certificates and other work which the municipality is obliged to carry out pursuant to this Act, regulations or by-laws. The fee may include the cost of any necessary use of professional assistance pursuant to section 97, subsection 2, first paragraph. The developer may himself arrange for the necessary surveys. A scale may also be established for fees for transcripts and certificates from the special courts of assessment. The scales of fees shall be decided by the Municipal Council itself.

Public services as mentioned in the first paragraph, first and second sentences, may be made subject to the condition that a fee has been paid.

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

## **CHAPTER VIII. PENAL LIABILITY**

### **Section 110. Fines may be imposed on any person who wilfully or negligently:**

1. designs or carries out a project in contravention of provisions made in or pursuant to this Act which may lead to or has led to injury to persons or significant material damage,
2. carries out a project or has a project carried out without obtaining the required permission pursuant to section 93, cf. section 96, or in contravention of the conditions for such permission, or a project that contravenes provisions made in or pursuant to sections 81, 85, 86 a or 86 b,
3. uses or allows use of a building or part of a building, structure or land without obtaining the necessary permission pursuant to section 93, or in contravention of provisions made in or pursuant to sections 81, 85, 86 a or 86 b, or without being granted dispensation pursuant to section 7 of this Act for a project or use in contravention of the land-use part of the municipal master plan, a zoning plan or a building development plan, or of sections 17-1, 31 or 33 of this Act,
4. designs, carries out a project or has a project carried out without the work being supervised by a responsible designer who has been approved pursuant to section 93 b, or a responsible contractor who has been approved pursuant to section 98,
5. uses or allows use of a building etc. as mentioned in section 99, without obtaining the necessary certificate of completion or provisional permission for use or necessary permission for operation,
6. carries out control of a project in contravention of the provisions made for this purpose in or pursuant to this Act.
7. gives incorrect or misleading information to the planning and building authorities or the central approval body.

### **Section 111. Fines may be imposed on any person who wilfully or negligently:**

1. despite a written order fails to comply with the conditions for temporary dispensation pursuant to section 7,
2. puts a CE-marking on any product without the conditions for doing so being fulfilled, or who otherwise does not provide information or fails to allow the supervisory authority access to any product, premises, land or other area which is deemed necessary in order to carry out the supervision. Any person who aids or abets the sale of such a product shall be liable to the same penalty,
3. despite a written order fails to fulfil the obligation pursuant to section 89, first paragraph, first sentence, to maintain a building or installations in a proper state,
4. fails to comply with a written order issued pursuant to section 91 concerning removal of a building or remains of a building or installation, or concerning clearing the lot,
5. despite a written order fails to fulfil the obligation pursuant to section 100 to take safety measures,
6. fails to comply with a written order issued pursuant to section 106, subsection 2, concerning taking measures to reduce nuisance from technical installations.

## **Section 112. Fines may be imposed on any person who wilfully or negligently fails to comply with:**

1. orders or prohibitions contained in this Act, regulations or by-laws, or
2. any special order or prohibition issued pursuant to any such provision, if the municipality has first notified him in writing that he may become liable to a penalty if the matter is not remedied within a specified time limit, and this time limit is exceeded.

## **CHAPTER XIX. UNLAWFUL CONSTRUCTION WORK ETC.**

### **Section 113. Stopping unlawful work and cessation of unlawful use. Removal or remedying of unlawfully executed work**

In the case of any matter that contravenes provisions made in or pursuant to this Act, the planning and building authorities may order the person responsible to remedy such matter within a time limit and also prohibit the continuation of such activity. If necessary, the planning and building authorities may require assistance from the police to enforce an order to stop the work or to discontinue use. When an order is issued, a time limit shall be set for compliance with it, and notification shall be given that the decision may be followed up by the issue of a writ that may have the effect of a legally enforceable judgment.

The planning and building authorities may not institute legal proceedings pursuant to this section before a writ pursuant to section 114 is issued.

### **Section 114. Writ concerning the obligation to comply with an order or prohibition**

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

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

The writ cannot be appealed against.

### **Section 115. Enforcement**

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

An order given by the planning and building authorities may be enforced pursuant to the provisions of section 13-14 of the Enforcement Act without requiring a judgment or writ, when it concerns matters entailing a hazard for those frequenting the building or others, if the order is not complied with within a fixed time limit. An order given by the municipality constitutes special grounds for enforcement if the order concerns matters entailing a hazard for those frequenting the building or others and the order is not complied with within a fixed time limit. The same applies when a temporary dispensation pursuant to section 7 is withdrawn, or when the work required to be

carried out as a condition for provisional permission for use pursuant to section 99, subsection 2, has not been done, or an order to remove or remedy signs etc. pursuant to sections 86 a and 107 has not been complied with within a fixed time limit.

## **Section 116. Compensation**

Any person who pursuant to this Act is ordered to remove or remedy any matter contravening provisions made in or pursuant to this Act has the right to compensation from the public authorities when the work has been carried out in compliance with permission granted pursuant to section 93, provided that he, and as the case may be anyone who has acted on his behalf, has proceeded in a proper manner and has acted in good faith, and the error was clearly apparent in the application.

### **Section 116 a. Coercive fine**

In the case of any matter that contravenes provisions made in or pursuant to this Act, the planning and building authorities may impose a coercive fine in order to enforce any order or prohibition they have issued within a specific time limit. The coercive fine may be imposed simultaneously with an order to remedy the matter and in that case runs from the expiry of the time limit for such a remedy. When a coercive fine is not imposed simultaneously with the order, a new time limit may be fixed if the order is not complied with. It may be determined that the fine shall run as long as the unlawful matter continues, and/or that it shall be paid as a single payment. The coercive fine shall be imposed on the person who is responsible for the offence, and shall accrue to the municipality. Any fine imposed is enforceable by execution. The authority concerned may reduce or waive the fine imposed when there are special reasons for doing so.

### **116 b. Reasonableness and co-ordination**

Any sanctions imposed shall be in reasonable proportion to the offence. If several different kinds of sanctions are imposed for the same offence, these must be co-ordinated so that the offence is not penalized in an unreasonable manner. When imposing sanctions, special consideration shall be given to the degree of possible negligence and to the seriousness of and possible gain from the offence.

If the planning and building authorities find that the offence is of trifling significance, they may refrain completely from subjecting it to sanctions. A decision to this effect is not to be regarded as an individual decision.

## **CHAPTER XX. TRANSITIONAL PROVISIONS**

### **Section 117. (Repealed by the Act of 11 June 1993 No. 85.)**

### **Section 118. Temporary by-law concerning anchoring and mooring of leisure craft etc.**

For a period of 10 years from the date this Act comes into force, outside the harbour districts established pursuant to the Act of 8 June 1984 No. 51 concerning harbours and fairways, further provisions may be made by by-laws concerning anchoring, mooring etc. of houseboats or similar contrivances as well as the positioning of private buoys and other private mooring devices along the coast nearer than 100 m from land measured at normal high tide, or in watercourses up to 100 m from the shoreline measured horizontally at normal flood water level. The provisions may also include a prohibition on anchoring, positioning etc. of the contrivances mentioned in the preceding sentence.

## **Section 119. Decisions, etc. pursuant to earlier legislation**

1. Plans, decisions, by-laws and regulations laid down pursuant to earlier legislation that are repealed by section 123 shall continue to apply insofar as they do not contravene provisions made in or pursuant to this Act. When this Act comes into force, the by-laws concerning general plans passed pursuant to the Building Act, and by-laws under section 82 of the Building Act concerning sports cabins etc. with the exception mentioned in the second paragraph, third sentence, and with the exception of by-laws under section 82 concerning a prohibition on building and division of property, shall cease to have effect. The last mentioned by-laws shall apply until the municipality has adopted the land-use part of the municipal master plan. By-laws passed pursuant to the Building Act concerning agricultural and forestry buildings (section 81), other permanent structures and installations (section 84) and temporary and transportable structures and installations and sheds and storage (section 85) shall also cease to have effect.

A zoning plan that is finally adopted before this Act comes into force shall have the same effect as a zoning plan pursuant to this Act. An approved shore plan/mountain plan pursuant to the Act concerning planning in shore and mountain areas may be implemented after this Act comes into force. The same applies to an approved lay-out plan in accordance with a by-law under section 82 of the Building Act, when implementation of the plan has been started before this Act comes into force. Alteration of an already approved shore plan/mountain plan must take place in accordance with the provisions concerning zoning plans.

In the case of zoning plans that are finally adopted before this Act comes into force, the time limit for expropriation mentioned in section 31, subsection 2, begins to run from the date this Act comes into force.

A road plan that has been approved in accordance with regulations made pursuant to section 12 of the Public Roads Act may be implemented after this paragraph comes into force.

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## **Section 120. Final processing of proposed plans**

1. Proposed zoning plans that have been presented for public inspection before this Act comes into force may be finally processed pursuant to the rules that applied when the plans were presented. The same applies to proposals for renewal decisions put forward by the Municipal Executive Board pursuant to the Act of 28 April 1967 relating to renewal of urban areas and to renewal decisions that have not been finally confirmed when this Act comes into force.
2. In the case of areas where, before this Act comes into force, limits and guidelines for planning have been established pursuant to previous section 7 of the Act of 10 December 1971 No. 103 relating to planning in shore and mountain areas, planning may take place in accordance with section 7 ff. of the previous Act.
3. Private proposals for zoning plans received by the Standing Committee for Planning Matters before this Act comes into force shall be processed as stipulated in section 27, subsection 2, of the Building Act.
4. Proposals for general and detailed plans that were presented for public inspection in accordance with regulations made pursuant to section 12 of the Public Roads Act, may be finally processed in accordance with the provisions of the regulations also after they have been repealed.

Minor alterations to detailed plans and to plans previously adopted pursuant to regulations as mentioned in the first paragraph may, to the extent necessary, be implemented in accordance with the provisions of the regulations concerning alterations to detailed plans, also after the regulations have been repealed.

**Section 120a. (Repealed by the Act of 24 September 2004 No. 72.)**

**Section 121. Further provisions concerning the effects of commencement of this Act**

1. This Act and regulations that apply when it comes into force are applicable to all work and projects that are initiated after the Act comes into force.
2. The Act also applies to work and projects initiated before the Act comes into force, if the application of the new rules will not disturb the part of the work or the project that has been carried out. If this is the case, a demand may be made for this issue to be decided by judicial assessment.

**CHAPTER XXI. COMMENCEMENT, REPEAL AND AMENDMENT OF OTHER ACTS**

**Section 122. Commencement**

This Act comes into force from the date the King decides.

**Section 123. Repeal and amendment of other Acts**

When this Act comes into force, the following statutes and provisions are repealed or amended:

g:\ba\ne\the planning and building act