

CITY OFFICE OF KRAKOW	Service sheet / external procedure no. AU-10
	CONSTRUCTION APPLICATION / EXECUTION OF CONSTRUCTION WORKS
<ol style="list-style-type: none"> 1. Handle the matter electronically Not applicable. 2. Appendices Application form for the intention to construct / perform construction works. Printing a statement on the right to dispose of the property for construction purposes. 3. Sign language version Not applicable. 4. Matter handled by Architecture and Urban Planning Department - 41 Mogilska, 31-545 Krakow. 5. Documents from the Applicant (client) The following documents must be attached to the application for acceptance: <ol style="list-style-type: none"> 1 The statement, made under pain of criminal liability, about the right to dispose of the property for construction purposes, in accordance with the template contained in the Regulation of the Minister of Infrastructure and Construction of 24 August 2016 (Journal of Laws of 2016, item 1493). 2 A cadastral map with the scope of the declaration marked. 3 Determining the type, scope and manner of performing construction works and indicating the date of their commencement. 4 Depending on the needs - appropriate sketches or drawings. 5 Permits, arrangements and opinions required by separate regulations (e.g. decision on environmental conditions, water law permit). 6 In the case of construction of household sewage treatment plants - a hydrogeological or geotechnical opinion of a subsoil developed by an authorized geologist together with the geologist's powers. 7 To the notification of the construction of liquid gas tank installations with a single tank with a capacity of up to 7m³, intended for supplying gas installations in single-family residential buildings and to report the construction of power, water, sewage, gas, heating and telecommunications connections, a plot development project or the area together with the technical description of the installation, made by a designer with appropriate building qualifications. Land or plot development project, in the case of construction of a gas installation, referred to in art. 29 paragraph 1 point 19 should be agreed with the entity competent for fire protection. 8 To submit the construction of small architecture objects in public places, a plot or land development project should be submitted by a designer with the required building permits. 9 The land development design should be carried out in accordance with the ordinance of the Minister of Transport, Construction and Maritime Economy of April 25, 2012 regarding the detailed scope and form of the construction design (Dz. of Laws of 2012, item 462, as amended), including: 	

- 10 Documents confirming that designers have the proper permissions, i.e. a decision to grant construction permits and a certificate of entry to the appropriate chamber of professional self-government (valid as at the date of the project).
11. In the case of acting by a proxy or an attorney - a power of attorney to represent the applicant or a document confirming the granting of a power of attorney / ***original or its officially certified copy*** - A lawyer, legal advisor, patent attorney, and a tax advisor can themselves authenticate a copy of the power of attorney granted to them and copies of other documents showing their authorization. A document confirming the granting of a commercial power of attorney can also be a current excerpt from the National Court Register (issued in court or downloaded independently in accordance with Article 4 (4aa) from the Act on the National Court Register).
- 12 If the application is submitted by an entity not subject to the obligation to enter in the National Court Register - documents confirming the manner of representing the applicant / ***original or certified copy of the original*** by a notary public or by the party's attorney who is a lawyer, legal advisor, patent attorney or tax advisor /.

NOTE:

Documents submitted to the case file should be submitted in the original

(article 76 § 1 of the Code of Civil Procedure).

If the document required in a given case is in the files of another administrative body or entities which by virtue of law or agreement is authorized to deal with individual cases resolved by administrative decisions or issuing certificates, it is sufficient for a party to provide f an extract or excerpt from this document officially certified by that body or entity (art. 76a § 1 of the Code of Administrative Procedure).

Notaries, as well as legal representatives of the party who are lawyers, attorneys-at-law, patent attorneys, tax advisors and an authorized employee of the body conducting the proceedings to whom the document was presented are authorized to certify copies of documents (art. 76a § 2 and 2b of the Code of Civil Procedure).

6. Fees

For submitting a document confirming the granting of a power of attorney or proxy - **PLN 17** (does not apply to powers of attorney granted to a spouse, ascendant, descendant or sibling or when the principal is an entity exempt from stamp duty).

Stamp duty payments can be made to the bank account of the Krakow City Office (e.g. at the post office, bank transfer) or without additional fees at the branches of PKO Bank Polski SA Original proof of payment of the stamp duty to be paid must be attached to the application.

ACCOUNT NUMBER

ACCOUNT NUMBER - Stamp duty - 49 1020 2892 2276 3005 0000 0000

7. Form of consideration

Acceptance of the application in the form of a tacit consent, or an objection in the form of a decision of the Mayor of the City of Krakow, or an objection in the form of a decision of the Mayor of the City of Krakow imposing the obligation to obtain a building permit.

8. Time of consideration

Settlement of the matter in accordance with art. 30 paragraph 5 of the Construction Law, i.e. within 21 days from the date of submission of the application for acceptance of the application, whereby the imposition by the administrative body of the obligation to supplement the application by order of the missing documents interrupts the 21-day period.

9. Documents obtained in the proceedings

None.

10. Appeal procedure

In the event of a decision of the Mayor of Krakow to oppose or a decision to oppose imposing the obligation to obtain a building permit, an appeal may be lodged with the Voivode of Małopolska through the Mayor of the City of Krakow - the Department of Architecture and Urban Planning of the Nicolaus Copernicus University within 14 days from the date of delivery of the decision.

11. Legal basis

1. Art. 30 in connection with art. 29 of the Act of 7 July 1994 Construction Law (consolidated text from 2018, Journal item 1202 as amended).
2. Act of 16 November 2006 on Stamp Duty (unified text: Journal of of Laws of 2016, item 1827, as amended).
3. Ordinance of the Minister of Infrastructure and Construction of August 24, 2016 on models: application for building or demolition permission, notification of construction and reconstruction of a single-family residential building, a declaration of the right to dispose of real estate for construction purposes, and a decision on a building permit or demolition (Dz. Laws of 2016, item 1493).
4. Art. 72 par. 3 of the Act of October 2008 on sharing information on the environment and its protection, public participation in environmental protection and on environmental impact assessments (consolidated text: Journal of Laws of 2017, item 1405).

12. Additional information for the client

1. In art. 29 of the Construction Law, objects and construction works that do not require a building permit are specified.
In art. 30 abovementioned the Act clarified which objects and construction works require notification to the competent authority.
2. According to art. 29a paragraph 2 of the Construction Law, the provisions of the energy law or the collective water supply and collective sewage disposal connection shall apply to the construction of power, water, sewage, gas, heating and telecommunications connections. This provision shall not apply if the investor has made the notification referred to in Art. 30 of the Act. This means that in the case of power, water, sewage, gas, heating and telecommunications connections, the investor may alternatively report the intention to make them to the media administrator. If the notification is made to the media administrator, it is required to draw up a situational plan on a copy of the current master map or unit map adopted for the state geodetic and cartographic resource (Article 29a (1) of the Building Law).
3. **Excerpt from the Act of 7 July 1994 Construction Law - art. 29 and 30.**

Art. 29. [Construction and construction works not requiring a building permit]

1. No construction permit is required for:

- 1) farm buildings related to agricultural production and supplementing farm buildings as part of the existing habitat plot:
 - a) one-story farm buildings with a building area of up to 35 m², with a construction span of not more than 4.80 m,
 - b) manure storage boards,
 - c) airtight liquid manure tanks with a capacity of up to 25 m³,
 - d) aboveground silos for loose materials with a capacity of up to 30 m³ and a height of not more than 7 m,
 - e) container dryers with a building area of up to 21 m²;
 - 1a) detached single-family residential buildings, the area of impact of which is entirely on the plot or plots on which they were designed;
- 2) detached one-story farm buildings, garages, sheds or backyard porches and conservatories (winter gardens) with a building area of up to 35 m², the total number of these objects on the plot may not exceed two for every 500 m² of plot;
 - 2a) detached one-story buildings for individual recreation, understood as buildings intended for periodic recreation, with a building area of up to 35 m², the number of these objects on the plot may not exceed one for every 500 m² of the plot;
 - 2b) free-standing one-story buildings of transformer stations and container transformer stations with a building area of up to 35 m²;
 - 2c) sheds with a built-up area up to 50 m², situated on a plot of land on which a residential building or intended for housing construction is located, with the total number of these sheds on the plot not exceeding two for every 1000 m² of plot;
 - 2d) free-standing gazebos with a building area of up to 35 m², while the total number of these objects on the plot may not exceed two for every 500 m² of plot;
- 3) household sewage treatment plants with a capacity of up to 7.50 m³ per day;
 - 3a) drainage tanks for liquid waste with a capacity of up to 10 m³;
- 4) allotments and utility buildings referred to in Act of December 13, 2013 on family allotment gardens (Dz. of Laws of 2014 items 40, 2015, 1387 and 528 and of 2016, items 9 and 2260.
- 5) bus and platform shelters;
- 6) one-story buildings with a building area of up to 35 m², serving as facilities for the current maintenance of railway lines, located on land owned by the Treasury;
- 7) free-standing telephone booths, cabinets and telecommunication posts;
- 8) parking meters with own power supply;
- 9) school pitches and pitches, tennis courts, treadmills for recreation;
- 10) parking spaces for passenger cars up to and including 10 positions;
- 11) exits from national and provincial roads and parking bays on these roads; 11a) exits from poviats and commune roads and parking bays on these roads; 11b) culverts up to 100 cm in diameter;
- 12) temporary construction objects not permanently connected to the land and intended for demolition or moving to another place within the time limit specified in the notification referred to in art. 30 paragraph 1, but not later than 180 days from the date of commencement of construction specified in the application;
- 13) economic building facilities with a building area of up to 35 m², with a construction span of not more than 4.80 m, intended solely for forestry purposes and located on forest land of the Treasury;
- 14) construction buildings damming water and venting structures with a damming height below 1 m outside navigable rivers and outside the area of national parks, nature reserves and landscape parks and their lagging;
- 15) backyard pools and ponds up to 50 m²;
- 16) platforms up to 25 m in length and height, calculated from the platform crown to the bottom of the water, up to 2.50 m, for:
 - a) mooring small vessels, such as boats, kayaks, yachts,
 - b) fishing,
 - c) recreation;
- 17) shorebands and other artificial, surface or linear strengthening of river banks and mountain streams as well as the sea shore, internal sea waters, which are not retaining structures;
- 18) slipways for people with disabilities;
- 19) liquid gas tank installations with a single tank with a capacity of up to 7 m³, intended for supplying gas installations in single-family residential buildings;
 - 19a) networks:
 - a) power installations covering rated voltage not higher than 1 kV,
 - b) water supply,

- c) sewerage,
- d) thermal
- e) dealing with telecommunications
- 20) power, water, sewage, gas, heating and telecommunications connections;
- 20a) telecommunications cable lines; 20b) cable ducting;
- 21) measuring devices, along with fences and internal roads, of the state hydrological and meteorological service and the state hydrogeological service:
 - a) water gauge, meteorological, precipitation and groundwater stations,
 - b) points: groundwater observation levels and groundwater quality monitoring,
 - c) observation piezometers and encapsulated sources;
- 22) small architecture objects;
- 23) fences;
- 24) facilities intended for temporary use during the execution of construction works, located on the construction site, and setting up barracks used in the performance of construction works, geological surveys and geodetic measurements;
- 25) temporary building objects constituting only exhibition exhibits, not having any utility functions, situated in areas designated for this purpose;
- 26) geodetic marks, as well as triangulation objects, outside the area of national parks and nature reserves;
- 27) power, water, sewage, heating, air conditioning and telecommunications installations inside the building in use;
- 28) building facilities used directly to perform regulated activities law of June 9, 2011 - Geological and mining law (Dz. Of Laws of 2016, item 1131, 1991 and from 2017 item 60 and 202) in the field of exploration and appraisal of hydrocarbon deposits;
- 29) military training facilities, in particular: defensive positions, crossings, earthworks, fortifications, temporary installations and container facilities, located in closed areas designated by the Minister of National Defense to conduct military exercises with the use of field camps and the strengthening of the area to pretend to be direct combat.

2. No construction permit is required for construction works consisting of:

- 1) renovation of construction works;

The beneficiary obliges the entity referred to in par. 1 to:

- 1aa) 2 reconstruction of buildings, other than buildings referred to in para. 1, excluding their external partitions and structural elements, as well as excluding reconstruction, the construction design of which requires approval in terms of fire protection;
- 1b) reconstruction of external partitions and structural elements of single-family residential buildings, provided that it does not increase the existing impact area of these buildings;
- 1c) renovation or reconstruction of construction equipment;
- 2) (repealed)
- 3) (repealed)
- 4) insulation of buildings up to 25 m high;
- 5) hardening the ground surface on building plots;
- 6) installation of advertising boards and devices, except for those located on objects entered in the register of historic monuments as defined regulations on the protection of monuments and the care of monuments and with the exception of illuminated and illuminated advertising located outside built-up area within the meaning regulations on road traffic;
- 7) (repealed)
- 8) (repealed)
- 9) performance and reconstruction of detailed water drainage facilities;
- 10) performing housing for groundwater intakes;
- 11) reconstruction of gas and electricity networks other than those mentioned in para. 1 point 19a lit. and;
- 12) reconstruction of roads, tracks and railway facilities;
- 12a) construction of technological channels as defined Art. 4 point 15a Act of 21 March 1985 on public roads (Dz. of Laws of 2016 items 1440, 1920, 1948 and 2255 and of 2017, items 191, 138 and 317.
- 13) (repealed)
- 14) installing gratings on construction works;
- 15) installing devices, including antenna support structures and radiocommunication installations, on construction works;
- 16) installation of heat pumps, photovoltaic devices with installed electric power up to 40 kW and free-standing solar collectors;
- 17) (repealed)

3. Construction permits require projects that require an environmental impact assessment, and projects that require a Natura 2000 impact assessment, in accordance with art. 59 the Act of 3 October 2008 on providing information on the environment and its protection, public participation in environmental protection and on environmental impact assessments.

4. The transfer of rights referred to in par. 1 is free.

1) next to a building object entered in the register of monuments - they require a building permit,

2) in the area entered in the register of monuments - require the notification referred to in Article 30 paragraph 1

- the permit for the relevant voivodship heritage conservator issued on the basis of which should be attached to the building permit application and the notification regulations on the protection of monuments and the protection of monuments.

Art. 29a. [Connection construction - no notification required]

1. Construction of the connections referred to in art. 29 par. 1 point 20, and charging stations, within the meaning of art. 2 point 27 of the Act of January 11, 2018 on Electromobility and Alternative Fuels requires a situation plan to be prepared on a copy of the current base map or a unit map adopted for the state geodetic and cartographic resource.

2. For the construction referred to in par. 1 shall apply regulations energy law or collective water supply and collective sewage disposal.

3. The provisions of para. 1 and 2 shall not apply if the investor has made the notification referred to in Art. thirty.

Art. 30. [Construction notification; objection; imposing the obligation to obtain a permit for the construction of a building or construction works]

1. Notification to the architectural and construction administration authority, subject to art. 29 paragraph 3 and 4:

1) construction referred to in art. 29 paragraph 1 point 1 lit. b-d, points 1a-2b, 3, 3a, 9, 11, 12, 14, 16, 19, 19a, 20b and 28; 1a) construction referred to in art. 29 paragraph 1 point 20 - subject to art. 29a;

1b) construction of facilities referred to in art. 29 paragraph 1 points 6, 10 and 13, situated on the Natura 2000 site;

2) control the performance of the duties referred to in art. 29 par. 2 points 1, 6 and 4, and also interact with parents in the performance of duties referred to in art. 29 par. 2 point 1 and par.

3;

a) buildings whose construction requires a building permit,

b) external partitions or structural elements of buildings whose construction requires a building permit;

2b) reconstruction of the facilities referred to in art. 29 paragraph 1 point 1 lit. b-d and points 2b, 3, 3a, 11, 12, 14, 16, 19, 19a, 20b and 28;

2c) insulation of buildings with a height above 12 m and not higher than 25 m;

3) construction of fences over 2.20 m high and carrying out construction works consisting in installing:

a) gratings on multi-family residential buildings, public buildings and collective housing as well as objects entered in the register of monuments,

b) devices with a height of more than 3 m on construction works;

c) (Repealed);

4) construction of small architecture objects in public places.

1a. The investor, instead of making a notification regarding the construction works referred to in para. 1 may apply for a building permit.

2. The notification should specify the type, scope and manner of performing construction works and the date of their commencement. The declaration must be accompanied by the statement referred to in art. 32 section 4 point 2 and, depending on the needs, relevant sketches or drawings, as well as permits, arrangements and opinions required by separate regulations.

3. To notify the construction referred to in art. 29 paragraph 1 points 19 and 20, a plot or land development plan should be attached together with a technical description of the installation made by a designer with appropriate building qualifications. Land or plot development project, in the case of construction of a gas installation, referred to in art. 29 paragraph 1 point 19 should be agreed with the entity competent for fire protection.

4. In the notification of the construction referred to in paragraph 1 point 4, a plot or land development design should be presented by a designer with the required building permits.

4a. The notification of road reconstruction on the trans-European road network should also provide:

1) road safety audit result referred to in Art. 241 paragraph 1 Act of 21 March 1985 on public roads;

2) justification of the road administrator referred to in Art. 241 paragraph 4 Act of 21 March 1985 on public roads.

4b. To notify the construction referred to in art. 29 paragraph 1 point 1a, 2b and 19a, attach the documents referred to in art. 33 item 2 points 1-4. The provisions of par. 351 shall apply accordingly.

4c To notify the reconstruction referred to in art. 29 paragraph 2 point 1b, attach the documents referred to in art. 33 item 2 points 1, 2 and 4. The provisions of par. 351 shall apply accordingly.

5. The applications referred to in par. 1 should be done before the date of intended commencement of construction works. The architectural and construction administration authority, within 21 days from the date of delivery of the notification, may, by decision, raise an objection. Construction works may be commenced if the architectural and building administration body has not raised objections within this period.

5a. (repealed)

5aa The architectural and construction administration authority may ex officio, before the deadline referred to in para. 5, issue a certificate stating that there are no grounds to object. The issuing of the certificate excludes the possibility to raise objections referred to in para. 6 and 7, and entitles the investor to start construction works. The provisions of par. 5e shall apply accordingly.

5b If construction works are not commenced within 3 years from the date of commencement specified in the notification, the commencement of these works may take place after re-notification. 5c If it is necessary to complete the notification, the architectural and building administration body imposes on the applicant, by way of a resolution, the obligation to supplement missing documents within a specified period, and if they are not completed - he raises an objection by means of a decision.

5d The authority referred to in par. 5c shall issue the permit referred to in par. 5, after:

5e In the event that the architectural and building administration body did not raise objections, the construction design for the construction referred to in art. 29 paragraph 1 point 1a, 2b and 19a, and reconstruction referred to in art. 29 paragraph 2 point 1b, is subject to stamping. The architectural and building administration body stamps immediately after the opposition period has expired.

6. The architectural and building administration authority objects if:

- 1) the notification concerns the construction or execution of construction works covered by the obligation to obtain a building permit;
- 2) construction or performance of construction works covered by the notification violates the provisions of the local spatial development plan, decisions on building conditions, other acts of local law or other provisions;
- 3) the notification concerns the construction of a temporary building referred to in art. 29 paragraph 1 point 12, in a place where such an object exists.

6a. The day on which an objection is raised shall be the date on which the decision is given at the post office of the designated operator within the meaning Art. 3 point 13 of the Act of November 23, 2012 - Postal Law (Journal Of Laws of 2016, item 1113, 1250, 1823 and 1948) or in the case referred to in art. 391 of the Code of Administrative Procedure, date of entry into the IT system.

7. The architectural and building administration body may impose, by means of a decision referred to in para. 5, the obligation to obtain a permit for the performance of a specific object or construction works covered by the notification obligation referred to in paragraph 1, if their implementation may violate the findings of the local spatial development plan, decisions on building conditions or cause:

- 1) threat to the safety of people or property;
- 2) deterioration of the environment or the condition of the monuments;
- 3) deterioration of health and sanitation conditions;
- 4) introduction, consolidation or increase of restrictions or nuisance for neighboring areas.

Art. 30a. [Information in the Public Information Bulletin]

In the case of notification of construction referred to in art. 29 paragraph 1 point 1a, 2b and 19a, the architectural and building administration body shall publish in the Public Information Bulletin on the subject page of the operating office within 3 days from:

- 1) delivery of the notification - information about the notification, including the name and surname or name of the investor as well as the address and description of the designed facility;
- 2) raising an objection - information about the date of its submission;
- 3) the deadline referred to in art. 30 paragraph 5 - information about no objection.

Developed by:
Tomasz Libera
Date:

Opinion presented by: Legal
Advisor Tomasz Dyrdycki-
Borowy Date:

Approved by: Director
Jadwiga Warat-Hapońska
Date: