

# CLASSIFICATION AND TYPES OF CONSTRUCTION FACILITIES

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## Abstract

The paper presents current classification and types of construction facilities deriving from legal regulations.

**Key words:** construction facility, classification, construction law

## 1. Introduction

Construction facilities (permanent and temporary) – regardless of their size and intended use. Hence, presented in the work is basic information concerning construction facilities.

The notion of a “construction facility” can be found in the following legal regulations:

- Art. 2 item 5d of the Act – *Public Procurement Law* within the meaning of Art. 1 section 2 item b of Directive 2004/18/EC dated 31.03.2004 *on the Coordination of Procedures for the Award of Public Works Contracts for Construction Work*. A construction facility is a result of all construction work or civil and water engineering which as such is to perform an economic or technical function. The notion of the construction facility was introduced into the public procurement law under the Act of 12.10.2012 *on amending the Act – Public Procurement Law and of the Act on Licences for Construction Work or Services* (Journal of Laws of 2012 item 1271);
- Item 2 of the Attachment to the Regulation of the Prime Minister dated 20.12.1999 on the Polish Classification of the Construction Facilities (PCCF) (Journal of Laws of 1999 item 1316). As construction facilities shall be construed final products of construction activity constituting structures permanently connected to the ground made from construction materials and constituent elements which are the results of the construction work;
- Art. 3 item 1 of the Act – *Construction Law* defined a construction facility as a building, structure or a small architecture object including installations ensuring a possibility of its use in accordance with the its intended use constructed with the use of construction materials. This amendment was introduced into the aforesaid Act as a result of an amended Act dated 20.02.2015 *on Amendment to the Act – Construction Law and Some Other Acts* (Journal of Laws 2015 item 443).

According to the above-given information the notion of a construction facility in the aforementioned legal regulations differs significantly. Sadly, while formulating the definition in the Act – *Construction Law* no adjustment of

the definition of this notion to the definition included in the Polish Classification of the Construction Facilities was made. This definition is used by the AAB and NB authorities in the development of reports concerning the so-called “construction traffic”. IN the subsequent part of the paper we will discuss the notion of a “construction facility” as included in the PCCF and in the Act – *Construction Law*.

Because of the problem of proper understanding of the issues linked with the “*permanent connection of the structure with the ground*” we will quote a well-grounded view in this respect as reflected in the judgments of administrative courts. It stipulates that:

- 1) the question of permanent connection (binding) with the ground may not be solely reduced to a physical connection. The characteristics of permanent connection with the ground" boils down to the placement of the facility on the ground permanently enough to ensure its stability and possibility of counteracting external factors which may cause its destruction, movement or relocation to another place (*e.g. Sentence of the Supreme Administrative Court in Warsaw, no. VII SA/Wa 1339/12 dated 08.11.2012 LEX no. 1341218*).
- 2) permanent connection of a construction facility to the ground is not determined by its permanent technical fixing. The legislator uses the term "permanently connected to the ground" or "not connected permanently to the ground" in these circumstances when it wants to make a distinction between the two construction facilities (*a building and temporary construction facility*), which are subject to separate legal regimes (*Sentence of the Supreme Administrative Court in Bydgoszcz no. II SA/Bd 1237/12 dated 03.04.2013, LEX no. 1351438*).
- 3) For the acceptance of permanent connection to the ground, the circumstance of a facility being provided with foundations, or the size of the cavity in the ground is irrelevant. What is important is the whether the structure is permanent enough to resist the factors which may destroy the structure build on it (*Sentence of the Supreme Administrative Court in Warsaw no. VII SA/Wa 1299/12 dated 22.10.2012, LEX no 1242383*).

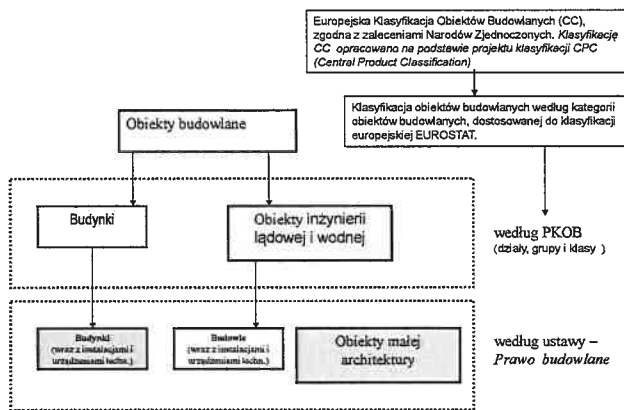


Fig. 2.1. Relationships between different types of construction facilities in the Polish Classification of the Construction Facilities and the Act – Construction Law.

1.2. Classification of construction facilities as referred to in the Act – Construction Law

The Act – Construction Law defines the following three basic types of construction facilities (Fig. 2.2.):

- a) buildings,
- b) structures,
- c) small architecture facilities including installations ensuring a possibility of their use as per the intended use constructed with the use of construction products and materials.

The notion of "construction equipment" (Art. 3 item 9 of the Construction Law) is construed as technical appliances ensuring a possibility of using a construction facility in accordance with its intended use including connections and installation equipment such as waste treatment and collection installation as well as passages, fencing, parking lots and ground for waste collection points. Some of these construction equipment (e.g. fencing), being an independent structure (not connected to the construction facility, e.g. a building) lose in a sense the status of the construction equipment and become a construction facility. Adequate separation of the construction equipment is of particular importance for proper definition of formal requirements linked with their construction (see: Art. 28 and 29 Construction Law).

The above-mentioned Act defined the notions of a building, residential building, single-family residential building as well as of a structure, small architecture facility and a temporary construction facility.

In addition, the Regulation of the Minister of Infrastructure dated 12.04.2002 on technical conditions which must be fulfilled by buildings and their location defines the following notions: a collective residential estate, public utility buildings, individual recreation facilities and utility building. Within the group of "civil and water engineering facilities," as given in the PCCF and "structures" are included.

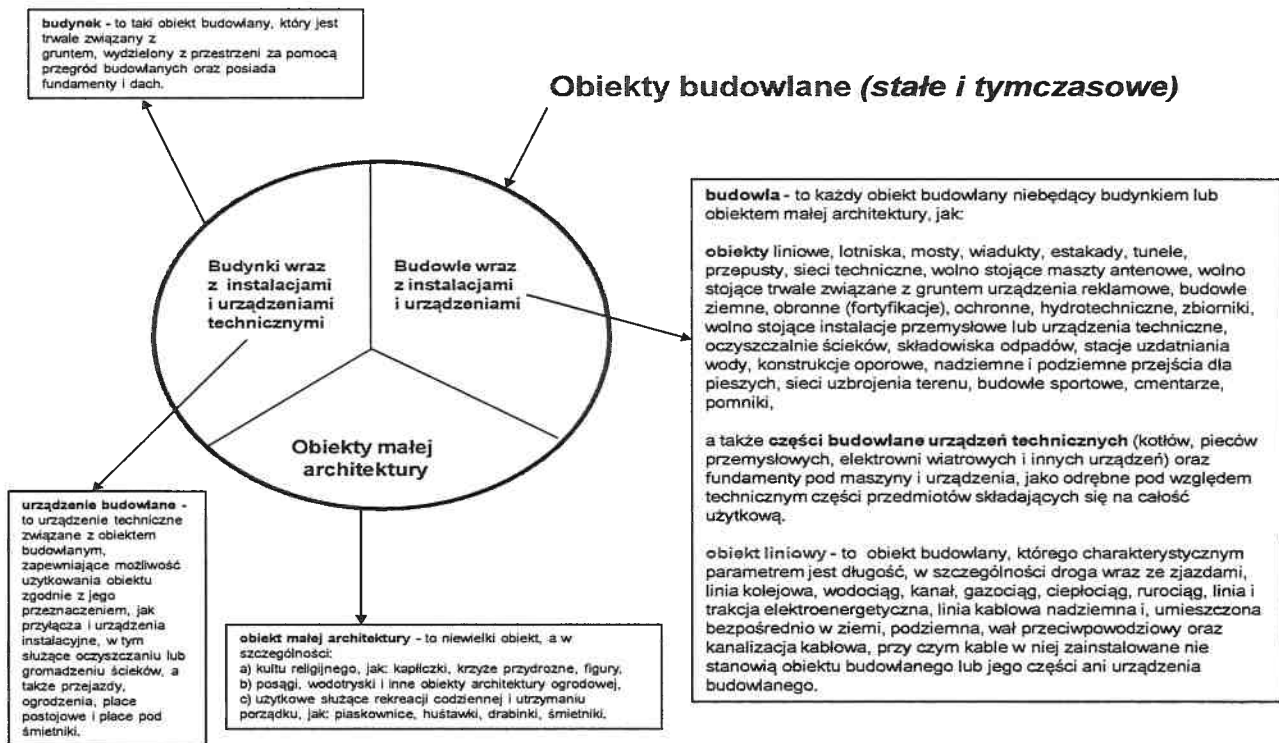


Fig. 2.2. Types of construction facilities according to the Act – Construction Law.

## Bibliography

1. Baryłka A., Okresowe kontrole obiektów budowlanych w procesie ich eksploatacji [Periodical Checks of Construction Facilities in Their Functional Use Period], publ. Centrum Rzeczoznawstwa Budowlanego Sp. z o.o, Warszawa, 2016.
2. Baryłka A., *Wymagania techniczno-prawne w zakresie inwestycyjnego procesu budowlanego* [Technical and Legal Requirements with Respect to Investment Construction Process]. Chłodnictwo no. 10 /2016.
3. Baryłka A., *Wymagania techniczno-prawne w zakresie eksploatacyjnego procesu budowlanego* [Technical and Legal Requirements with Respect to Operational Construction Process]. Chłodnictwo no. 11/2016.
4. Baryłka A., *Samowole budowlane w procesie inwestycyjnym i eksploatacyjnym* [Illicit Construction in the Investment and Operational Construction Process]. Chłodnictwo no.1/2017.
5. Baryłka A., *Zagadnienie samowoli budowlanej polegającej na budowie albo wybudowaniu obiektu budowlanego bez wymaganego pozwolenia* [Illicit Construction Consisting in the Construction or Construction of a Facility without a Required Permit]. Chłodnictwo no. 2/2017.
6. Baryłka A., *Zagadnienie samowoli budowlanej polegającej na budowie albo wybudowaniu obiektu budowlanego bez wymaganego zgłoszenia* [Illicit Construction Consisting in the Construction or Construction of a Facility without a Required Registration]. Chłodnictwo no. 3/2017.
7. Baryłka A., *Zagadnienie samowoli budowlanych określonych w art. 50 ustawy – Prawo budowlane* [Illicit Construction as Referred to in Art. 50 of the Act – Construction Law]. Chłodnictwo no. 4/2017.
8. Baryłka A., *Problem samowoli budowlanych w inżynierii bezpieczeństwa obiektów budowlanych* [Illicit Construction in the Safety Engineering Linked with Construction Facilities]. A paper for the 21<sup>st</sup> Scientific and Technical Conference “Safety Engineering – Protection against Consequences of Extraordinary Risks”, Zakopane, 15-18.09.2015.
9. Baryłka J., *Problem zmiany sposobu użytkowania w inżynierii bezpieczeństwa obiektów budowlanych* [A Question of Change of the manner of Use of the Safety Engineering of Construction Facilities]. A paper for the 1st National Scientific and Technical Conference - Safety Engineering of Anthropogenic Facilities, Warszawa, 19-20.11.2015.
10. Baryłka A., *Uwarunkowania prawne zmiany sposobu użytkowania obiektów budowlanych* [Legal Grounds for the Change of the Manner of Use of Construction Facilities]. Inżynieria Bezpieczeństwa Obiektów Anthropogenicznych no. 1/2016
11. Baryłka A., *Zagadnienie zmiany sposobu użytkowania obiektów budowlanych* [The Question of Change of the Manner of Use of Construction Facilities]. Inżynieria Bezpieczeństwa Obiektów Anthropogenicznych”, no. 2/2016.
12. Baryłka J.: *Nakazy rozbiórki jako forma inżynierii bezpieczeństwa obiektów budowlanych – w praktyce działania organów nadzoru budowlanego* [Demolition Orders as a For of Construction Facilities Safety Engineering]. A paper delivered a the National Conference - „Technical and Legal Problems Linked with the maintenance of Construction Facilities”, GUNB, Warszawa, January, 2013.
13. Baryłka A., Baryłka J., *Samodzielne funkcje techniczne w budownictwie. Przewodnik po prawie z komentarzem* [Independent Technical Functions in Construction. A Legal Guide with A Commentary] publ. POLCEN, Warszawa, 2016.
14. Baryłka A., Baryłka J., *Eksploatacja obiektów budowlanych. Poradnik dla właścicieli i zarządców nieruchomości* [Operational Use of Construction Facilities. A Handbook for Estate Owners and Administrators]. publ. Centrum Rzeczoznawstwa Budowlanego Sp. z o.o, Warszawa, 2016.
15. Act of 07.07.1994 - *Construction Law* (Journal of Laws of 2016 item 290, consolidated text, as amended).
16. Act of 14.06.1960 – *Administrative Proceedings Code* (Journal of Laws of 2016 item 23, consolidated text, as amended).
17. Act of 17.06.1966 *on Enforcement Proceedings in Administration* (Journal of Laws of 2016 item 599, as amended).
18. Regulation of the Minister of Infrastructure of 25.04.2012 *on the Scope and Form of Construction Project* (Journal of Laws of 2012, item 462, 2013, item 762, z 2015, item 1554).