

CONSTRUCTION PROCESS ACCORDING TO LATVIAN BUILDING REGULATIONS

Martins VILNĪTIS*

* Riga Technical University, Latvia
e-mail: martins.vilnitis@rtu.lv

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Summary:

Building regulations are still different in many European countries even the European Union directives did unify many acts for construction works and construction products in the member countries. The scheme of the construction process organized as per the Latvian building regulations are presented and commented in the paper. In particular, duties and responsibilities, as far as formally required qualifications of all engineers officially registered for the given construction process, will be shown.

Keywords:

management, organization, metaphors of organizations, Armed Forces

INTRODUCTION

The newly adopted Construction law of Republic of Latvia came into force on the 1st of October, 2014. The Law shall be applied to construction of new structures, as well as to rebuilding, renewal, restoration, demolition, placing of existing structures, to changing of the type of use without rebuilding and to preservation.

The General Construction Regulations classifies buildings into three groups depending on complexity and potential effects on the environment. The regulations include general regulation of construction for all groups, as well as regulations on how to initiate construction, conditions for revoking a construction permit, requirements for construction supervision and author supervision, regulations for engineering surveys and construction project examinations, and likewise they specify how to repair or demolish a building that has fully or partially collapsed, is dangerous or harms the landscape and

which person involved in the construction process should bear responsibility for certain general operations.

In turn, the Building Construction Regulations provide more detailed features of what documents are needed and what requirements should be met during design of each group of buildings, construction design development and construction itself, as well as setting a procedure for changing the type of usage of a building without reconstruction and how to carry out a simplified renovation and simplified facade renovation [1].

1. CONSTRUCTION PROCESS IN DETAILS

Conditionally the process of construction according to Latvian building regulations can be divided in the following stages [2]:

1.1. Construction proposal

In accordance with the new law henceforth to propose construction firstly a construction intention has to be handed in to the building authority. Documents specified in the general and special construction regulations have to be handed in together with the intention. The content of the documents depends on the planned structures belonging to one of the three structure classification groups. Structures are classified into three groups depending on the construction process of the structure. The first group is the lowest group which includes uninhabitable one-floor buildings with specific features, for example, small-buildings, outhouses. The third group includes so-called “socially important structures” – structures with more than five floors meant for more than 100 people etc. The second group includes every structure that isn’t included into groups 1 and 3. When proposing the construction of a new structure which belongs to groups 2 and 3, a construction application and a building design in a minimum composition, need to be handed in to the building authority. A building design in a minimum composition consists of an interpretative description about the planned construction intention, general plan of the object of construction, structural plans of floors and roof with explication of rooms or room groups and of other components listed in Building Construction Regulations. The building authority will inform society about the construction intention within three days from the day of receipt of the application by publishing the information in the municipality webpage and in the construction information system. The construction information system is a State system, which includes the information and documents necessary for the construction process and its control and ensures circulation of information among public administration, control institutions and participants of construction, as well as involvement of the public in the construction process. The building authority is going to organize a public debate about the construction intention, if the intended construction object is located next to a residential or public building and it can cause essential impact (such as smell, noise, vibration, other kind of pollution) and an environmental impact assessment hasn’t been conducted. In such case the building authority is going to take the decision only after the debate. The municipality is going to inform society about the taken decision in three

days by publishing notice in the webpage of the municipality and in the construction information system.

1.2. Issuing the construction permit

The new building regulation provides that the issuing of a construction permit is the next phase after construction proposal – handing in a construction intention and a building design in a minimum composition to the building authority, and that yet isn't a sufficient ground to start the construction work. A construction permit shall be issued if a building design in a minimum composition has been drawn up in accordance with the requirements of the laws and regulations governing construction, the construction intention conforms to the provisions for the use and building of a territory included in the spatial plan, local plan and detailed plan of a local government, except cases when a construction intention is related to an object of national interest. Construction permit is going to include a document that grants the right to start designing, also conditions for designing and commencing construction works are going to be included. The conditions for commencing construction works included in the permit shall be fulfilled within the term of two years from the day when a note is made in the building permit about the fulfilment of designing conditions.

A decision on a construction permit shall enter into effect from the moment it has been notified to the addressee. In addition to the cases laid down in the Administrative Procedure Law a construction permit may be revoked in accordance with the procedures laid down in laws and regulations by the issuer thereof, if the commissioning party who is the owner, possessor or user of the relevant immovable property upon whose assignment construction is carried out on the basis of the contract entered into, does not conform to that laid down in this Law or other laws and regulations governing construction.

1.3. Duty to inform the public

The commissioning party has a duty to inform the public regarding the received construction permit in the cases laid down in laws and regulations within five days by placing a construction board on the plot of land on which construction is permitted. The following has to be indicated in the construction board – construction intention, (the address and type of construction), the commissioning party (person's name and surname or the name, address and registration number of a legal person), construction intention plan with the building layout, but for the third group public buildings additionally – construction intention visualization according to environmental context, information about the time of construction permit's entering into force, the date and number of the decision. A construction permit or a refusal to issue a construction permit may be contested or appealed within a month from the day when the construction permit or a refusal to issue a construction permit enters into effect. If the court or a higher authority ascertains that the informing of the public has been obviously insufficient, it can restore the term for contesting or appealing the construction permit.

1.4. Designing and fulfilment of the construction permit's conditions

After receipt of a construction permit the fulfilment of the conditions of the construction permit is commenced, ensuring drawing up of a building design. The commissioning party has to reach an agreement with the person drawing up the building design about it by entering into a written contract. The building design has to be drawn up according to the restrictions and requirements laid down in laws and regulations, the contract about drawing up of the building design and qualitative professional practice in such extent so that it would be possible to determine the compliance of the upcoming building to the restrictions and requirements laid down in laws and regulations and other requirements. A building design for a second group building consists of a general part, architectural part, engineering part, work organising project, and in specific cases also of building energy efficiency assessment for the calculated energy efficiency. A building design for a third group building consists of the same components as a second group building design additionally including fire safety measures and an expertise of the building design. Documents necessary for the fulfilment of the construction intention shall be prepared by the person drawing up the building design. Exceptions can be made according to special construction regulations. The commissioner is responsible for the creation of an appropriate design order. Designing at the risk of the commissioning party may be continued also during the time period when the construction permit has been contested or appealed. During the designing it is prohibited to make changes in the potential purpose of the buildings use.

The person drawing up the building design has the right to perform author's supervision. Parties shall reach an agreement regarding the conditions thereof by entering into a written contract. General construction regulations shall provide for cases when author's supervision is mandatory.

1.5. Initiation of construction work after receipt of note in the building design

Construction works can be commenced only after the building authority has made a note in the construction permit regarding the fulfilment of all the conditions included therein, the fulfilment of the conditions for commencing construction works and the construction permit has ceased to be subject to appeal. The duration of the construction work, which has to comply to the term of civil legal liability insurance of the performer of construction work, as well as the maximum term for the fulfilment of construction work, by which it is possible to extend the construction permit and by which the building has to be put into service, demanded by the commissioning party shall be indicated in the construction permit. An annex in which the performer of construction work and the invited building specialists are indicated has to be added to the building permit. Construction works which have been commenced or are carried out without a construction permit or before a note has been made in the construction permit regarding fulfilment of the relevant conditions, in cases when the relevant decisions are necessary in accordance with laws and regulations, as well as construction works which do not conform to the building design and the requirements of laws and regulations shall be qualified as unauthorised construction. Unauthorised construction is also activity or construction works, which have been commenced without a relevant design

documentation, if such is necessary in accordance with laws and regulations. If a building inspector detects unauthorised construction, the building inspector shall stop the construction works and write a relevant opinion about it.

The owner of the structure shall be responsible for the commencement or performance of construction work without a construction permit before a note has been made in the construction permit regarding fulfilment of the relevant conditions, if the relevant decisions are necessary for commencement of construction. The owner of the structure shall also be responsible for choosing a person who draws up the building design, performer of construction work and building supervisor and their conformity to laws and regulations. For the conformity of the extent and content of the building design with the requirements of the commissioning party, laws and regulations, as well for author's supervision shall be responsible the person who draws up the building design.

Construction works shall be organised and carried out according to a building design and conditions of a construction permit, as well as in conformity with the restrictions and requirements laid down in laws and regulations in order to prevent causing harm to the environment or to make it as small as possible and the consumption of resources would be economically and socially justified. Construction control shall be performed by the building authority and building inspectors – persons employed at the building authority who are registered with the register of building inspectors.

1.6. Putting of the structure into operation

Acceptance of operation of a building or its part shall be initiated by the commissioning party. In 14 days after the receipt of a written request by the commissioning party, institutions which have issued the technical or special regulations according to their competence verify and give an opinion about the readiness of acceptance of operation and its compliance to the technical or special regulations and other laws and regulations of the building or its part. If a building or its part of the third group is put into operation additional opinion is necessary from the State fire-fighting and rescue service – for compliance with fire safety requirements, and from the Health inspectorate – for compliance with hygiene requirements. Until the acceptance of a building for operation it is prohibited to use it. During the acceptance of the building into operation the owner of the building has to ensure maintenance of the building and its elements. To control the operation's compliance to laws and regulations, and also to control the possibility of circumstances of unauthorised construction and safety of the construction, a building inspector has the rights to visit the commissioner's construction.

To summarise all mentioned above the scheme of the construction process organized as per the Latvian building regulations is presented at the figure 1.

2. BUILDING SPECIALIST

The Law provides for improving the procedure for assessing the competence of building specialists, determining the criteria for the initial assessment of qualification, as well as using the data of the Register of Building Specialists to supervise the improvement of competence of building specialists [2].

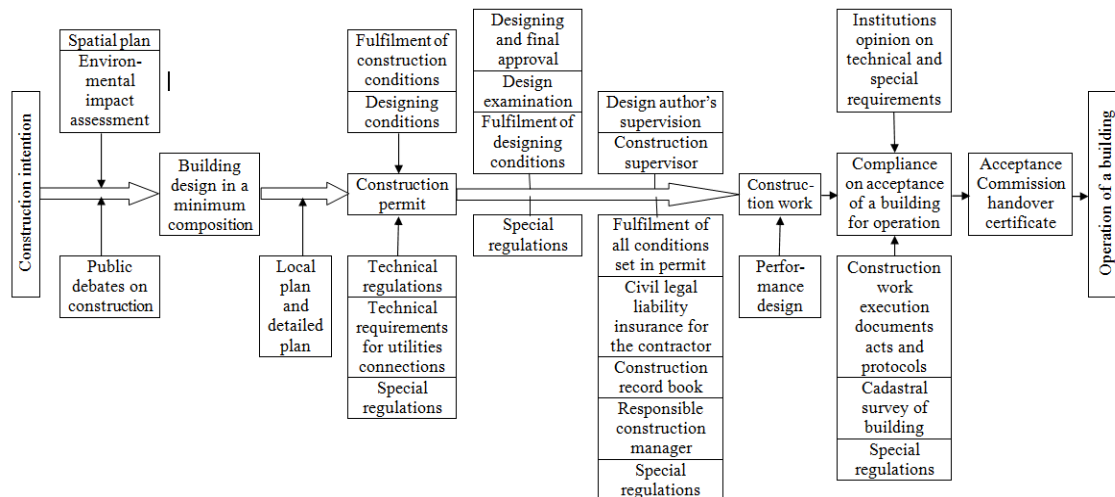


Fig. 1. The scheme of the construction process organized as per the Latvian building regulations

Source: own elaboration

The right to an independent practice in the field of construction in the profession of a construction engineer may be acquired in the following specialties [4]:

- engineering research;
- design;
- construction works management;
- construction supervision;
- construction expert-examination.

The Law determines the required education level for architects and civil engineers, in order for a building specialist to be able to obtain the certificate of practice. The right to an independent practice in the profession of a construction engineer in the specialties referred above may be acquired by a person who [2]:

- has acquired the second level vocational higher education in a study programme of a construction engineer;
- has acquired the knowledge and skills necessary for an independent practice;
- has received a certificate of building practice in accordance with the procedures laid down in laws and regulations.

The person who draws up the building design shall be responsible for the conformity of the extent and content of the building design with the requirements of the commissioning party, this Law and other laws and regulations, as well for author supervision.

The performer of construction work shall be responsible for the conformity of the requirements of laws and regulations at the construction site and for the conformity of the structure or its part created as a result of construction work with the building design and the requirements of the commissioning party, this Law and other laws and

regulations, as well as for choosing construction products conforming to the requirements of laws and regulations and integration technologies thereof.

A building supervisor shall be responsible for supervision of construction work, for conformity of the structure or its part, during construction of which the building supervisor carried out his or her duties, with the building design and the requirements of the commissioning party, Construction Law and other laws and regulations, as well as timely performance of the measures included in the plan of building supervision. A building supervisor shall be responsible for the content of an expert-examination opinion and the validity of the conclusions included therein [2].

Certificates are issued to building specialists for an indefinite period of time. The repeated competence assessment of building specialists will be required solely in certain cases, for instance, if the practice has been discontinued or violations have been established in the activity of a building specialist. Building specialists shall regularly improve their professional qualification [4].

Information regarding the certificate of an architect's practice and a certificate of construction practice shall be included in the register of building specialists in accordance with the procedures laid down in laws and regulations [3].

Building specialists have a duty to insure their professional liability for the damage caused in the construction process as a result of their actions or failure to act to the life, health or property of other participants of construction and third parties, as well as to the environment [2].

In order to conduct commercial activity in one or several fields of construction, a merchant shall register with the register of construction merchants. Information regarding the merchant, its building specialists, data characterising the merchant, information regarding the violations detected in construction and violations of the provisions of the register shall be included in the register of construction merchants [3].

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BIBIOGRAPHICAL NOTE

Martins VILNITIS - Associate Professor, Riga Technical University, Latvia Director of study program "Civil Engineering" and Director of the Institute of Construction Technology. Latvian Union of Civil Engineers, Member of the Board. Author and co-author of many scientific papers. Participant of more than 20 international and local conferences. Board of reviewers in Scientific and Technical conference Construction Engineering projects, Cracow, June 2014. Member of the Scientific Committee in Students' Science Conference, Wrocław University of Technology, 17-20. September, 2015. Member of the Scientific Committee in Italian Radon and Norm Workshop (IRANOW2015), "Research Advances On Radon And Norm Applications", University of Salerno, 15 – 17 October, 2015. Member of the Editorial board "People, Buildings and Environment 2016", Brno University of Technology, 29 September – 1 October, 2016.

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