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**198. LAW ON RECONSTRUCTION OF KOTOR HERITAGE  
SITE**

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### **Law on Reconstruction of Kotor Heritage Site**

The Law was published in the "Official Gazette of the Republic of Montenegro", no. 47/91.

#### **I. GENERAL PROVISIONS**

##### Article 1

This law regulates the system of special social care for Kotor Heritage Site, which was inscribed in the World Heritage List and in the World Heritage in Danger List as a natural and cultural-historical ensemble, the rights and obligations of natural persons and legal entities in relation to the heritage site, as well as the organizational, material and other conditions for the reconstruction of the heritage ensemble.

In the sense of this law, the reconstruction of the heritage site comprises the remediation, reconstruction, revitalization and preservation of the heritage site.

##### Article 2

The heritage site from the Article 1 of this law encompasses Kotor Old Town and the area which starts from "Trojica", at 228 meters above the sea level point, extending towards the north from 524 to 768 meters above the sea level points, from where, along the natural boundary, it climbs down via 710 meters above the sea level point all to the lighthouse at "Verige". Opposite Verige, the boundary extends westwards from the lighthouse via 614, 313, 521 and coming up at 709 meters above the sea level point, from where it turns northwards and comes out at 1045 meters above the sea level point encountering Herceg Novi-Crkvice road, from where it continues along the said road, which is concurrently the boundary of the potential National Park "Orjen" from 1086 meters above the sea level point. The boundary further extends eastwards along the footpath via 627 meters above the sea level point coming out at 577 meters above the sea level point and continuing in the same direction along the road below Ledenice, to 565 meters above the sea level point. The boundary then goes southwards via 970, 668 to 873 meters above the sea level point, from where it turns eastwards via 749 meters above the sea level point coming to 949 meters above the sea level point, from where it continues southwards via 915, 909 and 1093 meters above the sea level points up to the crossroads at Kotor-Cetinje-Lovćen road (place called Krstac). At Krstac, the boundary turns southwestwardly along the boundary of Lovćen National Park to 1385 meters above the sea level point, from where it climbs down westwardly along 556 meters above the sea level point coming down to the starting point at Trojica at 228 meters above the sea level point.

##### Article 3

The reconstruction of the heritage site will ensure the reconstruction, remediation and revitalization of the heritage site in the manner which will preserve their original historical, urban, architectural, artistic and aesthetic values, as well as enable purposeful reconstruction of heritage structures for the use and inclusion of new functions in line with the contemporary housing needs, the needs of commercial, tourist, cultural and other activities.

##### Article 4

Kotor Heritage Site is under special social protection.

The activities on the reconstruction of the heritage site are the ones of special social interest.

##### Article 5

Professional and other activities of the organization and implementation of the programme of the reconstruction of the heritage site are carried out by the National Cultural Heritage Protection Institute, with the seat at Cetinje (hereinafter referred to as the National Institute) and the Regional

Cultural Heritage Protection Institute, with the seat at Kotor (hereinafter referred to as the Regional Institute).

Article 6

The administrative procedures related to the reconstruction of the heritage site are considered urgent.

The appeals lodged against the acts in administrative procedures and the complaints in the administrative disputes do not postpone their execution.

**II. PROGRAMMES AND PLANS FOR HERITAGE SITE RECONSTRUCTION**

Article 7

The reconstruction of the heritage site is carried out in line with the Old Town urban programme and with the urban plans within the heritage site, as well as with the special programmes of the reconstruction of the heritage site.

Prior to the adoption of the plans from the above paragraph 1, Kotor Town Council is obliged to acquire the opinion of the national body competent for cultural affairs and physical planning.

Kotor Town Council adopts the Programme of the reconstruction of the heritage site, with the consent of the Parliament of Montenegro.

Article 8

The programmes of the reconstruction of the heritage site are adopted as long-term, mid-term and annual ones.

Article 9

The heritage site long-term reconstruction programme contains:

- objectives and basic directions of the heritage site reconstruction;
- the heritage site structures survey (number, size, purpose and cultural-historical valorization);  
and
- presentation and the assessment of the heritage site condition.

Article 10

The heritage site mid-term reconstruction programme contains:

- survey (number, size, current purpose, cultural-historical valorization, future purpose);
- presentation and the assessment of the condition of certain parts or the heritage site structures;
- proposal for the solution related to the remediation, preservation, construction and the change of purpose of the heritage site structure;
- presentation of the means that are necessary for the implementation of the reconstruction programme;
- presentation of the organization of the dynamics of the execution of the reconstruction programme; and
- planned priority in the reconstruction of the structures.

Article 11

The annual heritage site reconstruction plan lays down the measures and activities to be undertaken, as well as the necessary means for the implementation of the reconstruction programme within a given year.

Article 12

When the heritage site reconstruction programme determines the execution of works at a structure the purpose of which is not changed, the owner of the structure, or the holder of the disposal rights

over the structure, is obliged to get down to the reconstruction of the structure within the deadlines specified in the reconstruction programme, in line with the construction permit.

The persons from the above paragraph 1 shall participate in the expenses of the reconstruction in which purpose they may not be granted a loan from the funds envisaged in the Article 19 of this law.

#### Article 13

In case the persons from the Article 12 of this law do not get down to the works or do not execute the works on the reconstruction of their structure, Kotor Town Council may entrust the Regional Institute with the developers' activities.

In the above case, the Regional Institute is entitled to the return of the funds invested by the persons from the Article 12 of this law.

#### Article 14

The provisions of the Law on Expropriation are applied accordingly in the procedures related to the real estates in the territory of the heritage site, in case this law does not envisage differently.

#### Article 15

Prior to the drafting of the planning documentation, the submitter of a spatial or urban plan is obliged to acquire and incorporate architectural heritage conservation study into the plan, which study is made by the Regional Institute.

### **III. RECONSTRUCTION OF HERITAGE SITE**

#### Article 16

The preliminary and the preparatory works at the reconstruction of the heritage site, beside the preliminary and the preparatory works defined by other regulations, include the following ones in particular:

- archival, historical and archaeological researches;
- drafting of the documentation on the existing condition of a structure and the research into the structural system of the same;
- preventive conservation of the findings; and
- drafting of the remediation programme.

#### Article 17

The organizations which carry out professional activities related to the planning and designing the reconstruction of the heritage site are obliged to secure the participation of an interdisciplinary group consisting of experts of the following profiles: spatial/physical planner, conservator, designer and structural engineer.

#### Article 18

The municipal administration body competent for urban planning activities is obliged to take into consideration, in the procedure of prescribing the urban planning-technical conditions for the construction, or indeed the reconstruction of the structures within the heritage site, the results of the archaeological and conservation researches and the results of the study from the Article 15 of this law.

### **IV. FUNDS FOR RECONSTRUCTION OF HERITAGE SITE**

#### Article 19

The funds for the reconstruction and construction of the heritage site are formed from:

- Kotor municipality budget;
- National budget (through the national administration body competent for cultural affairs);
- participation of interested entities;
- other funds acquired through the operations of the Cultural Heritage Protection Institute; and
- other sources.

Article 20

Everyone who uses the coat of arms or sign of Kotor or some recognizable part of the heritage site, i.e. individual structure, on postcards, stickers, badges, souvenirs or another object, shall be obliged to pay the amount of 5% of the retail price of such product in favour of the fund for the reconstruction and conservation of the heritage site.

The amount from the above paragraph 1, shall be calculated and paid by the ratepayer by the tenth day of a given month for the previous month.

Article 21

Kotor Town Council shall establish the payment of the rent to the users of commercial premises in the territory of the heritage site under the conditions and in the manner established by a special decision of Kotor Town Council.

Article 22

The payment of the funds for the reconstruction and the conservation of the heritage site shall be effected in favour of the account of the municipal fund for the reconstruction of Kotor.

**V. REGIONAL INSTITUTE**

Article 23

The Regional Institute, beside the activities performed in line with Cultural Heritage Protection Law, performs also the following activities:

- 1) suggests the order of priorities in the programme for the reconstruction and the conservation of the heritage site adopted by the town council;
- 2) issues the approval for the preliminary and the preparatory works;
- 3) carries out the preliminary and the preparatory works; and
- 4) drafts architectural heritage conservation studies, as the basis for the drafting of urban and spatial plans.

**VI. TRANSITIONAL AND FINAL PROVISIONS**

Article 24

The provisions of Cultural Heritage Protection Law apply accordingly to the competence, organization, procedure of the adoption of acts, the rights and responsibilities of the holders of cultural heritage in the heritage site, the procedure and deadlines for the sale of structures or parts of structures within the heritage site and other issues from the scope of activities of the Regional Institute.

Article 25

Kotor Town Council is obliged to pass the revised long-term reconstruction programme, from the Article 7 of this law, within six months as of the day of this law coming into effect.

Article 26

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This law comes into effect on the eighth day as of the day of its publishing in the Official Gazette of the Republic of Montenegro.