



CITY OF LIGNANO SABBIAADORO

PROVINCE OF UDINE

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URBAN PLANNING OFFICE

Ordinance no. 41

of 28/03/2024

SUBJECT: BATHING ORDINANCE

HAVING REGARD TO the Navigation Code approved by Royal Decree no. 327 of 30 March 1942 as amended and in particular Art. 36 which regulates the concessions for the occupation and use of state-owned property.

HAVING REGARD TO Presidential Decree no. 328 of 15 February 1952, containing *the "Regulations for the Implementation of the Navigation Code"*, Articles 5 to 34 whereof set the procedures for obtaining and managing state-owned property concessions and Art. 59 *"Maritime Police Ordinance"*.

HAVING REGARD TO Regional Law no. 22 of 13/11/2006, laying down the *"Regulations for state-owned maritime property used for tourism and recreational purposes and amendment to Regional Law 16/2002 on soil and state-owned water resources protection"* wherewith authority over state-owned maritime property hitherto exercised by the Friuli Venezia Giulia Region was transferred to the Municipalities.

HAVING REGARD TO Regional Law no. 20 of 11/10/2012 as amended, *"Standards for the well-being and protection of pets"*.

HAVING REGARD TO Legislative Decree no. 116 of 30 May 2008 *"Implementation of Directive 2006/7/EC concerning the management of bathing water quality and repealing Directive 76/160/EEC"*.

HAVING REGARD TO the Regional Council Resolution no. 2058 of 22 December 2023 *"Legislative Decree 116/2008 art. 7 and art. 8. Identification and classification of bathing waters – year 2024"*.

HAVING REGARD TO Law no. 689 of 24 November 1981 and Legislative Decree no. 507 of 30 December 1999 on *"Decriminalisation of minor offences and reform of the sanctioning system pursuant to art. 1 of Law no. 2005 of 25 June 1999"*.

HAVING REGARD TO Articles 28, 30, 68, 81, 1161, 1164 and 1174 of the Navigation Code and Articles 27, 28, 59 and 524 of the relevant Regulation for the Implementation of the Navigation Code as currently formulated, sanctioning aspects included.

WHEREAS the obligations pursuant to the transfer of functions to the Municipalities also include the drawing up of bathing provisions, formerly issued by order of the Head of the Maritime District Office of Trieste, Monfalcone and Grado and subsequently by the Autonomous Region Friuli Venezia Giulia.

HAVING REGARD TO the current Beach Safety Ordinance issued by the Head of the Maritime District Office of Grado.

HAVING REGARD TO Decree-Law no. 24 of 24 March 2022 published in the Official Gazette General Series no. 70 of 24/03/2022 with the title *"Urgent provisions to overcome the containment measures related to COVID-19, following the end of the state of emergency"*; HAVING HEARD the locally relevant Port Authorities, the State Property authorities, PromoTurismoFVG, the State Property Department and the Tourism Department of the FVG Region.

DEEMING IT essential to provide the general regulation framework for bathing-related activities to the extent applicable so as to harmonize its content with the current Bathing Safety Ordinance issued by the Maritime District Office of Grado.

HAVING REGARD TO the Statute of the Municipality of Lignano Sabbiadoro.

HAVING REGARD TO the "*Regulation for the management of state-owned maritime property and regulation of bathing activities*" approved by City Council Resolution no. 30 dated 21.05.2014 as amended.

HAVING REGARD TO Circular of the Ministry of Infrastructure and Transport no. 90 of 27 July 1999 and Circular of the Ministry of Infrastructure and Transport no. 99 of 15 May 2000.

THE HEAD OF THE URBAN PLANNING UNIT, PRIVATE CONSTRUCTION UNIT, UNIFIED CONSTRUCTION DESK
(SUE) AND STATE PROPERTY

ORDERS:

Art. 1 – DURATION OF THE BATHING SEASON

- 1 The 2024 bathing season in the areas within the jurisdiction of the Municipality of Lignano Sabbiadoro begins on 1 May and ends on 30 September.
- 2 During the bathing season, bathing facilities must maintain a lifeguard service during the hours and in the manner set by the current Bathing Safety Ordinance issued by the Head of the Maritime District Office of Grado. Bathing facilities may open up to one hour before the lifeguard service is operational.
- 3 Should a bathing facility intend to operate exclusively for heliotherapeutic purposes, the allowed period is from 30 March to 16 May and from 16 September to 27 October, upon written notice to the Maritime State Property Office of the Municipality and, for information, to the Maritime District Office of Grado/Local Maritime Office of Lignano Sabbiadoro.
- 4 During the opening periods for exclusively heliotherapeutic purposes, lifeguard service must be operational during Saturdays, Sundays and public holidays and on the day before public holidays; for the same periods it is also possible to apply the reduced lifeguard service regime, as provided for in the current Bathing Safety Ordinance in relation to the Collective Rescue Plan.
- 5 Should the bathing facility operate with reduced opening hours (minimum opening hours from 10am to 6pm) the lifeguard service may also be limited to the same hours, exclusively from 1 May to 16 May and from 2 September to 30 September.
- 6 In the opening periods for exclusively heliotherapeutic purposes it is possible to operate with reduced opening hours (minimum opening hours from 10am to 5pm) and the lifeguard service may also be limited to the same hours, exclusively from 30 March to 16 May and from 16 September to 27 October.
- 7 Any further openings of the bathing facilities are formally acknowledged for sports, cultural, recreational and entertainment activities, and for any activity related to the respective commercial licenses, in compliance with the applicable laws as well as the Municipal regulations issued on the subject.
- 8 Unless expressly provided for in the concession licence, on the beach and adjacent water bodies it is forbidden to organise exhibitions and/or temporary events (even for purposes which are not for tourism or recreational purposes such as fairs, races, sporting events and suchlike) without the prior state concession, with the exception of events taking place and ending in a "*short period of a few days*", which also require the installation of simple works of easy removal, while guaranteeing the return of the pre-existing condition of the premises. These exhibitions and/or temporary events are subject to prior authorisation from the Competent Administration together and authorisation from

the Concessionaire of the state-owned area, if required. Said authorisation is issued by the Competent Administration for the sole purpose of protecting state interests and does not exempt the Implementing Entity from acquiring all other authorisations required by law, as well as from complying with all relevant regulations in force.

Art. 2 – DISPLAYING OF BATHING ORDINANCE

1. This Bathing Ordinance and the Ordinance issued by the Maritime Authority must be displayed to the public in a clearly visible place and for the entire duration of the bathing season at the entrance of all tourism and recreational state-owned property areas or related areas (bathing facilities, kiosks-bars, car parks, campsites, etc.). Bathing facilities or similar premises must also display the prices list of the services offered by the facility itself.

Art. 3 – FURTHER PROVISIONS ON THE USE OF BEACHES AND THE SEA

- 1 On free beaches it is forbidden to leave beach umbrellas, deck chairs, tents or any other equipment unattended; in any case these will have to be removed after sunset.
- 2 It is forbidden to occupy the area in the range of 5 (five) metres from the shoreline with beach umbrellas, deck chairs, chairs, stools, tents, towels, inflatable equipment, etc., as well as watercraft equipment. Said area is exclusively designated for free transit with a prohibition to stop, except for emergency vehicles.

Art. 4 – FINAL PROVISIONS

- 1 As for matters not expressly covered by this Ordinance, the provisions of the current "*Regulations for the management of maritime property and regulation of bathing activities*" approved by City Council Resolution no. 30 dated 21.05.2014, as amended, shall apply.
- 2 During the bathing season and during any period of heliotherapy the access of dogs to the foreshore of the beaches granted under state concession is forbidden, except in front of bathing establishments having areas equipped and authorised for dog access and in free beaches where dogs are expressly allowed.
- 3 Officers and Policemen are responsible for the enforcement of this ordinance.
- 4 This Bathing Ordinance replaces and repeals Bathing Ordinance no. 42 dated 07.04.2023 issued by this Municipal Administration.
- 5 Whosoever violates the rules of Title II of the "*Regulation for the management of state-owned maritime property and regulation of bathing activities*" approved by the City Council Resolution no. 30 dated 21.05.2014, as amended, will be prosecuted pursuant to Article 1164 of the Navigation Code or Article 650 of the Criminal Code, unless the violation constitutes a more serious offence and thus except any greater liability deriving from such conduct.
- 6 This ordinance will be published in the Municipal notice board and on the website of the Municipality www.lignano.org and transmitted to the locally relevant Maritime Offices for publication.

An appeal against this regulation may be filed with the Regional Administrative Court of Friuli-Venezia Giulia or with the President of the Republic, within respectively 60 and 120 days from its publication.

Lignano Sabbiadoro, 28/03/2024

The Head of the Urban Planning Unit
Urban Planning, Private construction, Unified Construction desk (SUE) and State Property
architect Cristina DRIUSSO