

Translated from the original ORDINANZA n. 74/2024

## **MINISTRY OF INFRASTRUCTURE AND TRANSPORT**

### **MARITIME DISTRICT OFFICE OF GRADO**

#### **ORDINANCE NO. 74/2024**

**Subject: Amendments to Bathing Safety Ordinance No. 35/2024 dated 03.06.2024.**

The undersigned Lieutenant (CP), Head of the Maritime District of Grado:

Having regard to Legislative Decree No. 116 of May 30, 2008, "Implementation of Directive 2006/7/EC concerning the management of bathing water quality and repealing Directive 76/160/EEC," in particular Article 2, paragraph 1, letter e), which establishes the bathing season as the period between May 1st and September 30th, and Article 4, paragraph 1, letter e), which provides Regions the authority to reduce or extend the bathing season according to local needs or customs;

Having regard to Bathing Ordinance No. 77 dated 13/04/2022 issued by the Municipality of Grado, in particular Article 1 governing the duration of the bathing season;

Having regard to Bathing Ordinance No. 41 dated 28/03/2024 issued by the Municipality of Lignano Sabbiadoro, in particular Article 1 governing the duration of the bathing season;

Having regard to Bathing Safety Ordinance No. 35/2024 dated 03/06/2024 issued by this Maritime District Office;

Having regard to the dispatch protocol No. 113761 dated 27/08/2024, "Organization of Lifeguard and Rescue Services," issued by the General Command of the Coast Guard – Harbour Offices, requesting that the peripheral units of the Corps promptly amend their ordinances to enforce the obligation for maritime state concession holders to ensure lifeguard and rescue services for the entire duration of the bathing season;

Deeming it necessary, therefore, to adopt suitable measures to update the current regulatory framework concerning lifeguard services in the jurisdictional areas of this Maritime District, as already governed by Bathing Safety Ordinance No. 35/2024 dated 03/06/2024;

Considering that entrepreneurial initiatives cannot and must not override the fundamental need to protect primary goods such as human life at sea and the safety of navigation—especially during the period up to September 30th, as defined by the ordinances of the Municipalities of Grado and Lignano Sabbiadoro;

Considering Article 117, paragraph 2, letters h) and m), as well as Article 118 of the Italian Constitution, Article 59 of Presidential Decree No. 616 dated 24 July 1977, and the combined provisions of Articles 104 and 105 of Legislative Decree No. 112 dated 31 March 1998;

Considering that the regulations ensuring the safety of human life at sea are based on the constitutional criterion under Article 117, letter m) of the Constitution regarding "the determination of essential levels of services relating to civil and social rights that must be guaranteed throughout the national territory";

Considering that Article 117, paragraph 2, letter h) of the Constitution reserves to the State legislative power in matters of public order and safety, and that according to constant jurisprudence (see Constitutional Court judgments of 29 December 2004, No. 428, and 13 June 2006, No. 222), the concept of "public safety" includes all aspects related to personal safety and the factors that endanger it;

Considering that the possibility granted to concession holders to open bathing establishments solely for “sunbathing purposes” outside the bathing season does not eliminate the need to safeguard the primary good of human life at sea;

Considering the contents of the ruling of the Veneto Regional Administrative Court (TAR), Section I, judgment No. 00259/2022 dated 26.01.2022, which established that “the tasks of planning, regulation, and coordination of rescue and lifeguard services at sea, aimed at ensuring effective coastal patrolling and prompt sea rescue operations, fall under the jurisdiction of the Harbour Office and not the Municipality, and that the provisions concerning safety in the use of sea beaches, including the identification of bathing areas and the methods for signaling their boundaries, fall under the responsibility of the Maritime Authority”;

Acknowledging the need to regulate the aspects related to the safety of navigation and the protection of the primary interest of safeguarding human life at sea, which are the responsibility of this Maritime Authority, as they are directly related to maritime activities, sea bathing, and other uses of the sea along the coastline of the Grado Maritime District;

Considering that in exercising its discretion, this Maritime Authority must autonomously determine the duration of the regulations governing lifeguard services and bathing safety within its jurisdiction, without being bound by the period identified as the “Bathing Season” by local authorities for their own purposes;

Deeming it necessary to align the provisions of Bathing Safety Ordinance No. 35/2024 with those issued by the General Command of the Coast Guard – Harbour Offices;

## **ORDERS**

### **Single Article**

1. Article 4 of Bathing Safety Ordinance No. 35/2024 issued by the Maritime District Office of Grado is amended as follows:

a) Paragraph 2 is repealed and replaced as follows:

Bathing establishments are required to ensure lifeguard services from 09:00 AM to 07:00 PM during the period from June 15th to September 15th.

Should concessionaires intend to offer tourist/bathing services beyond these hours, they must also ensure the provision of lifeguard services, providing notice by displaying appropriate signs at the entrance of the establishment.

For this purpose, "tourist-bathing service" shall mean the set of activities related to the enjoyment of the sea, including the rental of umbrellas, deckchairs, cabins and/or changing rooms, beach vessels, and solariums.

Bathing establishments, outside the above-mentioned period but still within the bathing season (from May 1st to September 30th), as defined in the timeframe set by the current regulations cited in the preamble, may reduce their opening hours. However, they must ensure lifeguard services during the entire opening hours of the establishment, in accordance with the provisions set out in paragraph 6 below.

### **ENTRY INTO FORCE – REPEALS – TRANSITIONAL PROVISIONS**

This Ordinance enters into force on the date of its issuance. It shall be published on the noticeboard of this Office as well as those of its subordinate Maritime Offices, and must be displayed to the public by operators involved in the rental/leasing business, by bathing establishments, and by mooring/pier concessionaires within the Maritime District of Grado.

It will also be available on the official website: [www.guardiacostiera.it/grado](http://www.guardiacostiera.it/grado) under the “Ordinances” section.

All provisions expressed in a different form or, in any case, in conflict with those set forth in this Ordinance are repealed with its entry into force.

All relevant parties are obliged to comply with and enforce this Ordinance.

Violators of this Ordinance shall be punished in accordance with the applicable laws and regulations, unless the act constitutes a criminal offense, depending on the specific violation.

**Grado, 13/09/2024**

**THE COMMANDER**

**Lieutenant (CP) Domenico CASTRO**