



42, MUNICIPALITY OF LIGNANO SABBIADORO PROVINCE OF UDINE

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Ordinance no. 42

Of 07/04/2023

SUBJECT: BATHING ORDINANCE

TECHNICAL UNIT MANAGER

HAVING REGARD TO the Navigation Code approved with R.D. 30 March 1942, no. 327 and subsequent amendments and additions, and in particular Art. 36 which regulates concessions for the occupation and use of state-owned property;

HAVING REGARD TO Presidential Decree 15 February 1952, no. 328, containing the “*Navigation Code Implementation Rules*”, Articles 5 to 34 whereof set the criteria for granting and management of state-owned property concessions and Art. 59 “*Marine policing ordinance*”;

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

HAVING REGARD TO Regional Law 11/10/2012, no.20 and subsequent amendments and additions “*Rules for the welfare and protection of pets*”;

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

HAVING REGARD TO Regional Council Resolution 17 December 2021 no. 1931 “*Legislative Decree 116/2008 Art. 7 and Art. 8. Identification and classification of bathing waters – Year 2022*”;

HAVING REGARD to Law 24 November 1981, no. 689 and to Legislative Decree 30 December 1999 no. 507 containing “*Decriminalisation of minor offences and reform of the sanctions system pursuant to Art. 1 of Law 25 June 1999, no. 2005*”;

HAVING REGARD TO Articles 28, 30, 68, 81, 1161, 1164 and 1174 of the Navigation Code and of Articles 27, 28, 59 e 524 of the related “*Navigation Code Implementation Rules as presently worded also concerning sanctions*”;

WHEREAS the transfer of functions to the Municipalities also include stipulation of provisions regarding bathing, formerly issued by the Head of the Maritime District Office of Trieste, Monfalcone and Grado and subsequently by the Friuli Venezia Giulia Autonomous Region;

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

HAVING REGARD TO Legislative Decree no. 24 of 24 March 2022 published in the Official Gazette General Series no.70 of 24/03/2022 with the title “*Urgent provisions for overcoming the measures to combat the spread of the COVID-19 epidemic following the end of the state of emergency*”;

HAVING SEEN the Port Authorities with territorial jurisdiction, the state concessionaires;

DEEMING IT necessary, within the scope of responsibilities, to set the general standards for activities linked to bathing, in order to harmonise the contents of the Sea Safety Ordinance in force issued by the Maritime District Office of Grado;

HAVING REGARD TO the Lignano Sabbiadoro Municipality;

HAVING REGARD TO the “*Regulations for the management of state-owned maritime property and setting of standards for beach activities*”

approved with Municipal Council Resolution no. 30 of 21.05.2014 and subsequent amendments and additions;

HAVING REGARD TO Circulars no. 90 of 27 July 1999 and no. 99 of 15 May 2000 of the Ministry of Infrastructures and Transport;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS

Art. 1 – LENGTH OF THE BATHING SEASON

1 The 2023 bathing season, in the areas within the jurisdiction of Lignano Sabbiadoro Municipality, begins on 29 April and ends on 17 September.

2 During the bathing season, bathing facilities must maintain a lifeguard service during the hours and in the manner set by Beach Safety Ordinance in force 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 bathing facilities provide exclusively heliotherapy services, the allowed period is from 7 April to 17 May and from 18 September to 29 October, upon prior written notice to the Municipality’s State-owned Maritime Property Office and, for information, to the Maritime District Office of Grado/Local Maritime Office of Lignano Sabbiadoro.

4 During the heliotherapy season, the lifeguard service must be operational during Saturdays, Sundays and public holidays and on the day before public holidays; moreover during the season it is possible to follow the reduced lifeguard service regime, as provided for in the Beach Safety Ordinance with regard to the Collective Rescue Plan.

5 Should bathing facilities operate with reduced hours (guaranteed opening between 10 a.m. and 6 p.m.) the lifeguard service may also be limited to the same hours, exclusively from 29 April to 17 May and from 4 September to 17 September.

6 During the exclusively heliotherapy season, it is possible to operate with reduced hours (guaranteed opening between 10 a.m. and 5 p.m.) the lifeguard service may also be limited to the same hours, exclusively from 7 April to 17 May and from 18 September to 29 October.

7 The possible further openings of bathing facilities are formally acknowledged, for sporting, cultural, recreational, entertainment activities and whatsoever activity relating to the respective

commercial licences, in compliance with existing laws, by Municipal Regulations on the subject as well as by the provisions for overcoming the measures to combat the spread of the COVID-19 epidemic following the end of the state of emergency.

8 Unless it is not expressly provided for in the concession licence, on the beach and adjacent waters it is forbidden to organise manifestations and/or temporary events (also for purposes which are not touristic or recreational such as fairs, races, sporting events and suchlike), without having been previously granted the state-owned property concession, except those which take place and end within the “*brief time frame of a few days*”, which also include the installation of modest easily removable works, with the obligation of anyhow guaranteeing that the locations will be returned in their original state. Such manifestations and/or temporary events are subject to prior granting of clearance by the Competent Administrative Body jointly with clearance by the authority granting the state-owned property, if required. Said clearance is issued by the Competent Administrative Body solely for the purpose of safeguarding the state-owned property and does not exempt the Implementing Party from obtaining all the permits possibly required by Law, as well as from complying with all relevant laws in force.

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Art. 2 – DISPLAYING OF BATHING ORDINANCE

1 In all touristic and recreational state-owned property areas or areas connected thereto, in which maritime and/or beach activities take place (beach establishments, kiosks-bars, car parks, camp sites, etc.), this Bathing Ordinance, the Ordinance issued by the Maritime Authority must be publicly displayed, at the entrance, in a very visible place and throughout the bathing season, and for bathing establishments or similar concessions, a relevant price list showing the prices of the services offered by the bathing establishment.

Art. 3 – FURTHER PROVISIONS ON THE USE OF BEACHES

1 In public beaches it is forbidden to leave beach umbrellas, deck chairs, tents or any other equipment unattended; these will in any case have to be removed after sunset.

2 It is forbidden to occupy with beach umbrellas, deck chairs, stools, tents, cloths, towels, inflatable equipment, etc., as well as with nautical equipment, the 5 (five) metre strip from the water’s edge which is exclusively intended for free passage in which it is forbidden to linger, except for rescue equipment.

Art. 4 – FINAL PROVISIONS

1 As for matters not expressly covered by this Ordinance, the existing “*Regulations for the management of state-owned maritime property and setting of standards for beach activities*” approved with Municipal Council Resolution no. 30 of 21.05.2014 and subsequent amendments and additions and Legislative Decree no. 24 of 24 March 2022 with the title “*Urgent provisions for overcoming the measures to combat the spread of the COVID-19 epidemic, following the end of the state of emergency*” shall be applicable.

2 During the bathing season and the possible heliotherapy season dogs are not allowed at the water’s edge in front of state-owned beaches for which concessions have been granted, except in front of bathing establishments having areas equipped and authorised to receive such animals and in public beaches in which dogs are expressly allowed.

3 Police Officers and Policemen are responsible for the implementation of this ordinance.

4 This Bathing Ordinance replaces and amends Bathing Ordinance no. 12 of 08.04.2022 issued

by this Municipal Administration.

5 Whomsoever breaks the rules of Title II of the “*Regulations for the management of state-owned maritime property and setting of standards for beach activities*” approved with Municipal Council Resolution no. 30 of 21.05.2014 and subsequent amendments and additions, unless the act does not constitute a more serious offence and hence their possible greater faults deriving from such behaviour, will be prosecuted pursuant to Article 1164 of the Navigation Code thus Art. 650 of the Penal Code.

6 This ordinance will be published in the Municipal noticeboard, on the Municipal website www.lignano.org and transmitted for publishing to the Maritime Offices having territorial jurisdiction.

7 Any objections to this Ordinance may be appealed in the Regional Administrative Court of Friuli Venezia Giulia or an appeal may be addressed to the President of the Republic respectively within 60 and 120 days following its issue.

Lignano Sabbiadoro, 07/04/2023

Technical Unit Manager
Mrs. Cristina Driusso
(Architect)

(Ordinanza tradotta dall'originale disponibile al seguente link

https://lignanosabbiadoro.it/media/editor/2023/04/14/3797153_20230407_013014_stamp.pdf)