



**REGIONE AUTÒNOMA DE SARDIGNA
REGIONE AUTONOMA DELLA SARDEGNA**

DET. PROT. 19435 REP. N. 707 11th APRIL 2017

**SARDINIA BATHING REGULATIONS
DISCIPLINE OF THE ACTIVITIES THAT CAN BE EXERCISED ON
THE MARITIME DOMAIN**

[...]

**ART. 1
GENERAL PROVISIONS**

- a) a) The bathing season is between 1 January and 31 December 2017 and is divided into "Summer bathing season" and "Winter bathing season - Winter Sea";
a.1. The "Summer bathing season" is between 15 April and 31 October 2017 for helium therapy, sporting, cultural, recreational and entertainment activities and for everything related to the respective commercial licenses, in compliance with the provisions of specific Ordinances by the Municipalities territorially competent.
a.2. The remaining period corresponds to the Winter Seaside Season - Winter Sea ".
- b) b) Any openings of establishments for all or part of the activities carried out on the maritime state property, foreseen in periods prior to or subsequent to those indicated in letter a.1. above (April 15 - October 31), can be freely carried out by the holders of state-owned maritime concessions for seaside tourism purposes after simple communication concerning the continuation of the activity to be carried out, according to the competences respectively attributed by law and specified in Articles 4 and 5 of the Guidelines (resolution of the Regional Council no. 10/5 of 21 February 2017, to the coastal municipalities or to the competent State Property and Heritage Services of the Department of Local Authorities, Finance and Urban Planning.
- c) c) The concessionaires, during the summer bathing season referred to in letter a.1.) must in any case guarantee the opening of the structures and the exercise of the activity covered by the concession in the period from 15 June to 15 September, with from 8.30 to 19.30. During this period and time, and in any case when the facilities are open to the public for bathing, rescue services must be ensured in the manner and in compliance with the prescriptions indicated in the bathing safety ordinances adopted by the competent Port Authorities. Subject to further provisions and limitations arranged in agreement with the Department of Environmental Defense of the Autonomous Region of Sardinia in implementation of the regional law of 29 July 1998, n. 23.
- d) d) If the bathing establishments intend, before or after the period set in letter a.1.), to remain open exclusively for heliotherapy, they are not required to ensure the rescue service, but must display, in addition to the red flag, signs, in different languages, bearing the following notice "ESTABLISHMENT OPEN EXCLUSIVELY FOR HELIOTHERAPY - BEACH WITHOUT RESCUE SERVICE" unless otherwise specified by the competent Port Authority.
- e) e) The holders of state-owned concessions and municipalities, for free beaches, or stretches of free beach, are required to display signs indicating the main obligations and prohibitions indicated in this ordinance, in different languages also in the form of easily understandable icons.
- f) f) For the protection of the coast, in all months of the year, access to the beaches of motorized and non-motorized vehicles of any kind is prohibited, with the exception of those intended for rescue and those specifically authorized by the competent administrations municipal authorities for the cleaning of the stretches of beach under concession, the assembly and disassembly of the structures dedicated to bathing and the supply of the structures intended for the administration of food and drinks. It should be noted that the issuing of authorization measures for the transit on beaches with wheeled vehicles, fall within the powers transferred to the municipal administrations, to which a justified request must be presented. Subject to further provisions and limitations arranged in agreement with

the Department of Environmental Defense of the Autonomous Region of Sardinia in implementation of the regional law of 29 July 1998, n. 23 and the provisions dictated by the Regional Council resolution no. 40/13 of 6 July 2016.

g) Access to the beaches is permitted with electrically propelled vehicles suitable for allowing disabled users autonomy of movement.

h)

In order to guarantee the protection of human health, the Region, the Municipalities, the Regional Agency for the Protection of the Environment of Sardinia (ARPAS) and the ASL-Public Hygiene Services (ASL-SIP), are required to apply all the provisions contained in Legislative Decree 116/08, in the Ministerial Decree of 30 March 2010, n. 97 and in the "Regional Circular for the 2017 Seaside Season" referred to in the introduction, as well as those contained in this ordinance.

ART. 2

ACCESS TO DISABLED USERS, CLEANING, TOILET SERVICES AND FIRST AID ON THE FREE BEACHES

a) On free beaches, or in the stretches of free beach, access for disabled users, hygiene, cleaning, sanitation and first aid must be ensured by the municipal administrations.

In order to guarantee an efficient first aid service, the Municipalities are authorized to place sighting towers, subject to the acquisition of any additional authorizations required by law.

Municipalities must identify the free areas in which to ensure, directly or by participating in collective plans, the rescue service. The rescue service must in any case be carried out with the equipment and in accordance with the provisions of the Bathing Safety Ordinances of the territorially competent Maritime Authority; the description of the equipment provided and the reference to the full implementation of the aforementioned provisions must be reported in all rescue plans (individual and collective) approved by the territorially competent municipalities.

On free beaches, or in stretches of free beach, where the rescue service is not guaranteed, or where there are dangers due to holes, sudden drops in height linked to exceptional weather events, submerged obstacles, etc. Municipalities must prepare adequate signs, to be placed in clearly visible places, drawn up in different languages, based on the prescriptions issued in the Bathing Safety Ordinances of the territorially competent Port Authorities, bearing the words "ATTENTION - BATHING NOT SAFE DUE TO LACK OF RESCUE SERVICE "or with the words" ACQUE ALTE ", " OBSTACLE ON THE BOTTOM ", or " GENERIC DANGERS ".

Without prejudice to the prohibitions referred to in the following art. 3, the Municipalities, for the stretches of water in front of the free beaches, or stretches of free beach and the front concessionaires are required to report, by means of a line of red / orange or white buoys, placed at a distance not exceeding 100 m one from the other and parallel to the shoreline, the limits of the sea area reserved for bathing. If the municipal administrations fail to do so, they must place adequate signs on the beaches to be placed in clearly visible places and drawn up in different languages, bearing the following wording: "ATTENTION - WATERS LIMIT FOR NAVIGATION NOT REPORTED".

In the sea areas, where the seabed, in the stretch of 50 meters from the shoreline, presents dangers due to holes, sudden differences in height linked to exceptional weather events, submerged obstacles, etc., the Municipalities, due to the stretches of water in front of the free beaches or stretches of free beach, they must, at their own expense, report said dangers by means of special triangular-shaped double-sided signs, to be placed in clearly visible places, bearing in different languages, the wording / s: "ACQUE ALTE", "OBSTACLE ON THE BOTTOM ", Or" GENERIC DANGERS ".

ART. 3

REQUIREMENTS EXTENDED TO THE ENTIRE TERRITORY OF SARDINIA ON THE USE OF THE BEACHES AND WATERS IN FRONT

On the beaches and in the stretches of water reserved for bathing

IT IS FORBIDDEN

a) leave boats moored, if this impedes the performance of bathing activities, with the exception of those intended for assistance and rescue operations;

b) after sunset, leave beach umbrellas, deck chairs, tents or other equipment however named on

the free beaches;

c) occupy with umbrellas, deck chairs, chairs, stools etc., as well as boats, the strip of 5 meters from the shoreline, which is intended exclusively for free transit. This provision does not apply to emergency vehicles. The above distance refers to the average summer sea level and not to the low tide line;

d) the abandonment, landfill and landfill, both on land and at sea, of any type of waste and / or other materials;

e) camping with caravans, campers, camping tents or other similar equipment;

f) create impediments in any way prejudicial to the use by disabled people;

g) transit and / or stop with vehicles, motorcycles, mopeds and vehicles of any kind;, with the exception of vehicles intended for beach cleaning, rescue, other specifically authorized vehicles and the vehicles referred to in the previous article 1 lett. h). This prohibition applies for the whole calendar year.

It is always forbidden to stop and / or occupy, even if temporary, the trampling of the dunes and related vegetation. By dunes we mean sandy accumulations located in the area behind the beach, arranged parallel to the coast line, with an irregular shape depending on the direction of the prevailing winds. In the dunes indicated with specific signs, transit and crossing are forbidden;

h) play any sporting game and activity (e.g. football or five-a-side football, beach tennis, volleyball, bowls, etc.) without prior notice of the delimitation of spaces in order to avoid damage, harassment to people, disturbance to the public quiet as well as harm to the hygiene of the places and in any case at a distance greater than mt. 15 from the shoreline. These games and activities may be practiced in the areas specially equipped by the concessionaires or by the Municipal Administrations - on which the obligation to adopt all caution and precautions, including the possible use of light horizontal and / or vertical protection nets with the obligation not to obstruct access to the sea and to remove it at the end of the bathing season, to prevent any damage to third parties, as well as stipulating a specific insurance policy) - and in line with the protection requirements deriving from the implementation of the previous art. 1 letters c), f) and g).

In this case, and without prejudice to the provisions of art. 2 lett. a), if not

expressly provided for in the collective and / or individual rescue plans, the concessionaires and the municipal administrations are required to check the equipment of a semi-automatic defibrillator, suitable for cardiac first aid, to be located every two / three rescue stations for the plans collective and each workstation for individual floors, marked with appropriate signs, in order to make it usable by authorized operators, in case of need, it being understood that the responsibilities relating to the use of the aforementioned equipment remain with the person who uses it;

h) play any sporting game and activity (e.g. football or five-a-side football, beach tennis, volleyball, bowls, etc.) without prior notice of the delimitation of spaces in order to avoid damage, harassment to people, disturbance to the public quiet as well as harm to the hygiene of the places and in any case at a distance greater than mt. 15 from the shoreline. These games and activities may be practiced in the areas specially equipped by the concessionaires or by the Municipal Administrations - on which the obligation to adopt all caution and precautions, including the possible use of light horizontal and / or vertical protection nets with the obligation not to obstruct access to the sea and to remove it at the end of the bathing season, to prevent any damage to third parties, as well as stipulating a specific insurance policy) - and in line with the protection requirements deriving from the implementation of the previous art. 1 letters c), f) and g).

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i) during the summer bathing season, transit or stay with any type of animal, even if equipped with a muzzle or leash. The prohibition does not include rescue dog units equipped with a rescue patent issued by the Italian School of Rescue Dogs (SICS), as well as rescue dog units with a patent for the dog and a rescue license (of the National Salvation Society) for the conductor released by UCIS Italian rescue dog units, as well as the other national schools for equivalent rescue dog units. The Canine units during the services must be equipped with an identification card of the Association to which they belong, registered in the Regional Volunteer Register. Guide dogs for the blind and dogs led on a leash by staff supervising the bathing establishments during closing hours are also excluded from the ban. The municipal administrations will be able, even in a consortium form between neighboring coastal municipalities and subject to the authorizations of other public administrations, to identify specific coastal areas, in which to allow access to animals

as well. The municipal administrations must delimit and mark these areas adequately and must ensure that they are clean. The municipal administrations will also ensure that the owners of the animals comply with the ordinance of the Ministry of Health of 12.12.2006 and subsequent amendments, and the additional legislation in force on the subject.

The municipal administrations will be able to authorize the concessionaires who request it, to equip, with light and easy-to-remove works, to be positioned within the perimeter under concession, special areas for pets (dogs and cats) in harmony with the requirements of the veterinary services of the local health authorities competent for the area. These areas must be identified so as not to cause damage and disturbance. In these areas, animals must always be kept on a leash. Access is however only allowed to animals in compliance with the hygienic-sanitary vaccinations.

The holders of state concession can, however, allow access to their bathing establishments, of pets (dogs and cats) of small size, in compliance with the hygienic-sanitary vaccinations, under one or more umbrellas placed in the rear area or in a position that does not cause disturbance or inconvenience to other users. Animals must be carried in their arms up to the assigned umbrella and must always be kept on a leash under the umbrella. The respective owners must in any case ensure compliance with the hygiene and health standards and ensure the on-site availability of the minimum necessary for the livelihood and protection of the animal, as well as for the cleaning of the occupied area (including the removal of polluting materials). It is understood that the owners and / or keepers of the animals are responsible for their behavior for all legal purposes, pursuant to art. 2052 of the Civil Code and that the concessionaires are obliged to ensure adequate spaces and equipment as well as to supervise the timely compliance with the aforementioned legislation;

j) use sound diffusion devices, adjusted to excessive volume, at times when public peace could be disturbed, to be defined by order of the territorially competent mayor;

k) organize temporary show and entertainment activities, recreational and nautical events and engage in any profit-making activity (fixed or itinerant trade, photography, promotional activities, etc.) without the prior authorization of the administration qualified; if the entertainment activities require the assembly of inflatable structures and / or equipment with a height of more than 4 meters included in the list of spectacular activities, entertainment and attractions of the traveling show referred to in art. 4 of the law

n. 337/1968, its use is governed by current legislation on the subject;

l) move, hide or damage fixed or floating signals (signs, buoys, buoys, etc.) placed to protect public safety;

m) remove any element constituting the natural fabric of the beach (such as, for example, sand, gravel, pebbles, etc.);

n) use soap and shampoo;

o) introduce and use gas cylinders or other flammable substances in breach of current safety standards;

p) carry out repairs on engine equipment or maintenance work on boats and craft in general in violation of environmental standards, both on the beach and at sea;

q) advertise, both on the beaches and in the stretch of water, by distributing leaflets and throwing them, even by air;

r) fly over the beaches with any type of aircraft or private aircraft, for any purpose, at an altitude of less than 300 meters (1,000 feet), with the exception of emergency and police vehicles;

s) fish from the ground with any gear (lines, rods, coppo, rezzaglio, etc ...) in areas intended for bathing, from dawn to dusk;

t) light fires and carry out pyrotechnic activities in the absence of the required authorizations from the competent Authorities (Municipality - State Maritime Authority - Local P.S. Authority, etc.);

u) bathing, mooring and anchoring of boats in the areas used as properly marked launch / landing corridors. It is allowed to stop inside the aforementioned corridors for the time strictly necessary to allow the safe boarding or disembarking of people bound for (or from) land;

v) the positioning of buoys in the stretches of water overlooking the beaches or rocky coasts within the limits of the waters intended for bathing, established in the bathing safety ordinances adopted by the territorially competent Port Authorities.

In favor of state concession holders, for the sole purpose of safety and rescue at sea, the seasonal positioning of buoys (maximum two) may be authorized in the stretch of water in front of the granted area, within the limits of the waters dedicated to bathing, for the mooring of rescue units.

Beyond the limits of the waters dedicated to bathing, a specific concession can be issued for the seasonal positioning of a buoy for the mooring of pleasure craft intended for diving activities.

In compliance with the prevailing uses and for the purposes of the priority free use of the same, both in the stretches of water in front of the free beaches, and in the stretches of water in front of the beaches on which concessions exist, within the limits of the waters reserved for bathing, after obtaining the opinions from part of the offices of the Ministry of Infrastructures and Transport, and

of the municipalities concerned, may be granted state concessions for seasonal use for the positioning of water playgrounds.

The aforementioned aquatic playgrounds - which must preferably be positioned on the sides of the water mirror and at a distance from the shoreline line adequate to allow the free passage of bathers in the water - may be allowed in compliance with the following requirements:

- on free beaches with a length equal to or less than 2000 meters, only one playground can be positioned having the dimensions compatible with the needs of bathing and in any case not exceeding 1200 square meters and the seafront of the playground cannot exceed 50 meters;
- in the other free beaches, compatibly with the needs of bathing, a concession is allowed every 3000 meters in front of the sea. In this case the stretch of water occupied by the playground must not exceed 2000 square meters and the seafront of the playground cannot exceed 50 meters.
- in the beaches on which concessions exist, compatibly with the needs of bathing, the issue of specific concessions is allowed, both in favor of front concession holders and other economic operators, for the positioning of water playgrounds or individual water games that they must be suitably sized, positioned at a minimum distance of 30 meters from the shoreline, respect the minimum distance provided for by art. 24 of the Guidelines and, in any case, have a maximum surface area of approx. 200.00.

With regard to itinerant trade, it is specified that the same can take place:

- exclusively in the period between April 15 and October 31 of each year;
- exclusively on foot or with the use of vehicles with manual push or electric propulsion, of small size and, in the case of a protected marine area, after obtaining the favorable opinion of the managing body of the same;
- without musical or amplification aids, or loudspeakers of any kind and without disturbing public peace in any case;
- in compliance with national and regional regulations that protect public health;
- only by traders duly authorized to operate on the maritime property by the territorially competent municipal administrations, pursuant to art. 68 of the navigation code.

Itinerant trade is prohibited in the stretches of water within the limits of the waters dedicated to bathing.

ART. 4

REGULATION OF THE AREAS IN CONCESSION FOR RENTING BEACH EQUIPMENT AND BATHING ESTABLISHMENTS

Open areas equipped for bathing are the state-owned maritime areas under concession in which services related to bathing and / or heliotherapy are offered (rental of umbrellas, sunbeds, deck chairs, etc.)

The maritime state-owned areas under concession in which state-owned maritime appurtenances and / or structures that are difficult or easy to remove are structures or bathing establishments, in order to provide services for bathing and / or heliotherapy (positioning and rental of bathing equipment, any structure intended for restaurant-bar activities reserved for customers of the establishment, etc.).

The closing time of the establishments located on the maritime state property, intended for entertainment, catering and bar activities, is that established for the establishments located in the municipal area in compliance with the regulations in force of the prescriptions and authorizations in the building, urban planning, sanitary and hygiene noise pollution.

A) Without prejudice to the above, dealers are also required to comply with the following additional requirements:

- activate an efficient rescue and rescue service in the manner indicated, where adopted, in the seaside risk forecasting and prevention programs drawn up by the provinces and in compliance with the indications provided by the competent Port Authority;
- comply with current national collective agreements for the category, relating to the organization of services and the performance of the activities covered by the concession;
- display a copy of this ordinance in a clearly visible place to the public as well as the rates applied for the services rendered;
- take care of the maintenance and cleaning of the areas under concession and of the neighboring areas up to the sea level in compliance with the provisions established in the resolution of the Regional Council no. 40/13 of July 6, 2016 containing "Guidelines for the management of the coastal strip referred to in the introduction, preparing special containers for the separate collection of waste;
- place a number of umbrellas in the concession area that do not hinder the movement of bathers. In particular, the minimum distances between umbrella poles must be respected, i.e. 3 meters between

rows and 3 meters between umbrellas in the same row. These distances may be reduced in relation to particular needs ascertained by the competent administrations, if significant erosion phenomena of the beaches are found. In addition, the umbrellas must be securely anchored to the ground in order to ensure adequate resistance to wind and tear (bayonet coupling or similar);

- delimit the areas covered by the concession, without prejudice to the 5-meter strip from the shoreline, with an open system no higher than 1.00 meters (e.g. wooden stakes no more than three meters apart from each other joined by a scalloped rope or line) or colored balls fixed to the ground placed at the corners of the perimeter of the area;
- allow free and free access and transit, to reach the shoreline in front of the area included in the concession, also for the purpose of bathing;
- guarantee access to the sea for users with disabilities with the provision of suitable wooden paths parallel and perpendicular to the shoreline. Furthermore, to allow them to move within the concession areas, the concessionaires can place other routes and platforms even if not included in the concession. For the same purpose, these routes may also connect areas
- adjacent to the one under concession, subject to the authorization of the Municipality. At the end of the bathing season all the paths must be removed.

B) In the event of any circumstance that constitutes a danger to people, both on the beach and in the water, the concessionaire must notify the nearest Maritime Authority by calling the national emergency number 1530 and must take every possible, immediate action to safeguarding of people.

C) Holders of state-owned maritime concessions:

- before opening to the public, they must acquire the administrative and health authorizations required by law, as well as have adequate fire prevention equipment, in the cases and in compliance with the requirements of the specific legislation on the subject;
- the toilets must be connected to the municipal sewer system or be equipped with a waste disposal system recognized as suitable by the competent health authority;
- toilets for disabled users, as per law no. 104/1992, must be available at each establishment and must be equipped with appropriate orange signs bearing the expected international symbol clearly visible in order to allow their immediate identification;
- the use of soap and shampoo is forbidden if showers not equipped with
- suitable exhaust system;
- it is forbidden to occupy the cabins for overnight stays or for other activities that are not related to bathing, with the exclusion of any service areas. Dealers must check the installations before closing in the evening to ensure the absence of people in the cabins.

ART. 5

LEASE OF LEISURE BOATS, SAILBOARDS, AQUASCOOTER AND SIMILAR VESSELS

The rental of small boats with oars or pedals, intended for recreational use by bathers, commonly referred to as jole, canoes, skates, sandolini, rowing and pedal flies and the like, as well as jet skis, sailboards and small sailing or motor units, can only be exercised with prior authorization and / or concession.

As regards the aspects inherent to the safety of navigation, please refer to the instructions given by the Offices of the competent Port Authority.

ART. 6

PROVISIONS FOR SAFEGUARDING THE PROTECTED SEA WILDLIFE

In the event of ascertained spawning events by sea turtles in the regional coastal strip, with immediate effect and upon notification to the competent municipal administrations and port authorities, the Forestry and Environmental Surveillance Corps (CFVA) initiate the procedures for securing nesting sites. On the areas specifically delimited by the CFVA, which may include both surfaces already granted for bathing use and surfaces not granted, the operational protocols defined within the regional network for the conservation of marine fauna (RETE) and coordinated by the Protection Service of the forestry nature and policies (TNP Service) of the Department of Environmental Defense. Access to the aforementioned areas, which may undergo changes during the incubation period, is allowed only to personnel authorized by the TNP Service and removable preparations can be made to ensure the performance of the activities referred to in the aforementioned operational protocols.

In the area of respect surrounding the nesting site, the cleaning operations of the beach with mechanical means they must be suspended for an evaluation by the TNP Service and carried

out with alternative tools that do not disturb or harm the site.

During the hatching of the eggs, the emergence of the newborns (hatchlings) and dispersion in the sea, all the measures aimed at containing the disturbances that are generally ascribable to the use of the bathing environment and that synthetically, but not exhaustively, are determined must be adopted. from:

- light sources intercepted by the nesting site
- sound sources perceived by the nesting site
- performance of sports and / or recreational activities near the portion of the beach and the delimited stretch of water by the CFVA on the recommendation of the TNPF Service in concert with the Port Authority and the competent municipal administrations video shooting and photographs not authorized by the TNPF Service;

ART. 7 FINAL PROVISIONS

The person in charge of each establishment located on the maritime state property, having relevance to bathing activities, as well as the Municipalities for free beaches or stretches of free beach, must expose this determination in a place that is clearly visible to users, for the entire duration of the bathing season. , together with the orders issued by the competent Port Authorities.

For anything not provided for in this ordinance, reference is made to the regulations in force on the subject.

The Officers and the Officers of the Judicial Police are in charge of the execution of this determination.

Pursuant to art. 2, paragraph 3, and 3 of the L.r. n. 9/2006, of art. 5, points 6 and art. 8 of the guidelines approved by resolution of the Regional Council n. 10/5 of 21 February 2017, the municipal administrations exercise the functions of administrative police and surveillance of maritime property, the sanctioning activity provided for by art. 54 of the navigation code and the competence inherent in determining the compensation, pursuant to art. 8 of the D.L. 400/1993, when the abusive conduct consists in the occupation of an uncovered area or an area covered with works that can be easily removed in the absence or in deviation from the concession title.

The municipal administrations are also competent to receive the report, pursuant to art. 17 of Law 24 November 1981, n. 689, in the event of violation of this ordinance and articles 1161 and 1164 of the navigation code

The amount owed by the transgressor for administrative pecuniary sanctions, imposed for the violation of the bathing ordinance, must be paid to the postal or bank account of the municipality in which the violation is ascertained or vice versa in the case of infringements in the areas of regional competence. on the c / c on the postal current account n. 60747748, headed "Autonomous Region of Sardinia - Treasury Service" or by bank transfer to the current account opened at Unicredit S.p.a. - Regional Treasury, in the name of the Autonomous Region of Sardinia whose IBAN code is: IT / 15 / W / 02008/04810/000010951778, for transfers from foreign banks the BIC SWIFT code must be indicated: UNCRITM1H60, INDICATING WHICH CAUSAL "Chapter EC 350.013 - CdR 00.04.01.00 administrative sanction ".

In any case, we inform you that cash payments of sums in favor of the Region can be made at any Unicredit SpA branch located on the national territory.

If the offender does not make a reduced payment of the sanction, the agent who ascertained the violation must transmit the report pursuant to art. 17 of Law 689/1981 to the municipal administration holding the sanctioning power.

Everyone is obliged to observe this ordinance and, to anyone who is responsible, to enforce it.

Anyone who does not observe the rules established in this ordinance is sanctioned according to the law.

This determination is transmitted to all the coastal municipalities of Sardinia and to the competent Port Authorities Offices. .

This determination is transmitted, through the Director General, Local Authorities and Finance, to the Regional Councilor for Local Authorities, Finance and Urban Planning pursuant to and for the purposes of art. 21, paragraph 9 of the L.R. 13 November 1998, n. 31.

The General Director
Antonella Giglio