



S. R.
 MINISTÉRIO DA DEFESA NACIONAL
 AUTORIDADE MARÍTIMA NACIONAL

CAPITANIA DO PORTO DE _____

(MINISTRY OF DEFENSE - MARITIME AUTHORITY - CAPTAINCY OF PORT OF _____)



EDITAL DE PRAIA

(BEACH REGULATIONS)

_____, Captain of the Port of _____, hereby publishes the following information, under the terms of the Portuguese Law, namely: Article 13(8)(e) of Decree-Law no. 44/2002, of 2 March, as amended by Decree-Law no. 121/2014, of 7 August, in relation to Articles 10 and 18 to 21 of Decree-Law no. 159/2012, of 24 July, as amended by Decree-Law no. 132/2015, of 9 July, and the applicable Coastal Zone Spatial Planning (POOC), as well as under the terms of Law no. 44/2004, of 19 August, in its current wording, of Law no. 68/2014, of 29 August, of Regional Legislative Decree no. 16/2011/A, of 30 May, of Regional Legislative Decree no. 9/2007/A, of 19 April, of Regulatory Decree no. 16/2008, of 26 August, of Ordinance no. 311/2015, of 28 December, as amended by Ordinance no. 168/2016, of 16 June, and also of Decree-Law no. 74/2007, of 27 March:

1. BEACH ASSISTANCE ZONE (BAZ)

- a. Beach Unit (BU) _____
- b. Beach name _____
- c. Beach front width (m) _____
- d. Concessionaire _____

2. SERVICES AND REQUIREMENTS

- a. **Assistance for beach users**
The assistance service for beach users is provided daily from _____ to _____, from _____ to _____ hours.
Lunch period from _____ to _____ hours.
- b. **Assistance and surveillance capacity**
The assistance and surveillance capacity is provided by _____
- c. **Emergency and life-saving equipment**
Under the terms of Annex A of Ordinance no. 311/2015, of 28 September, as amended by Ordinance no. 168/2016, of 16 June.

3. BEACH SAFETY FLAGS

Flags and their meanings:

	Green - bathing and swimming are permitted
	Yellow - be careful; swimming is prohibited
	Red - danger; keep out of the water
	Chequered - beach temporarily without lifeguard

	Listed - Limit of safest bathing zone
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4. PROHIBITED ACTIVITIES

- a. The operation and parking of motorized vehicles (except for properly identified emergency or maintenance/utility vehicles involved in authorized activities) on beaches, sand dunes and cliffs, as well as outside the places especially designated for that purpose;
- b. The use of caravans or similar vehicles for overnight sleeping purposes in parking areas from 00 to 08 hours;
- c. The operation of any motorized or non-motorized nautical platforms within interdicted (demarcated with buoys) or restricted navigation areas (less than 300 meters from coastline and outside interdicted areas), if not at reduced speed and perpendicular to coastline;
- d. The overflight by motor aircraft at an altitude of less than 1,000 feet, except for those involved in emergency and/or surveillance services;
- e. The use of parking areas for camping or other activities without prior licensing;
- f. Water sports (surf, windsurf or similar) in areas which are restricted for swimming and bathing only;
- g. Land kiting and kite cross;
- h. Recreational fishing;
- i. Sports or other recreational activities which involve casting, tossing, throwing, kicking, or rolling objects, or that may otherwise disturb or cause discomfort to others, when practiced outside the areas especially identified for that purpose;
- j. The use of audio equipment or the generation of noise in a way that disturbs or causes discomfort to others;
- k. Any activity that may endanger beach users or the biophysical integrity of the beach, namely the destruction of vegetation and sand dunes;
- l. Soliciting or peddling without prior licensing;
- m. Harvesting plants or shellfish for economic purposes outside the areas and the seasonal periods specifically designated for that;
- n. Advertising without prior licensing and/or outside the demarcated areas or the installed panels;
- o. Bringing, maintaining, riding or leading any kind of animals in concessioned and or supervised areas, with the exception of guide or assistance dogs which are duly certified for escorting, leading or helping disabled people;
- p. Placing, throwing away, leaving behind, or keeping any

- waste, glass or sharp objects outside the bins provided, in such a manner that any person on the beach is or may be cut, pricked, or in any way injured;
- q. Staying, crossing or circulating within interdicted areas;
- r. Camping outside camping areas;
- s. Lighting or maintaining any fire on the beach.

5. ADMINISTRATIVE OFFENCE REGIME (according to the Regional Legislative Decree no. 16/2011/A, of 30 May, and Decree-Law no. 159/2012, of 24 July, in its current wording)

5.1. License and Concession Holders of BAZ

- 5.1.1. License and Concession Holders incur an administrative fine from €250 to €2,500 in case of:
 - a. Using beach assistance facilities for purposes other than those indicated in the corresponding license;
 - b. Opening or closing the beach assistance infrastructures outside the periods established by law or contract;
 - c. Non-compliance with the requirements established for the BAZ as regards the number of lifeguards and their working hours;
 - d. Opening the BAZ without carrying out the necessary inspections required by law;
 - e. Failure to report any accidents taking place in the BAZ to the Maritime Authority and the Autonomous Regional Administration (department responsible for the environment) within twenty four hours after the occurrence;
 - f. Failure to provide immediate first aid and/or other care which, under the terms of the license or concession, are to be provided to beach users;
 - g. Unlicensed operation of any supporting facilities for beach activities, even if free of charge to users;
 - h. Using areas greater than those set in the corresponding license;
 - i. Whenever applicable, failure to place signs identifying the areas in which navigation, or recreational and underwater fishing is prohibited;
 - j. Failure to delimit restricted navigation corridors, especially those used to embark and disembark passengers, for boat rental, and access to the coast or wharf by boat;
 - k. Failure to comply with the legal determination of the competent authorities as for the means of information to the public, in particular those related to facilities and equipment for safety, monitoring, rescue, saving, and assistance to bathers;
- 5.1.2. License and Concession Holders incur an administrative fine from €350 to €3,500 in case of:
 - a. Failure to disassemble facilities which have to be removed at the end of the license period;
 - b. Failure to place sufficient signs indicating bathing and/or forbidden bathing areas, sports areas, approach corridors and hazardous areas;
 - c. Using non-certified personnel in lifeguard activities;
 - d. Keeping lifeguards undertaking tasks not related to their duties, such as renting and setting up huts, awnings or boats, table and bar service, carrying equipment and chairs, and, in general, any activities which may jeopardize their function in assuring the safety of bathers;
 - e. Failure to keep the licensed area under the appropriate hygiene and health requirements;
 - f. Failure to maintain materials and equipment used within the BAZ in an adequate operational standard and in good maintenance and presentation conditions;
 - g. Failure to maintain materials and equipment used for information, monitoring, rescue and relief operations installed in accordance with the rules established by the competent authorities;
 - h. Failure to comply with the instructions established by the Maritime Authority, namely those related to the conditions attached to the licensing contract.

5.2. Lifeguards

- Lifeguards incur an administrative fine from €100 to €1,000 in case of:
 - a. Unjustified absence from the monitoring and rescue area during working hours;
 - b. Failure to pay attention to the bathing area, by adopting a behaviour which is contrary to the special duties of diligence and composure when exercising their duties, as defined by law, and which undermines the effectiveness of their work;
 - c. Failure to comply with any of the obligations of the Regulations for Lifeguards;
 - d. Failure to comply with respect to flag signals, in breach of the instructions and orders received from the local maritime authorities;
 - e. Hoisting the chequered flag, indicating that the lifeguard service is temporarily unavailable, without the proper justification;
 - f. Failure to wear the proper uniform so that he/she cannot clearly be identified as the duty lifeguard.

5.3. BAZ users

- 5.3.1. BAZ users incur an administrative fine from €10 to €50 (paragraphs a. to c.) and from €55 to €550 (paragraphs d. and e.) in case of:
 - a. Transposing protection barriers on the beach and coastal areas;
 - b. Staying, crossing or circulating within interdicted areas;
 - c. Placing, throwing away, leaving behind, or keeping any waste, glass or sharp objects outside the bins provided;
 - d. Failure to comply with the established information signs, such as flags, signposts, buoys, rules conveyed by the Beach Regulations, as well as the instructions given by lifeguards as regards the situations which may endanger the safety of a third party;
 - e. Failure to comply with the established legal limitations for motorized and other nautical activities, or engaging in such activities in breach of the instructions of the maritime authorities.
- 5.3.2. BAZ users incur an administrative fine from €200 to €750 (paragraph a.) and from €250 to €2,500 (paragraph b.) in case of:
 - a. Modification, destruction, removal, damage, or dislocation of the signs or protection barriers on the beach and coastal areas;
 - b. Operation and parking of motorized vehicles, namely cars, motorbikes, tricycles, and quadricycles on beaches, sand dunes and cliffs, outside the places especially designated for that purpose.

- 5.4. If a corporate person commits the administrative offence, the lower and upper limits of the aforementioned administrative fines may be raised, as established by law.

6. SUPERVISION, ADMINISTRATIVE OFFENCE AND PROCEDURAL DECISION

- a. The nature watchmen, the local inspection services, the service from the Regional Administration for environmental issues, the local bodies of maritime, police or administrative authorities, together with any other entities which exercise jurisdiction over the BAZ or maritime beach activities, shall supervise compliance with the provisions of the aforementioned laws;
- b. The investigation and the procedural decision on administrative offences is assigned to the managing body of the BAZ where the administrative offence occurred, without prejudice to the legally defined competencies of the local maritime authority or the local Autarchy.

_____, ____ of _____, 201_____

Captain of the Port,