



Code of Conduct



Code of Conduct of the Municipality of Albufeira

Preamble

This Code arises from the urgent need to draw up a new set of regulations, which aim to ensure that new realities are met, creating better conditions for the municipality's development, preserving Albufeira as a multicultural, family-friendly and safe destination that values its heritage and identity.

There is an urgent need to establish measures to deal effectively with the adoption of abusive behaviour, particularly by those seeking the municipality of Albufeira as a tourist destination. These measures appear to be of a preventative nature, in order to prevent the practice of acts that, by their nature, could cause undesirable damage to the resident population and the municipality's image as a tourist destination.

In this context, there is also an increasingly pressing need for the various economic agents operating in the municipality to adapt to the new realities that have arisen, and an increase in measures capable of harmonising the exercise of the various sectors of economic activity with the municipality's interests and its population.

What is really intended here is to respond to the feeling of the population that, given the abusive behaviour of some citizens, their freedom of movement on some of the municipality's roads and public spaces has been restricted. This is not, therefore, a code that imposes a certain type of dress, or that restricts citizens' freedoms and guarantees.

In this sense, the aim is simply to safeguard against practices that are considered to be in conflict with healthy coexistence and that go far beyond the precepts of life in society.

It is therefore important to establish, as a matter of innovation, within the framework of the principle of local autonomy, to regulate and manage, under the

terms of the law, under their responsibility and in the interests of the respective populations, the public powers attributed to them, the discipline on matters that fall within the sphere of local self-interest, being endowed with the character of generality and abstraction, therefore of external effectiveness, adjusted to the current reality of the municipality. In order to prevent the practice of acts that, by their nature, could jeopardise public tranquillity, safety and hygiene. In particular, by creating *ex novo* administrative offences.

Therefore, on the basis of the provisions of Article 241 of the Constitution of the Portuguese Republic, Article 33(1)(k) and (ccc) in conjunction with Article 25(1)(g), both of Annex I to Law no. 75/2013, of 12 September, the following Code of Conduct draft has been drawn up, which, after being submitted for public scrutiny under the provisions of articles 100 and 101 of the Code of Administrative Procedure, approved by Decree-Law no. 4/2015, of 7 January, must be approved by the Municipal Assembly.

CHAPTER I

General Provisions

Article 1

Enabling Law

This Code has been drawn up in accordance with Article 241 of the Constitution of the Portuguese Republic and the combined provisions of Article 23(a), (c), (e), (k), (m) and (n), Article 25(1)(g) and Article 33(1)(k), all of Law 75/2013 of 12 September.

Article 2

Purpose

This Code establishes rules for the defence and protection of assets and areas in the Municipality of Albufeira's public or private domain.

Article 3

Scope

This Code applies throughout the territory of the Municipality of Albufeira, without prejudice to duly identified exceptions.

Article 4

Powers

The powers conferred on the Mayor by this Code may be delegated to Councillors or heads of municipal services, under the terms of Article 34(1), Article 36(2) and Article 38(1), all of Law 75/2013 of 12 September.

CHAPTER II

PUBLIC DOMAIN ASSETS

Section I

General Prohibitions

Article 5

Prohibitions

1. On public roads, in public places and on public transport, it is prohibited to engage in any act or behaviour which, by its nature or effects, jeopardises the legally protected rights and interests of third parties or the safety of persons and property, such as:
 - a) Remaining or circulating in a state of complete nudity, meaning, for the purposes of this Code, a person without any type of clothing or adornment, completely exposing their body, or even a person who, despite wearing any type of clothing or adornment, circulates or remains with their sexual organ exposed;
 - b) Remaining or circulating in a state of partial nudity, understood for the purposes of this code to mean a person who partially exposes their body and who, even if wearing any garment or ornament, does not allow the sexual organ to be exposed;
 - c) Practicing or simulating any type of sexual act, individually or not;
 - d) Consuming alcoholic beverages;
 - e) Overnight stay;
 - f) Urinating or defecating;
 - g) Spitting;

- h) Camping or setting up any camp;
- i) Cooking any type of food;
- j) The practice of sport, recreation, culture, leisure or art in places where signs prohibit it;
- k) Any occupation that harms the health and well-being of people, namely noisy manifestations, individually or in groups (namely, dragging cans or any objects across the pavement that cause loud noises; the use of any musical instruments at a sound intensity that disturbs passers-by or the neighbourhood; among others), in residential areas;
- l) The use of street furniture in such a way as to make it impossible or difficult for other people to use it;
- m) Using municipal assets for purposes other than those for which it was intended, as well as any act or behaviour that, by its nature or effects, causes damage to it;
- n) Depositing or abandoning any type of equipment used to transport goods or products (namely supermarket/hypermarket trolleys and the like) outside the spaces reserved for this purpose;
- o) Circulating with the type of equipment listed in the previous paragraph, beyond the areas intended for its circulation.

2. The prohibitions set out in points a) to c) of the previous paragraph are also prohibited when practised on terraces set up in public space or in private space, as long as they are visible from the public space.

3. The prohibitions set out in points a) to c) of the previous paragraph are also prohibited when practised inside an establishment, as long as they are visible from the public space.

4. The acts or behaviour described in this article, when carried out in the spaces referred to in paragraphs 2 and 3, are also imputable to the exploiters of the respective establishments.

5. The prohibition set out in paragraph 1(b) of this article does not apply on beaches or in outdoor spaces used for collective use by hotel units, where it is permitted to remain or circulate in a state of partial nudity.

6. The prohibition set out in paragraph 1(d) and (i) of this article does not apply in duly licensed areas, even if they are located in a public space, and provided that the activity in question is regularly carried out by the establishments that own them.

Section II

Special Prohibitions

Article 6

Public Lighting

1. Anyone who is not an employee of the respective municipal services or of the concessionaire is prohibited from moving, altering, modifying or tampering with any public lighting equipment.
2. It is forbidden to break glass or light bulbs or damage any street lighting equipment in any way.
3. Whenever the situations provided for in this article occur, any person must inform the municipal services or other competent organisations.

Article 7

Signage

Signage on public roads and municipal roads is prohibited:

- a) Damaging, destroying, knocking down, stealing, burning, painting or breaking any conventional traffic sign or identification plates and accessory elements;
- b) Altering the placement of said signs without prior authorisation from the City Council;
- c) Doing anything that reduces or cancels out the visibility of any type of sign described or omitted in the previous points.

CHAPTER III

Supervision and Penalties

Article 8

Supervision

Supervision of compliance with the provisions of this Code is the responsibility of the departments of this Municipality with supervisory powers, namely the Municipal Police and Surveillance Division (DPMV), police authorities and other entities with supervisory powers.

Article 9

Powers

1 - The power to initiate administrative offence proceedings, as well as to impose fines, lies with the Mayor of Albufeira, who may delegate it under the terms of the law.

2 - The proceeds of fines constitute municipal revenue and are fully allocated to the City Council of Albufeira.

Article 10

Precautionary Measures

Without prejudice to the seizures that may take place as part of enforcement actions, the following precautionary measures may be adopted for duly substantiated reasons of public interest and as a result of activities that violate the provisions of this Code:

- a) Cancellation of the licence to occupy public space;
- b) Removal of open terrace;
- c) Reduced opening hours, under the terms of the Opening Hours for Commercial Establishments and Service Providers Regulations for the Municipality of Albufeira

Article 11

Administrative Offences

1 - Without prejudice to possible criminal liability, namely for committing the offence of disobedience, infringements of the rules of this Code constitute administrative offences punishable by a fine, under the following terms:

- a) The offences provided for in Article 5(1)(e), (g), (h), (i), (j), (l), (n) and (o) and Article 6(1) are punishable by a fine of between €150.00 and €750.00.
- b) The offences provided for in Article 5(1)(b), (d), (f), (k) and (m), Article 6(2) and Article 7 are punishable by a fine of between €300.00 and €1,500.00.
- c) The offences provided for in Article 5(1)(a) and (c) are punishable by a fine of between €500.00 and €1,800.00.

2 - When committed by legal persons, namely through the organisation of material acts of execution, or their authorisation, the infringements provided for in the previous points of this article shall be doubled in minimum and maximum amounts.

Article 12

Administrative Offences Attributable to Economic Agents

1 - Without prejudice to possible criminal liability, namely for committing the offence of disobedience, infringements of the rules of this Code constitute administrative offences, attributable to the economic agents operating the commercial establishments where the actions are carried out, and are punishable by a fine, under the following terms:

- a) The offence provided for in Article 5(1)(g) is punishable by a fine of between €250.00 and €1,200.00.
- b) The offences provided for in Article 5(1)(b), (f) and (k) are punishable by a fine of between €500.00 and €2,500.00.
- c) The offences provided for in Article 5(1)(a) and (c) are punishable by a fine of between €1,000.00 and €4,000.00.

2 - When committed by legal persons, the offences provided for in the previous points of this article shall be doubled in minimum and maximum amounts.

Article 13

Voluntary Payment

1 - Voluntary payment is always admissible, provided it is made before the decision is handed down, and for this purpose it must be made for the minimum amount provided for the administrative offence in question, without prejudice to any costs that may be due.

2 - Voluntary payment of the fine does not exclude the possibility of imposing ancillary sanctions.

Article 14

Ancillary Orders

Depending on the seriousness of the offence and the agent's guilt, ancillary orders may be imposed at the same time as the fine:

- a) Forfeiture of objects belonging to the agent;
- b) Prohibition from exercising the activity for a period of up to 2 years;
- c) Deprivation of the right to a subsidy or benefit granted by this Municipality;

- d) Closure of the establishment for a period of up to 2 years;
- e) Suspension of authorisations or other administrative permissions related to the exercise of the respective activity.

Article 15

Supplementary regulations

In terms of administrative offence proceedings, in addition to the special rules laid down in this Code, those contained in the General Regime of Administrative Offences (Decree-Law no. 433/82 of 27 October, as amended) shall apply.

CHAPTER IV

Final Provisions

Article 16

Doubts and Omissions

Cases and doubts raised in the interpretation and application of this Code that cannot be resolved by resorting to the legal criteria for interpreting and integrating omissions shall be submitted to the City Council of Albufeira for a decision.

Article 17

Repeal

With the entry into force of this Code, the Code of Municipal Postures in force in this Municipality and any regulations that contradict the provisions of this Code are hereby repealed.

Article 18

Entry into Force

This Code shall enter into force on the day following its publication in the Official Gazette.