



MUNICIPALITY OF JESOLO

PROVINCE OF VENICE

**MUNICIPAL CODE REGARDING THE
REGULATION OF ITINERANT AND
STROLLING TRADE
ON PUBLIC SOIL AND PRIVATE SOIL
OPEN TO THE PUBLIC**

Approved by Council Deliberation nr. 198, 28.12.2004

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ART. 1 – SCOPE AND PURPOSE OF THIS CODE

1. This Code sets the principles for the carrying out of itinerant and strolling business on public soil and private soil open to the public, as well as the procedure to be followed for the application, granting and revocation of the permits to take possession of public soil to carry out the business.
2. To the purpose of this Code, "public soil" means the public areas and the roundabouts standing above or below them that are a State property or a non-disposable possession of the Municipality, as well as the private property areas where a right of way is duly established, according to the law.
3. "Private soil open to the public" means private property areas and space subject to public passage, or actually used by the majority of citizens who do not have to provide themselves with preventive permits by the respective owners.
4. To the purpose of the Code herein it is forbidden to carry out any itinerant or strolling business on a private soil open to the public.
5. On a public soil, exclusively on the areas referred to in art. 4 of this Code, it is permitted to carry out just those crafts belonging to the field of the figurative arts (portraits and caricatures), of music (if not played by amplified instruments), of acting (mimes, puppet shows), as well as games of skill and conjuring tricks (balloon sculptors, conjurers, fire eaters, jugglers and tumblers).
6. On public soil, as well as on private soil open to the public, it is not permitted to carry out any trade taking advantage of someone else's credulity or superstition (soothsayers, fortune tellers, chiromancers, exorcism performers and the like), or business dealing with production and selling of different articles (costume jewellery, glass sellers, ceramists, wood sculptors, dolls, cloth-flowers, etc.), and also all the trades different from those listed in the previous subsection (picture and paintings on canvas, paper and anything else, tattoos and body painting both provisional and permanent, heraldry, photographers with a permanent stand, dancers, etc.).

ART. 2 – APPLICATION

1. Apart from the requirements at articles 68 e 69 of the T.U.L.P.S. (i.e. Amalgamated Law on Public Security), in order to carry out such trades listed in art. 1 on the public soil, you have to provide yourself with the Municipal permit for activities on the public soil.
2. In order to get the permit, the applicant has to apply using the municipal form and a revenue stamp according to the law.
3. The applications can be submitted from January 1st of the current year and they must be delivered at the Town Hall Reference Office by February 15th every year, otherwise the application will not be upheld.
4. The applications must be accompanied by the following documents:
 - Statement on the basis of the Anti-mafia law
 - self-certification referring to:
 - a) dependent people;
 - b) residence and its length for the Citizens resident in the Veneto Region;
 - c) residence and its length for the Citizens resident in the Municipality of Jesolo;
 - d) possession of any educational qualification or artistic merit and recognition, etc.
 - Photocopy of the disability certificate;
 - Photocopy of the residence permit for non-EU Citizens;
 - Photocopy of the applicant's valid ID (this document is not of the primary importance for the application granting, so it can be submitted as integration to the application even later than February 25th).

5. In case the application was not made on the form preset by the Municipality offices, or in case the application is incomplete, a supplement of the same application should be delivered at the Town Hall Reference Office by February 25th, otherwise it will not be upheld.

ART. 3 – CLASSIFICATION LIST FOR THE ALLOCATION OF THE STALLS

1. The allocations of the stalls for the Summer season is made on the basis of a special list that is set and subscribed by an internal committee, and adopted by a determination act of the qualified Area Manager by March 5th every year.
2. To the purpose of compiling the list, the applications submitted during the previous years are not taken into any consideration and the following scores are given:
 - Length of residence in the Municipality of Jesolo (1 point for every year of residence);
 - Length of residence in the Veneto Region (1/2 point for every year of residence);
 - any academic degree or merit, shown by different certificates: degrees, artistic diplomas, artistic recognitions, etc., having bearing on the kind of business to be carried out (1/2 point for each qualification);
 - dependent people (1/2 point for each dependent person). To the purpose of this Code, dependent people that may be non-resident with the applicant, and in the previous year should not have had a gross income above € 2.840,51 are:
 - the married partner who is not legally and actually separated;
 - the children, even if they are natural, recognized, adopted, foster or affiliated children;
 - Invalidity (0,10 points for each invalidity percentage).
3. Conditions and scores being equal, the application reference number will have priority and, should there be a case of equal dates, the reference number will have priority, considering the number of the first application and not the number of the possible following integrations.
4. Any transgression checked, as said in Art. 9 paragraph 1 in this code, will end in the deduction of a point from the final score in the list of the year following the transgression.
5. The applicants in the list will be informed about their total score and about their position in the same list.
6. Once approved, the list will be put up the Municipal notice board for 15 days in succession. After that, if there is no remark by the applicants, it will become the final list.
7. Any written remark against the list can be put in within 15 days from the date of its publication on the Municipal notice board.
8. The committee at paragraph 1 herein, will weigh the above mentioned remarks and reply within 15 days from the reference date. In any case, new documents regarding situations or facts not declared in the first application (for example further degrees or recognitions, new dependent people, etc.) will not be considered.
9. Should the remarks said in the above Art. 7 be admitted, and should that imply a change in the given scores, the list would have to be newly approved and newly put up the Municipal notice board for the following 15 days in succession. After that, it would become the final list
10. It is possible to make a petition against the final list to the Regional Administrative Court, according to the law.

ART. 4 – LOCATION OF THE STALLS

1. The total number of stalls for the Summer season, and therefore of the permits, all over the territory of the Municipality amounts at 22 (twenty-two), in specific boundaries in the following areas:
piazza Nember n. 3 – piazza del Granatiere n. 1 – piazza Marina n. 3 – piazza Trieste n. 3 – piazza Milano n. 3 – piazza Torino n. 3 – piazza Aurora n. 3 – piazzetta Volta n. 1 – piazza Brescia n. 2.
2. The stalls allocation is approved by a deliberation of the Town Council, upon agreement of the City Police, by March 31st every year.
3. The stalls determined by the Council could be changed during the summer season in case it was needed due to unexpected public requirements or to safety reasons.

ART. 5 – ALLOCATION OF THE STALLS

1. The Stalls are allocated on the basis of the list above told in art. 3 herein.
2. As soon as the list is definitive, all the applicants who are well placed in it will be sent a registered letter with advice of receipt inviting them to choose their stall according to the list order. Should anyone be unable to be there on the day and time told by the Municipal Board in charge, the choice could be done by a person delegated by the applicant. In case it is not possible to delegate a third person, the choice could be notified by fax, provided that it arrives at the Municipal board before the time set for the applicant that follows in the list.
3. The artists who carry out shows and entertainments (musicians, puppeteers and the like) could have the alternative allocation of several stalls (up to a maximum of 3, and in any case set in different areas), provided that they apply for that. However, in any areas told in art. 4, paragraph 1, there should not be more than 3 artists at a time, whatever activity they carry out. In case the allocated stall in a specific area was already engaged, the applicant should move to another one of the alternative stalls in the permit. The allottees should make agreements in order to take turns in engaging the different areas. In case the allocated stalls belong to categories that are different as concerns the C.O.S.A.P. estimate - a royalty due for the occupation of public areas, the highest rate category is taken into account.
4. In case no choice is made within the deadlines told in paragraph 2, the stall is officially allocated choosing among the free ones left-over by the other applicants.
5. If an applicant resigns the allocated stall, he would not be taken into consideration for the allocation of any free stalls during that year.
6. The stalls that for any reason (resignation by the allottee, loss of the permit, etc) become available during the summer; will be put at the disposal of the stall allottees who in the meantime applied in writing for the allocation of a different stall. Should there be several applications for the change of stall, the available one would first be put at the disposal of the applicant having a higher score in the list and, if the scores are the same, the first choice is made on the basis of the date the application was delivered to the Town Hall Reference Office.
7. Should there be no application concerning the topic told in paragraph 6 above, the available stalls will be put at the disposal of the applicants in the list who had not been not allocated a stall yet.
8. The persons told in paragraph 6 and 7 above will be sent a registered letter inviting them to accept the stall within 5 days from the reception of the registered letter. Should the Town Hall Reference Office not receive the acceptance statement within the above mentioned date, it would be considered as a resignation of the stall and it will be put at the disposal of the following applicant having the necessary qualifications.
9. The consensual exchange is allowed between people applying for that. The application is to be written from both the parties concerned and the exchange then will be formalized by the Municipal Board in charge by making an note on the permit, provided that the parties pay the

deficiency in the C.O.S.A.P. if due, or that they get the C.O.S.A.P. refund if it is due according to the Municipal Code in force concerning the C.O.S.A.P. pursuance.

ART. 6 - PERMITS

1. The permits for carrying out itinerant and strolling business above told in art.1, paragraph 5, are granted by the Manager of the Municipal Board in charge or by a delegate manager, according to the maximum number above told in art. 4 and under the provisions of the Code herein, within May 15 every year.
2. Should it be necessary, according to the firm opinion of the Town Council, more permits could be granted beyond the areas provided for, as long as the road network and traffic regulations Office at the Municipal Police Headquarters agrees on that.
3. The list of the granted permits with the names of the allottees and the given stalls is sent to the Municipal Police Headquarters, to the Municipal Trade Office and to the Municipal Tourism Office within the period above told in paragraph 1.
4. In case the business is a show or entertainment made by a group of people, the permit is granted to the group delegate who, in the application, specifies the number of people in the same group
5. The permit is not transferable, neither as an act inter vivos nor in case of mortis causa

ART. 7 – SPECIAL REGULATIONS FOR THE DISABLED

1. In case the application is made by disabled people having a disability level equal or higher than 46%, when applying they could ask to have a stall different from those approved by the Town Council according to art. 4, paragraph 2 herein, and also they could ask to carry out a business different from those in art.1, paragraph 5.
2. The above told advantages will be granted just to 3 people who are in the list told in art. 3 herein, and who have the requirements told in the foregoing paragraph 1.
3. If anyone is left out from the above-mentioned advantages due to the whole coverage of the available stalls, they could in any case apply for the allocation of the stalls decided by the Town Council according to art. 5.
4. If the stall asked for is different from those decided by the Town Council, it will be allotted upon agreement by the Municipal Police Headquarters and by the Town Council. If it is among the stalls decided by the Town Council, it will be allotted according to art. 5 herein.
5. A kind of business different from the above mentioned ones in art. 1, paragraph 5, will be allowed upon agreement by the Town Council, it being understood that should it be a business dealing with the making of objects (paintings or the like), only the objects made by the allottee could be sold.
6. The people in this article however have to comply with the regulations in the Code herein, especially as far as the application terms, the carrying out of the business and the articles 9, 10 and 11 herein are concerned.

ART. 8 – PROCEDURE TO CARRY OUT THE BUSINESS

1. In case the permit to occupy a public soil concerns a caricaturist or a portrait painter, they are entitled to carry with them only the tools and equipments that are absolutely necessary to their business (an easel, a chair, a stool, their chinks, colours, fixing stuff and everything that is necessary). They are allowed to exhibit a maximum of 6 already finished paintings that have to be stamped in advance by the Municipal Board in charge

2. The artists told in paragraph 1 are allowed to sell just the caricatures or the portraits drew by the owner of the permit, who has to stick up the work's final price.
3. The allowed business can be carried out just by the allottee, who may be helped by a relative or by a person specified in the application and then in the permit.
4. The musicians are allowed to sell CDs or cassettes that are works of their own intellect. To this end they have to produce a copy of the sleeve of a maximum of two works. The copies will be stamped by the Municipal Board in charge and attached to the permit. All the sold CDs and cassettes have to be true to the copies.
5. The business can be carried out in the period that goes from the starting time of the pedestrian area at night up to the end of it.
6. Caricatures and all the not noisy activities can be carried out from the beginning of the night ZTL – Restricted Traffic Areas - until 2.00 a.m., while the noisy business (musicians, etc.) have to stop by the time told in the Municipal Police Code.
7. If any show previously scheduled by the Municipality has to take place, the square concerned has to be free and neither refund nor payout is due to the allottee.
8. Strolling business is allowed from May 1st to September 30th in the holidays during the afternoon ZTL - Restricted Traffic Areas – time on the same stalls granted for the summer.
9. Upon agreement of the Town Council, it is also allowed to carry out activities as told in art.1, paragraph 5 herein, in days outside the period between May 1st – September 30th, on the occasion of special festivities and/or public shows, even beyond the areas told in art. 4, paragraph 1 herein. In that case, the applications should be put in together with the documents told in art. 2, at least 15 days before the show, under penalty of non-acceptance of the application and the permit will be granted upon agreement of the Municipal Police Headquarters.
10. A provision of the Town Council could change the timetable for the carrying out of the business.

ART. 9 – LOSS OF THE PERMIT

1. The permit could be lost for the following reasons:
 - a) Sale, on the granted stall, of portraits and caricatures not directly made on the place by the allottee or sale of other objects, excepted the situations at art. 7, paragraph 5 and at article 8, paragraphs 2 and 4. When such violations occur, the permit is no longer granted, not even in the following years;
 - b) the unjustified absence from the allotted place for five days in a row;
 - c) the allottee non observance of the regulations in the permit that was granted according to the Code herein (including the occupation of a stall that is not the allotted one or of an area larger than the one written in the permit);
 - d) the non observance of the Public Security Laws and the violation of the regulations in this Code and in the Municipal Police Code;
 - e) sublet of the public area to another person;
 - f) finding false statements in the application, when it is checked
2. The Muniपाल Police Headquarters has to communicate in time to the Municipal Board in charge all the checked violations.
3. In case there is just one of the violations told at letters a) and f) of paragraph 1 or two violations among the ones told in the other letters of the same paragraph, the Board in charge sends to the interested party a communication concerning the procedure of the permit loss.

4. Within 5 days upon receipt of the communication told in paragraph 3, the interested party can give explanations or counter deductions that will be taken into consideration by the Board within 10 days from the reference date.
5. If neither explanation nor counter deduction is given within the period told in paragraph 4, or if they are not upheld, the procedure for the loss of the permit is prepared, starting from the day the communication was given to the interested party.

ART. 10 – ROYALTY FOR USING THE PUBLIC SOIL

1. The Royalty for the Occupation of Public Areas (C.O.S.A.P.) is due in case a trade is carried out among those told in this Code, according to the Code in force.

ART. 11 - PENALTIES

1. Being it understood that should there be a heavy offence the laws would be applied, the violation of the above told regulations is punished with an administrative penalty from 25, 00 to 500, 00 euros, according to the Code concerning the enforcement of the administrative penalties in case of a violation of any regulation in the Municipal Codes, approved by the Municipal Council resolution n. 57 in date 12.05.2003.
2. The penalties are applied in accordance with the procedure laid down by the Law n. 689, in date 24.11.1981.
3. Without prejudice to the enforcement of the penalty, whenever a trade in this Code is carried out without a permit, the policemen checking the violation will clear away all the objects.
4. On checking the violation, the policemen are allowed to confiscate in a precautionary measure all the things that were used to make the violation and they have to confiscate all the objects that are a product of the violation.
5. When inflicting the violation according to art. 18 of the Law n. 689/81 (injunction order) the administrative authority (the Municipal Manager in charge) if not proceeding to the dismissal of the violation, will settle the pecuniary penalty according to the law framework from 200,00 to 500,00 euros, provided for in the table in attachment "A" that is an integral part of the " Code concerning the enforcement of the administrative penalties in case of a violation of any regulation in the Municipal Codes", approved by the Municipal Council resolution n. 57 in date 12.05.2003, according to the principles told in art. 11 of the Law n. 689/81.
6. The administrative authority, by an injunction order, is allowed to settle the confiscation of all the goods the were used to make the violation and has to settle the confiscation of the goods that are the product of the same violation, provided that the above told goods belong to the people who are to pay the penalty.
7. The regulation in the paragraph above is not enforced in case the goods belong to a person having no bearing with the violation.
8. Everything told above is in accordance with the proceedings in Law n. 689/1981 and D.P.R. N. 571/1982.

ART. 12 – TRANSITORY REGULATIONS

This Code entirely replaces the Code that was approved by the Municipal Council Resolution n. 16 in date 05.02.2003.