LEVELS OF TERRITORIAL PLANNING - VENETO REGION

The governance of the territory is carried out through the urban and country planning of the town, province, and region. The different levels of planning are coordinated between them in accordance with the principles of subsidiary and coherence; in particular, each plan is indicative of the whole of the directive for the editing of the planning tools of the inferior level and determines the restrictive prescriptions automatically prevailing. The plan at the "sovracomunale" level (above-town level) establishes the means and times for compliance with the plans at the town level as well as the eventual transitional measures to apply up until compliance is achieved.

Every plan dictates the criteria and limits within which the plan at the inferior level can modify the plan of the superior level without the necessity of proceeding with a variant of said plan.

The planning is structured as follows:

a) asset plan regulating land use for the town's land (PAT) and a plan for town interventions (PI) which comprise the town's regulatory plans, the intercity asset plan regulating land use (PATI) and enacted urban plans (PUA);
b) the provincial coordination plan regulating land use (PTCP); the regional coordination plan regulating land use (PTRC).

With regard to the administrative procedures and the intended uses examined here, the Town is particularly central.

NATIONAL LEGISLATION

NAME, DATE, TITLE	***LINK TO ORIGINAL TEXT***	**AREA OF APPLICATION**
Legislative Decree (LD) 22 January 2004, n. 42 Code on cultural heritage and territorial assets as modified by LD 24 March 2006, n. 156 and LD n. 24 March 2006, n. 157 as well as from LD 26 March 2008 n. 62 and LD 26 March 2008 n. 63	http://www.beniculturali.it/mibac/export/MiBAC/sito-MiBAC/MenuPrincipale/Normativa/Norme/index.html	Cultural heritage
D.P.R. 6 June 2001, n. 380 *Law on the legislative proceeding and regulations on construction projects.*	http://www.parlamento.it/parlam/leggi/deleghe/01378dla.htm	Construction
LD 26 March 2010 n. 59 (in the ordinary supplement to the Official Journal n. 75, 23 April, n. 94) – Implementation of the EU directive 2006/123/CE concerning services of internal market.	http://www.camera.it/parlam/leggi/deleghe/10059dl.htm	Commerce
LD 31 March 1998, n. 114 (in the ordinary supplement to the Official Journal n. 95, 24 April, n. 95) – Reform of the discipline regulating the trade sector, following art. 4, par. 4, of the law 15 March 1997, n. 59	http://www.parlamento.it/parlam/leggi/deleghe/98114dl.htm	Commerce
L. 29 March 2001, n. 135 (in Official Journal, 20 April, n. 92) – Reform of national legislation on tourism	http://www.camera.it/parlam/leggi/01135l.htm	Tourism

REGIONAL LEGISLATION

NAME, DATE, TITLE	***LINK TO ORIGINAL TEXT***	**AREA OF APPLICATION**
Regional Law 27 June 1985, n. 61 *Law on the organisation and use of territory* Regional Law 5 May 1998, n. 21 *Modifications to the Regional Law 27 June 1985, n. 61 «law on the organisation and use of territory» and informative procedures related to territory*	http://www.consiglioveneto.it/crvportal/leggi/1985/85lr0061.html http://www.consiglioveneto.it/crvportal/leggi/1998/98lr0021.html	Organisation and utilisation of land-construction and town planning
Regional Law 23 April 2004, n. 11 *law on the governing of territory* Regional Law 2 December 2005, n. 23 *Procedures for the application of urban and regional legislation, and modifications to Regional Law 23 April 2004, n. 11*. Regional Law 9 October 2009, n. 26 *Modification to regional law related to urban planning and construction*	http://www.consiglioveneto.it/crvportal/leggi/2004/04lr0011.html http://www.consiglioveneto.it/crvportal/leggi/2005/05lr0023.html http://www.consiglioveneto.it/crvportal/leggi/2009/09lr0026.html	Organisation and utilisation of land-construction and town planning

ADDITIONAL REGIONAL LEGISLATION ON TOURISM AND COMMERCE

NAME, DATE, TITLE	***LINK TO ORIGINAL TEXT***	***AREA OF APPLICATION***
Regional Law 4 November 2002, n. 33 *Consolidated laws on tourism* Regional Law *16 February 2010, n. 13* *Adaptation of the regional regulation of the leasing of maritime zones for touristic-recreational use to the EU codes*. Modification of regional law 4 November 2002, n. 33 and successive modifications Regional Law 16 February 2010, n. 13	http://www.consiglioveneto.it/crvportal/leggi/2002/02lr0033.html http://www.consiglioveneto.it/crvportal/leggi/2010/10lr0013.html	Tourism
Regional Law 13 August 2004 n. 15 - Veneto Region - B.U.R. 17 August 2004, n.81 *Rules for planning the start of commercial activities in the Veneto Region*	http://bur.regione.veneto.it/BurvServices/Pubblica/DettaglioDgr.aspx?id=228662	Commerce

INTENDED RESIDENTIAL USE
ADMINISTRATIVE PROCEDURES

Art.3 Presidential Decree 380/2001: Definitions of construction projects
Said article summarized the types of construction projects permitted and regulated by law, describing a) "projects of ordinary maintenance", b) "projects of extraordinary maintenance", c) "restoration and preservation projects", d) "renovation projects", e) "new construction projects", and f) "zoning restructuring".

Art. 5: Service desk for construction projects
This article concerns the office assigned to handle the rapport between private parties for all that relates to the granting of authorizations and/or the presentation of requests.
This is the central office for the authorized completion of all requested construction activities.

System of Authorization

a) free construction activities

Art.6 Presidential Decreee 380/2001: Free construction activities

a) projects of ordinary maintenance;
b) other minor projects in accordance with the law.

It is only required to give prior notice of the start of construction works, in particular:
a) projects of extraordinary maintenance provided for by article 3, paragraph 1, letter b), including the opening of internal doors or the moving of internal walls, as long as they do not involve the structural parts of the building, do not entail an increase in the number of housing units and do not involve an augmentation of urban parametrics;
b) the works are aimed to satisfy the immediate and temporary needs or the specific requirements and to be immediately removed at the end of their necessity and in any case, within time limit of no more than 90 days;
c) works involving the paving and finishing of external spaces, also for rest stops, that are contained in the index of permeability;
d) solar panels, both photovoltaic and thermal, without a tank for external build-up, at the service of the buildings;
e) Recreation areas where no profits are made and furniture in the pertinent areas of the buildings.
3. The party interested in the projects provided for in paragraph 2 shall enclose with the communication of the start of such works the required authorizations according to the by-laws of the sector and letter a) of the same paragraph within the limits of the projects provided for in same paragraph 2, the identifying data of the company that intends to entrust the carrying out of the project.
4. Within the limits of the projects provided for in paragraph 2, letter a), together with the communication of the commencement of the works, the interested party must send to the

town/city administration a technical report including a definite date and the appropriate working plans, with the signature of a qualified engineer.

b) works subject to a work permit

Art.10 Presidential Decree 380/2001: Projects subject to a construction permit

The article concerns projects of major relevance under the profile of construction

1. These constitute projects of urban and construction transformation and for which a construction permit is required :
a) new construction projects;
b) renovation projects;
c) renovation projects that partially or wholly change the organization of the building from its previous state, and that entail an increase in housing units, modify the volume, shape, fronts, facades or surfaces or that, within the limits of the homogenous zones A, entail changes from the intended use.

Procedure for the granting of a construction permit

Art.20 Presidential Decree 380/2001
1. The application for the granting of a construction project, undersigned by one of the legitimate subjects under article 11, shall be presented at the service desk, and shall include certification concerning the legal title, from the project plans required in accordance with building regulations and when projections are present, to the other documents aforementioned in part II, to the hygiene-health codes when the project concerns residential construction interventions where inspection regarding such conformity does not imply technical- discretional evaluations.
2. The service desk communicates to the applicant within 10 days the name of the person in charge of the process in accordance with articles 4 and 5 of the Law 7 August 1990, n. 241, and successive modifications. The review of applications is held according to the chronological order in which they were presented.
3. Within sixty days of the presentation of the request, the manager of the process who oversees the establishment of the project defers to the service desk, relying on the prescribed judgments of the town offices, specifically the judgments related to article 5, paragraph 3, as long as these judgments have not already been attached to the request by the applicant and, the project having been evaluated in accordance with the current legal codes, formulates a proposal of regulations, furnished with a detailed report with the technical- juridical qualification for the requested intervention.
5. The terms under paragraph 3 can only be interrupted once by the person in charge of the process, within 15 days of the presentation of the request, exclusively for the motivated request of documents that supplement or complete the documentation presented and which are not already available to the administration or that the administration cannot autonomously acquire. In this case, the term will be reestablished from the date of the reception of the integrated documentation.
6. In the event that, in order to carry out the project, it is necessary to acquire actions of assent from other administrations, the competent town hall will call for a conference of services according to articles 14, 14-par. 2, 14-par. 3, 14-par. 4 of Law 7 August 1990, n. 241, and successive modifications.

7. The final measure, that the service desk takes steps to notify the interested party, is adopted by the office manager, within 15 days of the proposal under paragraph 3, or by the outcome of the conference of services under paragraph 6. With the granting of the construction permit notice is given to the public on the council notice board.
8. The time limits under paragraphs 3 and 5 will be doubled for towns with more than 100.000 inhabitants, as well as for projects that are deemed to be particularly complex by the person in charge of the process.
9. Failure to comply with the term limits for the adoption of concluding procedure implies a tacit refusal on the request for a construction permit.
10. …

Art.79 l.r. Veneto 61/85
Authorization is granted by the Mayor, prior judgment by the Town Building Commission, and in the case of cultural preservation in accordance with the law, is further subject to the approval of the competent state authority or that of the Commission for the Safeguarding of Venice.
…
The execution of works, under the first case in the previous paragraph, can only take place when:
1) there exists a copy of the request presented to the Municipality which shows the date of submission, and all of the plans prescribed and enclosed with it, with the certification on the part of the planner and their conformity to the prescriptions and the legal constraints on the zone and for the concerned property;
2) there exists the approval of the competent state authority or that of the Commission for the Safeguarding of Venice, where requested, in the case in which they are protected assets;
3) there exists every authorization, *nulla osta*, visa or other acts provided by state, regional, provincial or town law, or, in case of a single qualifying measure, a copy of the request presented with the documentation of the tacit agreement of the competent authority with the granting of the permit for at least 60 days;
…
5) in the case of *onerous granting*, the municipality shall have been paid the prescribed contribution provisionally calculated by the same applicant except for any balance on the basis on decisions made by municipal institutions;
6) in the case of a town with a population over 30,000 inhabitants, there exists a certificate from the mayor or from the manager of the competent town hall which contains all of the prescriptions and restraints concerning the zone and the interested party or, if the certificate was not granted within 60 days of the presentation of the related request, there exists a copy of the request which shows the date of presentation; said certificate remains valid for a year from the date it was granted, as long as no modifications to the town planning orders were put into force.

Where these properties were subject to **territorial/environmental** protection in accordance with the law

Art.146 d.lgs. n- 42/2004: authorization
1. the owners, possessors, or holders of any title of properties and areas of territorial interest, protected by law according to the terms of the law, the terms of article 142, or

based on the law, under the terms of articles 136, 143, paragraph 1, letter d), and 157, can neither destroy them nor introduce modifications that that bring about arm to the value of the landscape that is the object of protection.
2. The subjects under paragraph 1 are required to present to the competent administration the plan of projects that they intend to carry out, supplied with the prescribed documentation, and to refrain from initializing such works until they have obtained such authorization.
3. The documentation that complements the plan is contingent on the verification of the compatibility between the concern for territorial protection and the planned intervention.
4. Territorial authorization constitutes autonomous proceedings and conditions regarding the construction permit or the other titles that justify the construction project. Outside of cases under article 167, paragraphs 4 and 5, the authorization cannot be granted for a regularization certificate after the full or partial completion of the projects. The authorization is valid for a period of five years, and expired when the execution of the planned works must be submitted for new authorization.
5. When territorial authorization is determined by the region, after having received the binding judgment of the superintendent in relation to the projects to be executed on property and areas subject to protection under the law or based on the law, under paragraph 1, except when handled under article 143, paragraphs 4 and 5. The judgment of the Superintendent … assumes an obligatory nature which is non binding.
…
7. The competent administration that grants the territorial authorization, having received the request for the territorial authorization, verifies if conditions are met for the application of article 149, paragraph 1, equal to the criteria connected to articles 140, paragraph 2, 141, paragraph 1, 141-par.2 and 143, paragraph 3 letters b), c) and d). Whichever said conditions are not met, the administration verifies if the same request is supplied with the documentation under paragraph 3, providing, where necessary, to request further appropriate documentation and to carry out any possible verification. Within forty days of the receipt of the request, the administration carries out the determinations regarding the conformity of the proposed project with the prescriptions enclosed in the measures of declaration of public interest and in the territorial plans and sends the superintendent the documentation presented by the interested party, accompanied by a detailed technical report, as well as informing the interested party from the start about the process under the regulations of the law concerning administrative procedure.
8. The superintendent gives his judgment in accordance with paragraph 5, within the limits of the territorial compatibility of the planned project in its entirety and to the conformity of said project to the regulations contained in the territorial plan or to the specific regulation under article 140, paragraph 2, within forty five days of the receipt of the documents. Within twenty days from the receipt of the judgment, the administration grants authorization which conforms to or communicates to the interested parties notice of a negative action in accordance with article 10-par. 2 of Law 7 August 1990, n. 241, and successive modifications.
9. Failure to comply to the time limit of the first period in paragraph 8 without the superintendent having made his prescriptive judgment, the competent administration could call a conference of services, to which the superintendent would participate or would forward his written judgment. The conference would be decided on within the peremptory time limit of fifteen days. In any case, after sixty days from the receipt of the documents by

the superintendent, the competent administration must act on the question of authorization.
10. Failure to comply to the time limit as indicated in the last period of paragraph 8 without the administration having spoken out, the interested party can ask the region for alternative authorization that is provided, even by means of an acting administrator *ad acta*, within sixty days of the receipt of the request.
11. The territorial authorization goes into effect thirty days from that day it was granted and sent, without delay, to the superintendent who had given his judgment over the course of the proceedings. Additionally, together with the superintendent's judgment, the authorization shall be sent to the region where other interested local authorities and, where it exists, to the parks authority where the land or the area subject to regulations is found.
12. The territorial authorization can be appealed, which shall be filed at the regional administrative court or with an extraordinary appeal to the President of the Republic, by associations which aid the different individual interests under the regulations of the law concerning the environment and damage to the environment, and by any other any other interested private or public party. The rulings and orders of the regional administrative court can be appealed by the same parties, even if they did not submit an appeal to an inferior court.
13. Every competent administration that grants territorial authorization holds a list of the grants that were previously authorized. This list, updated at least once every thirty days and freely consultable, even on the internet, indicates the date of the granting of every authorization, with a summary of notes relative to the request.

<u>Where these assets are cultural assets protected under the law</u>

<u>Article 21 d.lgs. n. 42/2004: Projects subject to authorization</u>

1. The following are subject to the authorization of the Ministry:
a) the removal or demolition, even with successive reconstitution, of cultural assets;
…
4. Outside of the cases under the previous paragraphs, the execution of works of any kind on cultural assets is subject to authorization, but implies the obligatory communication to the Ministry for purposes as stated in article 18 of the superintendent. The change from intended use of same assets is communicated to the superintendent for the purposes under article 20, paragraph 1.
5. The authorization is made on the project or, if it is sufficient, on the technical description of the project, presented by the applicant, and may contain prescriptions. If the work does not begin within five years of the granting of the authorization, the superintendent can set out prescriptions, or vary or integrate those already given with regard to the change in preservation techniques.

<u>Art.22 d.lgs. n. 42/2004: Authorization procedure for construction projects</u>
1. Outside of the cases provided for by articles 25 and 26, the authorization according to Article 21, paragraph 4, related to public and private construction projects is granted within the time limit of 120 days from the receipt of the request on the part of the superintendent.

2. If the superintendent asks for clarification elements integral to the judgment, the time limit indicated in paragraph 1 is suspended until the receipt of the requested documentation.
3. If the need arises to proceed with technical verifications, the superintendent shall provide a preventative notification about them to the applicant and the time limit indicated in paragraph 1 is to be suspended until the acquisition of the outcomes of the office's verifications and however for no more than thirty days.
4. If the established time limits are not adhered to, the applicant can request that the administration take additional steps. If the administration does not act within thirty days following the receipt of the petition, the applicant can take action according to Article 21-par. 2 of Law 6 December 1971, n. 1034, and successive modifications.

c) works subject to the notification of the start of activities now known as *segnalazione certificata inizio attività*: S.C.I.A.

Art.22: Notification of the start of activities
With the notification of the start of activities, one may carry out projects not provided for above, if they conform to urban by-laws, to construction regulations and to urban construction codes.
Moreover, through the notification of the start of activities, one may carry out variations to construction permits that do not fit within the town planning parameters and volumetrics, that do not modify the intended use and the category of construction, that do not alter the shape of the building and that do not violate the possible prescriptions contained within the construction permit. For the purposes the activities of planning and construction oversight, as well as for that of the granting of the certificate of use and occupancy, these notifications of the start of activities constitute an integral part of the process related to construction permits for the main project and can be presented before the of the finalization of work.
As an alternative to the construction permit, the following works can be carried out with the notification of the start of activities:
a) projects of restructurization under Article 10, paragraph 1, letter c);
b) projects of new construction or urban restructurization when they are regulated by plans of implementation, however they are denominated, including negotiation agreements having the value of a plan of implementation, that contain precise planimetric, volumetric, typological, formal and building arrangements … ;
c) projects of new construction when they are in direct execution of general planning tools and bear precise planimetric and volumetric arrangements. (…)
5. Projects under paragraph 3 are subject to construction aid/grants under article 16. The regions may individuate by law other projects subject to notification of the start of activities, beyond those under paragraph 3, subject to the construction contribution defining criteria and parameters for the related determination.
6. The carrying out of projects under paragraphs 1, 2 and 3 that concern property under historical-artistic or territorial-environmental protection is subject to a prerequisite judgment or authorization requested according to the related legal regulations. In the context of protection, these projects fall specifically under the regulations of the legislative decree of 29 October 1999, n. 490.
7. However, the applicant shall reserve his right to request that the construction permit be granted for the carrying out of the interventions under paragraphs 1 and 2, without being

obligated to pay the construction contribution indicated under article 16, except when in it is set forth in the second period of paragraph 5. In this case, the violation of the planning and building codes does not entail the application of sanctions under article 44 and it is instead subject to the application of sanctions under article 7. 37.

Art.23: process for the granting of the S.C.I.A.

1. At least thirty days before the effective start of this construction work,. the owner of the property or the person who has the title for presenting the application for the start of activities will present the application at the service desk, together with a detailed report signed by a qualified engineer which gives the appropriate working plan that ensures that the works to be carried out conform to approved tools, that they are not in contrast to construction regulations currently in force, and that respect safety, hygiene, and sanitation laws.
2. The application for the start of activities is supplied with a statement by the company who intends to entrust the construction work and is subjected to the maximum time limit for efficiency which is equal to three years. The carrying out of a part of the project which is not completed is subject to a new application. The interested party is however obliged to to communicate to the service desk the date of the finalization of the works.
3. If the property which is the subject of the project is subject to a legal constraints regarding the jurisdiction of protection by the administration of the same municipality, even if with delegation, the time limit of thirty days under paragraph 1 starts to be counted from the granting of the relative action of assent. Where such action is not favorable, the application is void.
4. If the property which is the subject of the project is subject to a legal constraints regarding the jurisdiction of protection but not by the same municipal administration, where the favorable judgement to the subject proposed for protection is not connected to the application, the competent municipal office will call for a conference of services under articles 14, 14-par.2, 14-par.3, 14-per.4 of Law 7 August 1990, n.241. The time limit of thirty days under papragrph 1 begins to run with the outcome of the conference. If the outcome was not favorable, the application is void.
5. The confirmation of the title is verified with a copy of the application for the start of activities, which indicates the date of receipt of the application, the list which was presented in support of the project, a certificate of professional qualification, as well as the actions of assent that may be necessary.
6. When within the term limit indicated in paragraph 1 the manager or person in charge at the competent municipal office finds that one or more of the established conditions has not been met, he or she will notify the party of the motivated order to not carry out the forseen project and, in case of false professional certification, will inform the legal authorities and the council of same order. The applicant, however, reserves the right to present a second application for the esatblishment of activities, with the changes or the supporting documentation necessary to make it conform to planning and building laws.
7. Once the project is completed, the engineer or a qualified technician shall grant a certificate indicating the passing of a final inspection, to be presented at the service desk, with which the party may attest to the conformity of the work with the project presented with the application at the start of the activities. At the same time, the office provides a receipt of the presentation of the cadastral variation consequent to the finished works; that

is, a confirmation that these works did not involve modification of classification. In the absence of such documentation, sanctions are applied under article 37, paragraph 5 (2).

ON S.C.I.A.

Art.19 l. 241/90: Certificate reporting the start of an activity - Scia

1. Every act of authorization, licensing, additional grant, permit or *nulla osta* which is granted, including the requests in registers or roles required for the carrying out of entrepreneurial activities, commercial activities, or artisan activities, depends exclusively on the verification of requirements and prerequisites required by law or by general administrative actions. No limit or overall contingency is foreseen, nor specific sectorial planning instruments for the granting of these actions. These are substituted with a warning to the interested party, with the only exclusion being cases in which there are environmental, landscape, or cultural constrains and actions granted by the administration in the face of national defense, public safety, immigration, asylum, citizenship, administration of justice, finance, including acts concerning the network of the acquisition of revenue, even that obtained by gaming, as well as that imposed by the laws of the European Union. The warning is furnished with equivalent documentation and with an attested affidavit for what concerns all of the states, personal qualities, and facts foreseen in articles 46 and 47 of the Decree of the President of the Republic 28 December 2000, n. 445 , as well as by the statements and the obtaining of judgments of appropriate bodies and authorities, and sworn statements of qualified technicians. In cases in which the law foresees the obtainment of judgments of suitable bodies or authorities or the execution of precautionary verifications, these may however be substituted with self-certifications, statements, and sworn statements or certifications under the present paragraph, except for the successive verifications of competent bodies and administrations.-

2. The activity which is the subject of the warning may be initiated from the date of the presentation of the warning by the competent administration.

3. In case of a verified lack of requirements and prerequisites under paragraph 1, the competent administration may, within the time limit of sixty days from the receipt the warning of same paragraph, adopt motivated procedures forbidding of the carrying out of the activity and for the removal of any damaging effects of same, except when the party takes steps to conform said activity and its effects to the laws in force within a time limit determined by the administration and in any case, no less than thirty days. The competent administration, however, reserves the right to take decisions which will allow them to protect themselves, under articles 21-par.5 and 21-par.9. In case of substituted declarations of certification and of false affidavits or false statements, the administration, holding the application to the legal sanctions under paragraph 6, as well as those under title VI of the Decree of the President of the Republic 28 December 2000, n. 445, may at any time take steps outlined under the first period.

4. Once the time limit begins for the taking of steps under the first period of paragraph 3, the administration is permitted to intervene only in the presence of danger of damage to an artistic or cultural asset, to the environment, to public health, to public safety or national defense and, however, prior motivated verification of the impossibility to protect these interests by conforming the private parties' activity to the laws in force. (…)

Art.20: Tacit Consent

1. With the exception of article 19, in the petitioning process for the granting of administrative measures, the silence of the competent administration is equivalent to an acceptance of the request, without the necessity of further petitions or cautions, if same administration does not communicate the action of denial to the applicant in the time period under article 2, paragraphs 2 or 3, or if it does not proceed with the provisions under paragraph 2.

2. Within thirty days of the presentation of the petition under paragraph 1, the competent administration can call a conference of services under the provisions of title IV, also taking into account the subjective legal situations of the counterparties.

3. In cases in which the silence of the administration is equivalent to an acceptance of the request, the competent administration can adopt decisions towards their self-defense, under the provisions of article 21-par. 5 and 21-par. 9.

4. The measures of the current article may not be applied to laws and legal proceedings regarding cultural and landscape assets, the environment, national defense, public security, immigration, citizenship and asylum, health and public safety, in cases in which the European Community Law imposes the adoption of formal administrative procedures, in cases in which the law qualifies the silence of the administration as a rejection of the petition, and in laws and procedures that are specified by decrees of the Prime Minister.

Regulations regarding the **use and occupancy** of buildings (at the end of the project)

Art.24: Certificate of use and occupancy

1. The certificate of use and occupancy attests to the subsistence of conditions of safety, hygiene, health, energy conservation within the building and the fixtures installed within, evaluated according to the degree to which they apply to legal regulations.

2. The certificate of use and occupancy is granted by the manager of the competent municipal office with reference to the following projects:

a) new construction;

b) reconstruction or raised construction, total or partial;

c) projects on existing buildings that could influence the conditions of safety, hygiene, health, etc.

3. With reference to the projects under paragraph 2, the title holder of the construction permit or the subject who presented the notification of the establishment of construction activities, or their successors or successors in title, are obliged to request the granting of a certificate of use and occupancy.

Art.25: Procedures for the granting of the certificate of use and occupancy

1. Within fifteen days of the finalization of the finishing stage of the project, the subject under Article 24, paragraph 3, must present to the service desk the request for a certificate of use and occupancy, enclosing the following documentation:

a) a request for building scrap collection, underwritten within the same request for a certificate of use and occupancy, that the service desk then sends to the land office;

b) a declaration underwritten within the same request for a certificate of use and occupancy of the conformity of the work to the approved project, as well as of the drying of outer walls and of environmental health;

c) a declaration from the installation firm that attests to the conformity of the fixtures installed in the buildings for civilized use under the regulations of the law, or the inspection certificate of the same.

2. The service desk communicates to the applicant, within ten days after receiving the request according to paragraph 1, the name of the person put in charge of the process under articles 4 and 5 of Law 7 August 1990, n. 241.

3. Within thirty days after receiving the request according to paragraph 1,the manager of the competent town hall, prior to the eventual property inspection, grants the certificate of use and occupancy once certain documentation is verified (inspection, seismic certificate etc.).

4. Failure to comply with the time limit in paragraph 3, use and occupancy means certified, in case the judgment was granted by A.S.L. Under article 5, paragraph 3, letter a). In case of a self-declaration, the time limit for forming tacit consent is sixty days.

5. The time limits under paragraph 3 can be interrupted only once by the person responsible for the process, within fifteen days of the request, exclusively for the request of additional supporting documentation that cannot be requested autonomously. In such a case, the time limit of thirty days will recommence from the date of receipt of the additional documentation.

INTENDED COMMERCIAL USE
ADMINISTRATIVE PROCEDURES

Article 4 of d.lgs. n. 114/98 and article 7 of l.r. Veneto 15/2004, first and foremost delineates the dimensional limits concerning retail space; businesses, in fact, are classified according to their dimensions: into neighborhood businesses, medium-size retail structures and large retail structures.

Neighborhood permits:
Art.7 d.lgs. n. 114/98, art. 13 l.r. 15/2004 provides for the instrument of the **Notification of the Establishment of Activities**, under art. 19 l. 241/90, for openings, relocations, extensions and/or additional entrances.
Art. 19 l. 241/90: formulated the declaration of the commencement of an activity to the competent town hall, with the appropriate application forms, the recipient administration can intervene in case of verified shortcomings in the requirements and premises, within the limit of sixty days from the receipt of the notice, adopting motivated measures to ban the continuation of the activities and the removal of the eventual damaging effects of same, except when, where possible, the party seeks to conform said activity and its effects to the laws in force within a time limit fixed by the administration and in any case non than thirty days. However, the competent administration shall reserve its right to adopt decision in order to protect themselves. Once the time limit begins for the adoption of the measures above, the administration is only permitted to intervene in the presence of the danger of damage to a cultural or artistic asset, to the environment, a public health, to public security or to national security, and prior motivated verification of the impossibility of protecting these interests through the conformity of the activity of private parties to the laws in force.
The declaration must be included along with the declarations a) to be in possession of the requirements under article 5; b) to have respect the local regulations of the municipal police, the construction codes and laws as well as those related to intended uses; c) the sector or sectors of the product, location and retail space of the business; d) other specific regulations.

Medium sized retail structures:
Art.8 d.lgs. n. 114/98, art. 14 l.r. 15/2004; grants an instrument of authorization to the competent regional municipality regarding opening, change of headquarters, change in product sectors, extensions; the sub entry is ruled by **D.I.A.**
In the request, the party declares: a) to be in possession of the requirements under article 5, as well as moral requirements, currently provided under art. 71 d.lgs. n. 59/2010; b) the sector or sectors of the product, location and retail space of the business; c) other specific regulations.
Every Municipality adopts procedures for the granting of authorization, and further adopts laws on the process concerning the requests for medium sized retail structures; establishes the time limit, however no longer than ninety days from the date of receipt, within which the requests must be deemed as accepted if no communication was made of an action of denial, as well as all of the other regulations aimed to ensure transparency, the timeliness of administrative action and the participation in the process according to Law 7 August 1990, n. 241, and successive modifications.

Large sized retail structures:

Art.9 d.lgs. n. 114/98, art. 15 l.r. 15/2004: grants an instrument of authorization to the competent regional municipality regarding opening, change of headquarters, change in product sectors, extensions of large retail structures; the sub entry is ruled by **D.I.A.**

In the request, the party declares: a) to be in possession of the requirements under article 5, as well as moral requirements, currently provided under art. 71 d.lgs. n. 59/2010; b) the sector or sectors of the product, location and retail space of the business; c) other specific regulations.

Within sixty days of receipt of the request for the granting of authorization, the request is examined by a conference of services called by the municipality. It is comprised of three members, representatives of the region, province and the same municipality, who decide according to the conformity of the settlement to the planning criteria. The deliberations adopted are decided by majority, within ninety days of the convocation; the granting of authorization is contingent upon the favorable judgment by the representative of the region.

The region adopts the regulations on the procedure concerning the requests related to large retail structures; it establishes time limits no longer than one hundred twenty days from the date of the convocation of the conference of services, within which the requests must be deemed as accepted if no communication was made of an action of denials well as all of the other regulations aimed to ensure transparency, the timeliness of administrative action and the participation in the process according to Law 7 August 1990, n. 241, and successive modifications.

Regional law provides for further types of commercial activities for businesses (commercial parks, outlets.) regulated according to the categories described above.

Il d.lgs. n. 59/2010, art. 25, provides for the availability of a service desk for the carrying out of activities of the process, where the applicant may execute all of the formalities requested.

INTENDED TOURISTIC USE
ADMINISTRATIVE PROCEDURES

Art.22 of the l.r. Veneto 33/2002 lists the types of hospitality structures, classifying: a) hotels; b) motels; c) village resorts; d) tourist residences; e) historic residences.
Definitions:
a) Hotels are hospitality structures which are open to the public under a single management framework, that provide lodging and perhaps meals and other service comforts, in rooms, suites, junior suites, and living units. The suites are rooms comprised of at least two distinct rooms, of which one is furnished with a living space and another, a bedroom with at least one bathroom. The junior suites are comprised of a single room having a part which is furnished as a living space and a private bathroom. The living units are made up of one or more premises furnished with a bedroom, living room, are equipped with self- service kitchens and private bathrooms, and are permitted within the maximum limit of forty percent of the accommodation receptivity authorized for rooms, suites or junior suites;
b) Motels are hotels specifically equipped for the parking and assistance of cars or for mooring that ensure the same services of repair and refueling;
c) Village resorts are hospitality structures which, in a single area, provide users with separate living units which are also supplied with centralized services;
d) Tourist residences are hospitality structures which are open to the public, are under one management, and which provide lodging and amenities in living units. The presence of a living unit with a kitchenette is permitted in a maximum limit of forty percent of the accommodation receptivity authorized for living units;
e) Historical residences are hospitality structures located on property which is of particular historical-architectural prestige, is furnished and decorated either in keeping with its historical period or at a particular artistic level, and provides highly qualified reception services.

The following regulations indicate the requirements for the classification of these structures.

Art. 25 lists types of extra-hospitality structures, classifying: a) room rentals; b) hospitality activities in restaurants; c) bed & breakfast activities; d) furnished living units for touristic use; e) residential hospitality structures; f) hospitality activities in rural residences; g) vacation homes; h) youth hostels; i) guest flats l) religious hospitality living quarters; m) study holiday centers; n) extra-hospitality historical residences; o) excursionist resorts; p) alpine resorts.
Definitions:
a) Room rental facilities are structures that ensure minimum services and meet all requirements provided by law. They are composed of no more than six rooms, each one with independent access from the other spaces, intended for clients located in no more than two furnished apartments in the same building, in which lodging is provided and perhaps amenities, including the possible provision of meals and beverages;
b) Restaurant hospitality facilities are structures which provide minimum services and meet all requirements provided under the law. They are composed of no more than six rooms, each one with independent access from the other spaces, managed in a way which complements the activities of the restaurant of the same owner and on the same property.

The restaurant facilities in the present paragraph may use in addition to their own denomination the purpose of an inn;
c) Bed & breakfast facilities are hospitality structures run by private parties that, making use of their family organization, use part of their own living quarters, to a maximum of three rooms, providing lodging and breakfast as well as minimum services foreseen in the second part of attachment F;
d) Furnished living units for touristic use are houses or apartments, furnished and supplied with hygienic services and cooking facilities, leased to tourists, over one or more seasons, with contracts that are valid for no less that seven days and no more than six consecutive months and that provide the minimum services foreseen under the law without the availability of any type of hotel service. The furnished living units for touristic use may be managed: a) in an entrepreneurial manner; b) in an non-entrepreneurial manner, by means of self-certification, by whomever has the availability to a maximum of four living units, without organization in the form of a business enterprise; c) with non-direct management, by real estate and tourism agencies that intervene as agents or subleasers, in furnished living locations for touristic use in an entrepreneurial manner or in a non-entrepreneurial manner, who refer to the titleholder of same who does not intend to manage such structures in a direct manner;
e) Residential hospitality structures are single complexes made up of one or more properties comprised of apartments that provide minimum services which under the law are furnished and supplied with hygienic services, autonomous cooking facilities, management in an entrepreneurial manner, leased to tourists, with contracts that are valid for no less than three days and no more than six months;
f) Rural hospitality structures, which may assume the denomination of country house, are structures found in manor villas or rural dwellings with an adjunct land lot of at least 5,000 square meters to use for sporting and recreational activities. It provides minimum services and is in possession of the requirements provided for by law, comprised of rooms, perhaps with a kitchenette, and have restaurant services open to the public with a maximum limit of thirty occupants and are possibly equipped for sporting and recreational activities;
g) Vacation homes are hospitality structures that provide minimum services are in possession of all of the requirements provided for under the law, equipped for the stay of an individual or group and managed outside of the normal commercial channels, by public bodies, associations or religious organizations, non-profit organizations, for social, cultural, assistance, religious, or sporting aims as well as for the stay of dependent or relatives of organizations. In these vacation homes there may also be guests of dependents or their relatives of other agencies or assistants or organizations under the present paragraph with whom it was stipulated in an appropriate convention;
h) Youth hostels are hospitality structures that provide minimum services are in possession of all of the requirements provided for under the law, equipped for the stay or overnight stay, for limited periods, of youth and their chaperones, managed directly or indirectly by recognized organizations and associations;
i) Guest flats are hospitality structures that are normally used for colleges, boarding homes, religious institutions, retirement homes, and in general all other public or private structures, managed without aim of profit that, even is an exception to the regulations under the current law, are subject to communication to the municipality for periods not longer than sixty days a year, offering hospitality to individuals or organized groups by organizations and

associations that operate in the field of social and youth tourism, or for social, cultural, assistance, religious and sporting aims;
l) Religious hospitality facilities are those that provide minimum services are in possession of all of the requirements provided for under the law, characterized by the religious aims of the organization that organizes, for payment, whomever asks for such hospitality with a religious character to same hospitality and with the acceptance of the consequent rules of behavior and limitations of service.
m) Study holiday centers are hospitality structure, run by local public organizations, associations, labor organizations, private operators in the training sector dedicated to hospitality with the aims of education and training in structures equipped with appropriate facilities for teaching activities and specialized conferences, with rooms for the holiday of guests which provide the requirements foreseen for two-star hotel classification.
n) Extra-hospitality historical residences are classified as such when they are hospitality structures, located in property complexes of particular historical and architectural prestige, furnished and decorated either in keeping with its historical period or at a particular artistic level, and provides highly qualified reception services.
o) Excursionistic resorts are hospitality structures in possession of the requirements provided for by law, open to the public and suitable for offering hospitality and comfort to vacationers in mountain areas in areas favorable to climbing, accessible by car or other means of regular transportation, also in proximity to residential centers and also directly connected to public roadways.
p) Alpine resorts are hospitality structures in possession of the requirements provided for by law, located in the mountains at a distance of no less than 1,300 meters or, exceptionally at a distance of no less than 1,000 meters, when particular environmental conditions occur, in relation to the topographical position, to the difficulty of access and the alpinistic-touristic importance of the place, under ownership or managed by private or public bodies or non-profit associations in the sector of alpinism and excursionism. Alpine resorts are equipped for the rest, comfort, and for the alpine aid and must be staffed and open to the public for limited periods during the touristic seasons. During the periods when it is closed, the alpine resorts must arrange for a shelter site, conveniently equipped, always open and externally accessible in case of heavy snowfall. During the period of seasonal opening, this shelter service must still be guaranteed for the entire span of the day.

The following regulations indicate the requirements for the classification of these structures.

L'art.28 list the types of outdoor hospitality structures, classifying: a) i tourist villages; b) campsites.

Definitions:
a) Tourist villages are hospitality structures open to the public, under one management, furnished and equipped in enclosed areas intended to provide aid and holiday in fixed or movable living quarters for tourists who are mainly not equipped with their own means for overnight stays. Tourist villages may also provide pitches for campsites, furnished for the aid and holiday for tourists without their own means for overnight stay;
b) Campsites are hospitality structures open to the public, under one management, furnished and equipped in enclosed areas intended to provide aid and holiday in fixed or movable living quarters for tourists who are mainly not equipped with their own means for

overnight stays. Camsites may also be equipped with mobile living units, such as tents, trailers, caravans, mobile homes, maxi caravans, motor caravans or campers and fixed living units, for the aid and holiday for tourists without their own means for overnight stay .

The following regulations indicate the requirements for the classification of these structures.

Art. 9 l. 135/2001 provides that "the opening and transfer of hospitality structures are subject to authorization, granted by the mayor of the municipality where the activity takes place. The granting of authorization enables one to initiate, together with furnishing the availability of hospitality services, the provision of food or beverages to the lodgers, to their guests and to those who are guests of the hospitality structure in the context of organized events and meetings. The same authorization also allows the provision of newspapers, magazines, film for photography and video, postcards and stamps to the lodgers, and recreational equipment, always remaining subject to the codes in force regarding safety, hygiene and sanitation. *The authorization under paragraph 1 is granted under article 86 of the consolidated law on public safety, approved with a royal decree on 18 June 1931, n. 773. The hospitality activities must be carried out with respect to the laws, regulations and authorizations currently in force which concern construction, planning, sanitation and hygiene and public safety as well as those on the intended use of property and buildings*".

The license *ex* art.86 r.d. 773/1931 is the license of Public safety which is also granted by the Municipality.

L'art.41 l.r. 33/2002 illustrates, with greater detail, the necessary requirements for the opening of the structures above:
Authorization from the municipality is necessary for the opening of hospitality structures, both those indoors and outdoors. The authorization must contain the indications related to the classification assigned, to the capacity of the structure, the hours/period of operation and the location of the structure.
The authorization under paragraph 1 is granted also under the provisions of article of the consolidated law on public safety. The granting of authorization enables one to initiate, together with furnishing the availability of hospitality services, the provision of food or beverages to the lodgers, to their guests and to those who are guests of the hospitality structure in the context of organized events and meetings. The same authorization also allows the provision of newspapers, magazines, film for photography and video, postcards and stamps to the lodgers, and recreational equipment, always remaining subject to the codes in force regarding safety, hygiene and sanitation.

A **declaration of the start of activities** is required, which indicates the classification assigned, the capacity of the hospitality structure, the period of operation. The location of the extra-hospitality structures are subject to classification; similarly, they necessitate an indication of the period of operations of the excursion and alpine shelters.

Art.27 l.r. 33/2002, necessitates a **declaration of the start of activities**, to present to the municipality and the province responsibility for the territory, on the form available at and provided by the province, on the regional form, the family-run hospitality activities of bed & breakfast and the guest flats.

NB: the declaration of the start of activities **(in Italian, D.I.A.)** is now known as the **certified reporting of the start of activities (in Italian, S.C.I.A.)**