



## **OPERATING REGULATION**

**ANNEXE I**

# **OPERATING REGULATION OF MARINA DE VILAMOURA**

Subject

## **Article 1**

Subject

The use of Marina de Vilamoura, hereinafter referred to as marina, of which LUSOTUR - Sociedade Financeira de Turismo, S.A. is the concessionaire, shall be governed by the provisions set out in the present Regulation.

### **Entry, stay and departure from the marina**

#### **Article 2**

Access

1. When entering the marina all vessels shall fly the Portuguese flag in addition to their own flags.
2. The infringement of the provisions set out in the preceding paragraph shall entail an unlawful administrative offence punishable with a minimum fine of 5,000\$ and a maximum of 100,000\$.

#### **Article 3**

Formalities and manoeuvres when entering

1. When entering the marina all yachts shall tie up at the waiting berth in order to:
  - a) Regularise their stay with the reception and control services;
  - b) Proceed to the legally required formalities with the maritime and customs authorities.
2. Whenever necessary, the staff of the maritime services of the marina may assist the vessels in their manoeuvres.

3. The infringement of the provisions set out in paragraph no. 1 shall entail an unlawful administrative offence punishable with a minimum fine of 5,000\$ and a maximum of 200,000\$.

#### **Article 4**

##### Duties

1. During their stay at the marina the owners or their representatives shall:
  - a) Ensure the status of their vessels has been duly legalised with the services belonging to the marina and the maritime and customs services;
  - b) Ensure that vessels are safely tied up and that no outer part is projected above the floating quays and prevents people from passing by;
  - c) Ensure the vessels are kept clean and in order;
  - d) Keep the name and port of register of the vessels written on a visible area of the outer part of the vessels;
  - e) Ensure the vessels are always in a perfect state of buoyancy;
  - f) Respect the rules of neighbourliness;
  - g) Comply with the rules that are defined by the concessionaire and posted in the port facilities concerning parking, lighting, noise and other forms of pollution.
2. During the stay of the vessels, their owners or respective representatives shall, when absent, inform the administrative services of the marina of such fact and indicate the means through which and the place where they or their representatives can be contacted, in case of need.
3. The infringement of the provisions set in the preceding paragraphs shall entail an unlawful administrative offence punishable with a minimum offence of 5,000\$ and a maximum of 200,000\$.

#### Article 5

##### Prohibitions

1. During the stay at the marina it shall be forbidden to:
  - a) Sail at a speed superior to three knots in the inland port and at the entrance or exit of such port, causing waves that can affect the well-being of the other users;
  - b) Empty oil, dirt, waste or any objects in recipients other than the appropriate ones existing on the quays or adjacent areas;
  - c) Test engines or carry out work inside the vessels that may disturb the other users between 8 p.m. and 9 a.m. of the following day;
  - d) Use projectors, except in an emergency;
  - e) Anchor in the outer port or in the canal giving way to the inland port or whenever it may obstruct manoeuvres of vessels;
  - f) Park at the fuel berth or waiting berth beyond the necessary time;
  - g) Make repairs or works that cause noise or pollute the moorings;
  - h) Make electrical connections to the terminals except when using the connections indicated by the marina;
  - i) Bathe or swim in the waters of the inland port;
  - j) Use vehicles on the floating quays;
  - k) Use tow trucks or tents either for accommodation or for profit;
  - l) Keep pets, unless it has been guaranteed that they shall not be let loose or disturb the users;
  - m) Exercise any commercial or advertising activity without the express permission of the director of the marina;
  - n) Use or drive vehicles in the area alongside the marina, which shall only be permitted for users holding the appropriate card;
  - o) Access the quays, except for users, owners or those responsible for the yachts or relatives or guests accompanying them, or suppliers.

2. The infringement of the provisions set out in the preceding paragraph shall entail an unlawful administrative offence punishable with a minimum fine of 5,000\$ and maximum fine of 200,000\$.

### **Article 6**

#### Removal of yachts

1. Notwithstanding the sanctions set out in the present Regulation, the violation of the duties described in Articles 3, 4 and 8 of the prohibitions defined in Article 5 shall entitle the director of the marina to order the offenders to immediately remove the vessel from the mooring occupied at that time.
2. When the order referred to in the preceding paragraph cannot be notified to the offender for reasons imputable to such offender or, when notified, such offender does not readily comply, the removal may be undertaken by the services belonging to the concessionaire, the corresponding costs being borne by the owner or person responsible for the vessel.
3. When urgent circumstances involving service demands or bad weather conditions so require, the removal of vessels from one mooring to another may also be ordered, in which case the provisions of the preceding paragraph shall be applicable, with the necessary adjustments,.

### **Article 7**

#### Formalities when departing

The stay may be concluded at any time, provided that the user:

- a) Presents a document, issued by the marina, proving that all his or her bills have been duly paid;
- b) Has fulfilled all the formalities required with the maritime and customs authorities within the business hours in force.

### **III**

#### **Assignment of moorings**

##### **Article 8**

###### Assignment of moorings

1. The assignment to third parties against payment of the right to use the mooring depends on the prior written consent of the concessionaire.
2. The temporary assignment to third parties against payment of the right referred to in the preceding paragraph depends on the intervention of the concessionaire according to the terms and conditions to be agreed on a case by case basis.
3. The temporary assignment to third parties without charge requires the prior knowledge of the concessionaire.

### **IV**

#### **Rates**

##### **Article 9**

###### Rates

1. The rates due for the stay and services contractually provided by the concessionaire shall be defined on a yearly basis.
2. Except when due to unforeseeable circumstances or force majeure, the concessionaire shall ensure the users of the marina have exclusive use of the services included in the corresponding agreements.

##### **Article 10**

###### Payments

1. A provision for mooring rates shall be set out if the arrival declaration is filled in.

2. The services provided to any vessel shall be paid immediately upon completion, the fuel and lubricant supplies being paid upon delivery.

### **Article 11**

#### Length of stay

1. In order to calculate the payment of the rates for the length of stay, periods of 24 hours beginning at 12 noon of each day shall be considered.
2. The user, in the event he or she wishes to extend his or her stay, beyond the time declared at arrival, shall communicate such fact to the marina services and proceed to the increase of the provision referred in article 10.1 on the day immediately prior to the end of the period of time initially set out, within the business hours in force.

### **V**

### **Fishing vessels**

#### **Article 12**

#### Access to the outer port and the inland port

1. Until the fishing port is built in Quarteira, the use of the outer port of the marina shall be permitted to local fishing vessels registered at the Quarteira Maritime Delegation, under the terms and conditions set out in this Regulation and by way of the authorisation of the marina.
2. For the purposes of this Regulation, “local fishing vessels” shall be considered those that meet the specific requirements set out in Article 67 of Regulatory Decree no. 43/87 of 17 July.
3. For the purposes of the provisions set out in paragraph no. 1 above, the Quarteira Maritime Delegation shall, within a time limit of 30 days from the date of publication of this Regulation, provide the list of local fishing vessels found in its registers.
4. The registers cancellations and new registers made after the provision of the list to which the preceding paragraph refers, shall also be communicated to the marina by

the Quarteira Maritime Delegation within a time limit of 5 days as of the date of such registers.

5. Only vessels set out in the list referred to in paragraph no. 3 with the updates made under the terms of paragraph no. 4, may be authorised to use the outer port of the marina.
6. In the event of bad weather, and whenever the outer port does not provide sufficient shelter and safety conditions, local fishing vessels may, on a case by case basis, be authorised to use the inland port.
7. In the circumstances described in the preceding paragraph, the maritime authority, once the director of the marina has been heard, shall evaluate the shelter and safety conditions offered by the outer port, authorise and regulate the use of the inland port and proceed to its evacuation as soon as the causes that justified its use cease to exist.
8. The infringement of the provisions set out in paragraphs 1 and 5 shall entail an unlawful administrative offence punishable with a minimum fine of 5,000\$ and maximum of 200,000\$

### **Article 13**

#### Access canal to the inland port

1. Local fishing vessels authorised to tie up in the outer port of the marina under the terms of Article 12 shall ensure that an access canal to the inland port is left clear and aligned as follows: *W* light with the marina tower, and *E* light with the wall that crowns the *E* rockfill at the entry canal to the inland port.
2. For the purposes of the provisions set out in the preceding paragraph, the fishing vessels shall readily comply with the indications given by the marina services and by the maritime authority, it being of the latter's responsibility to ensure their fulfilment.



3. The infringement of the provisions set out in the preceding paragraphs shall entail an unlawful administrative offence punishable with a minimum fine of 5,000\$ and maximum of 200,000\$

#### **Article 14**

##### Temporary vacation of the outer port

1. The director of the marina, whenever special circumstances so demand, namely when there are nautical events or festivities, and by previously informing the maritime authority, may order fishing vessels to vacate the outer port of the marina for the period of time considered necessary by the director.
2. The non-fulfilment of the order referred to in the preceding paragraph shall entail an unlawful administrative offence punishable with a minimum fine of 5,000\$ and maximum of 200,000\$.

#### **Article 15**

##### Conditions of use

1. The use of the outer port and inland port of the marina by fishing vessels authorised under the terms of the present Regulation may not inconvenience or affect the safety of pleasure crafting and tourism.
2. The infringement of the provisions set out in the preceding paragraph shall entail an unlawful administrative offence punishable with a minimum fine of 5,000\$ and maximum of 200,000\$.

#### **Article 16**

##### Prohibitions

1. Fishing vessels shall be forbidden from:
  - a) Using the inland port of the marina, except for the cases set out in paragraphs 6 and 7 of Article 12;
  - b) Cleaning nets or throwing any waste in both the inland and outer ports;

- c) Painting or carrying out works that may disturb the users of the marina or pollute such marina;
  - d) Using any of the marina's facilities or its surrounding areas, except for those that have been especially allotted for their use, under the terms of this Regulation;
  - e) Unloading or handling fish in the inland port or outside places previously established by the competent authorities.
2. The infringement of the provisions set out in the preceding paragraph shall entail an unlawful administrative offence punishable with a minimum fine of 5,000\$ and maximum of 200,000\$.

### **Article 17**

#### Removal of fishing vessels

1. When the use of the outer port or inland port is not authorised or, when such authorisation is granted in violation of the provisions set out in the present Regulation, namely the duties defined in Articles 13, 14 and 15 and the prohibitions set out in Article 16, the director of the marina may, notwithstanding the applicable sanctions, order the offenders to immediately remove their vessel, and inform the maritime authority of such decision.
2. When the order referred in preceding paragraph is not promptly complied with, the vessels may be hoisted and towed to an appropriate location, where they shall be deposited.
3. The expenses incurred in with the removal, tow and deposit of the vessels ordered under the terms of the preceding paragraph shall be borne by their owners, under the terms of civil law.

## **VI**

### **Supervision and sanctions**

## **Article 18**

### **Supervision**

1. The supervision of the fulfilment of the present Regulation shall be carried out by the concessionaire of the marina and the maritime authorities.
2. The maritime authority with jurisdiction in the area shall be responsible to bring action for the administrative offences defined in the present Regulation and to take preliminary measures and apply fines and accompanying sanctions.

## **VII**

### **Publication**

## **Article 19**

### **Publication**

The present Regulation shall be known to the public and posted on a visible place on the facilities and services belonging to the maritime authority with jurisdiction in the area.

The Minister for Public Works, Transport and Communications, Joaquim Martins Ferreira  
do Amaral

**Regulatory Decree no. 1/91 of 17 January**