

REGULATIONS GOVERNING THE USE OF THE GIRONA GREENWAYS

CHAPTER 1 . GENERAL PROVISIONS.

ARTICLE 1. NATURE AND BASIS OF THE REGULATIONS.

These Regulations contain the Rules for using the greenways managed by the Girona Greenways Consortium as well as the authorisation procedure for usage compatible with the greenways and cycling guidelines.

These regulations are necessary in view of the experience acquired over the years during which the greenways have been in operation and in order to provide users with information on the norms for using the greenways as well as options for obtaining relevant authorisations by following the established procedures.

These regulations are approved under the regulatory authority held by the local bodies as provided for in article 49 of Law 7/1985 of 2 April governing the standards set by local authorities, in article 178 of Legislative Decree 2/2003 of 28 April which approves the Consolidated Text of the Municipal Law and Local Authority of Catalonia, and in articles 58 and 66 of Decree 179/1995 of 13 June which approves the Regulation of works, activities and services of local bodies.

ARTICLE 2. SCOPE OF APPLICATION

These regulations governing usage of the greenways will be applied in the areas covered by the Greenways which are assigned to the Girona Greenways Consortium, except in urban areas, in accordance with the provisions of article 28 of the Girona Greenways Consortium statutes.

CHAPTER II . RULES FOR USAGE

ARTICLE 3. USES ALLOWED

1. The greenways can be used for touristic, ecological, sporting, mobility, hiking, touring, and cycletourism purposes, and for any other forms of getting around on non-motorised vehicles. The circulation of vehicles that offer a public service and enable the provision of such services, such as ambulances, fire engines, police vehicles, as well as the circulation of vehicles used for servicing and maintaining the greenway itself, are considered compatible forms of usage as long as they circulate at less than 20 Km/h, except in the case of emergencies.

2. Vehicles and herds should only cross at the designated greenway crossing points and stretches used for linking the existing network of paths on both sides of the greenway. Users of the greenway may bring along pets as long as they are kept on a lead.

3. Those arising from existing constraints.

ARTICLE 4. USES NOT ALLOWED

1. The occupation or use of the greenway and its elements or installations for any activities that are incompatible with its designated purpose.

2. The dumping of waste (organic and inert) on the greenway and the areas affected by it.

3. Circulating with motorised vehicles apart from the exceptions noted in the section on Uses Allowed and those that are authorised.

4. Static advertising is prohibited in the public domain of the greenways, except that which has been approved by the Greenways Consortium.

5. Travelling on the greenways by horse, carriage and/or working animals

ARTICLE 5. AUTHORISABLE USES

The following uses are considered to be authorisable without prejudice to the provisions in the rules for usage of each particular greenway:

1. Any leisure or recreational activity compatible with the uses allowed.

2. Sporting events compatible with the uses allowed.

3. Works or installations in the public domain of the greenways may only be carried out with the prior authorisation of the competent body, when the provision of a public service of general interest demands them, without prejudice to other concurrent competences.

4. In exceptional circumstances, and for a specific use, the use of motorised agricultural or non-agricultural vehicles may be authorised when this is required due to the existence of accesses to private property adjacent to the greenways whose elimination or modification is not possible for material or legal reasons. The authorisation must specify the property, vehicle, point or stretch of the greenway to be crossed, speed of circulation and any other conditions of use considered necessary. Said authorisation must be clearly visible while the vehicle is travelling across the greenway. Similarly, and also in exceptional cases, the Chairperson of the Girona Greenways Consortium may authorise popular acts when proof is given that these have been carried out historically, *even though these may be classed as uses not allowed*.

5. The crossing and circulation of herds on the greenways will be authorised when this is carried out on a continuous basis, as long as this use is compatible with the protection of the greenway.

CHAPTER III . PROCEDURE FOR OBTAINING AUTHORISATIONS

ARTICLE 6. DESCRIPTION

1. The uses and activities permitted do not require authorisation from the competent body, notwithstanding the fact that they may be subject to other kinds of licences or administrative authorisations by other Public Administrations.

2. Authorisable uses and activities require authorisation from the competent body of the Greenways Consortium regardless of whether they also require licences or authorisations from other Public Administrations.

ARTICLE 7. COMPETENCE AND PROCEDURE FOR OBTAINING AUTHORISATION FOR AUTHORISABLE USES.

The application for authorisation of authorisable activities and uses will be made as follows:

1. The interested party may present their application to the Greenways Consortium, to the appropriate Town Hall or to a Post Office, in line with the provisions of article 38.4 of Law 30/1992 of 26 November on the Legal Authority of Public Administrations and the Common Administrative Procedure. Applications must contain the information established in article 70.1 of the same Law, accompanied by a sketch of the area for which the authorisation is being requested. The authorisation application should be sent to the chairperson of the Greenways Consortium.

2. If the application is formalised at a Town Hall, it will then be passed to the Greenways Consortium within a period of three working days counted from the day on which it was received. If the documentation presented is incomplete, the Greenways Consortium will ask the interested party to provide the missing information within a period of 10 working days. If the interested party does not fulfil this requirement within the indicated time, the application will be deemed to have been withdrawn.

3. The Greenways Consortium will send the application to the relevant Town Hall for it to examine the documentation presented and to issue a report on it to the Greenways Consortium within a maximum period of one month.

4. The Town Hall will consider the application, analysing whether the applicant has or does not have viable alternatives for accessing the location requested. This report will be sent to the Greenways Consortium which is the competent body for resolving such matters.

5. The chairperson of the Greenways Consortium will issue a decision, which is to say that they will authorise or deny use and will notify the Town Hall and the interested party of this decision.

ARTICLE 8. EFFECTS OF THE AUTHORISATIONS

Authorisations will be awarded without prejudice to any other licenses and authorisations required by third parties and without modifying the pre-existent rights pertaining to the lands or goods and will be subject to any changes which may be subsequently approved without any

right to compensation. Under no circumstances will they entail the transfer of public authority or any assumption by the competent organ awarding the authorisation of any responsibility for the holder of the authorisation or of third parties.

ARTICLE 9. TIME PERIOD

The maximum time period for deciding upon applications and notifying applicants of decisions made will be 3 months, if no express approval has been given within this time frame then the application should be deemed to have been declined.

ARTICLE 10. CHANGES TO OR SUSPENSION OF THE AUTHORISATION

The competent body may, at any time, make changes to or temporarily or definitively suspend the authorisation if it proves to be incompatible with any rules approved subsequently, if there is a change of activity at the property, if damage is caused to the public domain, or to stop its use for activities of public interest or if required in order to extend, improve or develop the greenway. The procedure for making changes to or suspending authorisation will be initiated *ex officio* or at the request of the interested party and will be carried out by the competent body. In any event, the affected parties will be offered a hearing so that they may present any appeals they may be entitled to by law.

ARTICLE 11. TEMPORARY LIMITATIONS TO USE

Authorisations will be valid for a year and can be renewed if the interested party so requests. The renewal request must be made one month before the end date of the authorisation validity period.

CHAPTER IV . RULES ON CIRCULATION CONTROLS

ARTICLE 12 . OBLIGATORY RULES

- Priority to the right
- Two-way path.
- Warning before over-taking is obligatory and the use of bells on bicycles is recommended
- Established speed limit of maximum 20 km/h. When bicycles overtake pedestrians, speed must be adjusted to that of the pedestrians with a maximum speed of 10 km/h and must always be carried out on the left of the pedestrian in the direction in which they are walking
- Do not stop other users from passing.
- Warn others of sudden manoeuvres and avoid brusque turns
- Respect crossing point priorities
- Respect and encourage others to respect the rules and signs on the route

ADDITIONAL PROVISION

The precepts of these Regulations which, for systematic reasons reiterate aspects of current legislation as well as subsequently updated standards and those which make reference to these precepts will be deemed to be automatically modified and/or substituted when changes are made to the legal precepts and regulations upon which they are based.

FINAL PROVISIONS

One - The chairperson is authorised to issue all instructions necessary for the interpretation and implementation of these Regulations.

Two. . These legal Regulations will come into force the day after their publication in full in the Official Provincial Gazette of Girona and will continue to be valid until they are modified or repealed.