



INFORMATION GUIDE ON
**URBANISM,
WATER, SANITATION
AND WASTE
MANAGEMENT**

Title

Information Guide on Urbanism, Water, Sanitation and Waste Management

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Opening Note

The Information Guide on “**Urbanism, Water, Sanitation and Waste Management**” is part of the “Arganil + Migration” project, co-funded by the Asylum, Migration and Integration Fund (FAMI).

It advocates an improvement in the relationship between the municipality and the citizens, through greater access to essential services by the immigrant population, resident or newcomer (with special focus on third-country nationals) either at the level of drawing up urbanistic projects in the municipality, or with regard to public water supply services for the population, urban wastewater sanitation and urban waste management.

This manual consists of a support tool for citizens, clarifying a set of frequently asked questions and recommendations, thus contributing to greater clarification about the services, their processing and the ways of access for the whole community.

Luís Paulo Costa

President of Municipal Council

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List of Abbreviations

DL – Decreto-Lei

PDM – Plano Diretor Municipal

PDMA – Plano Diretor Municipal de Arganil

RJUE – Regime Jurídico da Urbanização e da Edificação

RUMA – Regulamento Urbanístico do Município de Arganil

1. | URBANISM

1.1. | Legislation to carry out works in a building

🤔 “What is the fundamental legislation to be taken into account in order to carry out works on a building?”

- **Legal Scheme of Urbanization and Building** (*Regime Jurídico da Urbanização e da Edificação* also known as **RJUE**)
Decree-Law (D.L.) No. 555/99 of 16 December, as amended by Law No. 118/2019 of 17 September, which establishes the legal scheme applicable to the execution of urbanistic operations.

- **Ordinance no. 113/2015, of 22 April**

This ordinance identifies the instructive elements of the requests to carry out urbanistic operations foreseen in RJUE.

- **Regulation: Municipal Master Plan of Arganil** (*Regulamento Plano Diretor Municipal de Arganil* also known as **PDMA**)

(First revision of Arganil's PDM Notice no. 10298/2015 published in the *Diário da República, Official Gazette of Portugal, No. 176, Series II of 9 September*)
The Municipal Master Plan (Plano Diretor Municipal also known as PDM) is a fundamental legal instrument in the management of the municipal territory. The PDM defines the strategic framework for the territorial development of the municipality and is the reference instrument for the preparation of other municipal plans.

It promotes the classification of land into rural land (which is intended for agricultural, livestock and forestry or geological resources, natural spaces for protection or leisure or other types of human occupation that do not confer the status of urban land) and into urban land what is intended for urbanization and urban building, constituting the entire urban perimeter.

- **Town Planning Regulations of the Municipality of Arganil** (*Regulamento Urbanístico do Município de Arganil* also known as **RUMA**)

(Regulation no. 477/2016 published in the *Diário da República, Official Gazette of Portugal, No. 96, Series II of 16 May*)

It aims at establishing the rules on urbanization and building, the

principles and rules applicable to the different urbanistic operations, namely in terms of environmental protection, qualification of public space, patrimonial and environmental valorisation, as well as aesthetics, salubrity and safety of buildings, qualification of public space and promotion of good architecture.

1.2. | Procedures provided for the Legal Scheme of Urbanization and Building

🤔 “What are the procedures foreseen in the RJUE?”

The execution of urban planning operations may depend on three types of procedures: licence (Article 4(2) of the RJUE); prior notice with a deadline, hereinafter referred to as prior notice (Article 4(4) of the RJUE); or authorisation for use (Article 4(5) of the RJUE).

There are also works exempted from prior control (article 6 of the RJUE) and/or works of little urbanistic relevance (article 6-A of the RJUE and article 74 of the RUMA).

1.3. | Authorization for Use

🤔 “What is the purpose of the Authorization for Use?”

For preventive control, as the request for use of the building is checked for conformity with the proposal granted for prior control. This means that the buildings must always have a title for their use.

Two situations should be distinguished, on the one hand, the issue of an Authorization for Use which refers to the new building. On the other hand, when the building already has the necessary authorization for use, but the intention is to change the use for which it is intended, this is called a Change of Authorization for Use.

The specific elements of the Authorization for Use procedure are described in no. 25 of Ordinance no. 113/2015 of 22 April; the specific elements of the Change procedure are described in no. 26 of the same Ordinance.

1.4. | Application of the title of Authorization for Use

🤔 “Does the need for a title of the Authorization for Use apply to all buildings?”

Yes. However, there are particular cases that are related to buildings dating from before 1986, that are located outside the town of Arganil, or

before 1951 and that are part of the town of Arganil, because at that date licensing was not required. However, if these have not been the subject of uncontrolled town planning operations, they remain “Exempt from Authorization for Use”, which is certified by the Municipality.

1.5. | Licensing procedure

🤔 *“What is the licensing procedure?”*

Once the licensing application has been filed, it is subject to reorganization and preliminary examination in order to decide the formal and procedural issues. If the application does not contain the identification of the applicant, the application or the location of the urban operation to be carried out, as well as in the event of the lack of a required instructive document that is indispensable to the knowledge of the claim, the applicant is invited to proceed with the improvement of the application. If the proposal is to be located in an area conditioned by Administrative Servitude or Public Utility Restriction, the consultation of external entities should be promoted. The response time is 20 days.

The deadline for the appraisal of the architectural project is 30 days, from the date of receipt of the application, receipt of the last of the opinions, authorizations or approvals issued by entities outside the municipality and/or the expiry of the deadline for receipt of opinions, authorizations or approvals. After the approval of the architectural project, the specialty projects must be delivered within 180 days, with a period of 45 days for consideration.

1.6. | Beginning of the works

🤔 *“When can I start the works?”*

The works subject to licensing or prior notice procedures can only be started after obtaining the building permit, requested by the interested party, or the certificate/receipt of admission from prior notice, accompanied by proof of payment of the respective fees.

1.7. | Replacement of the Construction Director or Construction Supervision Director or Contractor in the course of the work

🤔 *“How should I proceed to replace the Construction Director or Construction Supervision Director or Contractor in the course of the work?”*

You should go to the service desk and request the registration of the entity to be changed; we remind you that they must be qualified for its implementation.

1.8. | Building/urbanization permit term and construction completion

🤔 *“My license to building/urbanization perform work has expired. How can I complete it?”*

With the issue of the licence or certificate of acceptance of the prior notification, the time limit for the completion of the works shall be fixed and may be extended once only for a period not exceeding half of the initial time limit.

If it is not possible to complete the works within the time limit laid down, and they are in the process of being finished, a further extension may be granted.

1.9. | Exhaustion of possibilities for extension and completion of works

🤔 *“When I have exhausted all the possibilities for extending the deadline, but I still have work to be completed, is it possible to complete it?”*

After the expiry of the permit or prior notice, a special permit may be requested for its completion, provided that it is not advisable to demolish the work for environmental, town-planning, technical or economic reasons.

1.10. | Works Exempt from Prior Control

🤔 *“What are the Works Exempt from Prior Control?”*

Conservation works, alteration works inside buildings or parts thereof which do not entail changes to the stability structure, the height, the shape of facades, the shape of roofs or coverages or which do not entail the removal of facade tiles (article 6 of the RJUE).

1.11. | Unusual Works of Urban Relevance

🤔 *“And what are the Unusual Works of Urban Relevance?”*

According to article 6-A of the RJUE and article 74 of the RUMA are:

- Buildings, whether contiguous or not, to the main building not exceeding 2.2m in height or, alternatively, to the ground floor of the main building with an area of 10m² or less and not bordering the public highway;

- The construction of fence walls up to 1.8m high that do not adjoin the public highway and earth retaining walls up to a height of 2m;
- The building of garden greenhouses with a height of less than 3m and an area of 20m² or less;
- Small works of arrangement and improvement of the surrounding area of the buildings that do not affect area of public domain;
- The building of leisure or recreational equipment associated with the main building with an area smaller than the latter;
- The installation of solar photovoltaic panels or wind generators associated with the main building, for the production of renewable energy, including microproduction, which do not exceed, in the first case, the area of coverage of the building and the top of the building in 1m in height, and in the second, the top of the building in 4m and that the generating equipment has a radius not exceeding 1.5m, as well as solar thermal collectors for heating sanitary water that do not exceed the limits provided for the solar photovoltaic panels;
- The substitution of exterior cladding or roofing materials by others that, giving the same exterior finish as the original, promote energy efficiency;
- Construction of walls not bordering the public highway, provided that they do not exceed a height of 1.80 meters, respecting cumulatively the conditions described in Article 18 of the RUMA;
- Construction of ramps for people with conditioned mobility and/or elimination of architectural barriers, when located within the licensed premises or buildings, and under no circumstances may they have any development in public road space;
- External arrangements of patios, such as landscaping and paving, provided that the waterproofing indices foreseen for the site are complied with, in an effective planning instrument, or, in the absence of such parameter, that it does not result in a waterproofed area exceeding 70% of the area of the patio, and that it does not involve the felling of notable trees or plant species;
- Facade improvement works that only result in the change of colours, being subject to prior approval by the President of the Municipal Council, taking into account the provisions of Article 19 of the RUMA;
- The light constructions, such as sheds, roofs, personnel facilities, storerooms, animal facilities, all of them supporting the agricultural or livestock activity with a single floor, with an implantation area not exceeding

- 30m² and a maximum height of 2.70m, provided that the roof is not made of reinforced concrete slab, and is implanted with a minimum distance of 20m from the public road, do not require a stability study and clearly do not affect the aesthetics of the villages or the beauty of the landscapes;
- The construction of greenhouses for agricultural production, or compatible, in unbuilt structure, provided that it respects a minimum distance of 5m from the axis of the municipal public highway, excluding the side roads, as well as a distance of 3m from the extremes;
 - Construction of shelter for irrigation motors not exceeding 4m²;
 - Construction of shelters for pets, game and guard animals, with an area of less than 4m², located at the rear of private buildings;
 - Demolition of buildings identified above;
- Operations not identified in **1.10** and **1.11** need prior checking.

1.12. | Acquisition of land in the Municipality of Arganil, with constructive feasibility and urban planning rules in mind

🤔 *"I intend to acquire a plot of land in the municipality of Arganil, but I would like to know about its constructive viability and what urban rules are at stake?"*

To obtain concrete and conclusive information on the classification of land uses and the respective urban parameters related to your land, you may require:

• Prior Information (Article 14 of the RJUE)

In advance, any interested party may request information on the feasibility of carrying out a specific urban operation or set of directly related urban operations, as well as on the respective legal or regulatory conditions, namely regarding infrastructure, administrative easements and restrictions of public utility, urbanistic indexes, height, remoteness and other conditions applicable to the claim.

Prior favourable information shall bind the competent authorities in deciding on a possible application for a permit and in the successive monitoring of town planning operations subject to prior notification, for a period of one year after the favourable decision on the application.

• Right to Information (Article 110 of the RJUE)

Any interested party has the right to be informed by the respective

municipality, about:

- ♦ The territorial development and management instruments in force for a given area of the municipality, as well as the other general conditions to which the urbanistic operations referred to in this statute must obey;
- ♦ The status and progress of the processes that directly concern them, specifying the acts already performed and their content, and those that should still be, as well as the deadlines applicable to the latter.

1.13. | Requirements

🤔 *“What requirements should I be aware of?”*

- ♦ Right to Information;
- ♦ Work Start Communication;
- ♦ Certificate of Exemption from Use (prior to 1951);
- ♦ Certificate of Exemption from Use (prior to 1986);
- ♦ Technical Manager’s endorsement.

2. | WATER, SANITATION AND WASTE SERVICES

2.1. | Conditions for the provision of Water, Sanitation and Waste Services for Housing and Commerce

🤔 *“What are the conditions for the provision of Water, Sanitation and Waste Services for Housing and Commerce?”*

Most of the rules concerning the provision of these services apply in the same way to domestic and non-household users, because for all of them the services are essential. The use of services in dwellings corresponds to meeting the most basic needs of citizens and therefore benefits from enhanced protection in some respects.

2.2. | Connection to Public Networks and Contracting Services

🤔 *“How are public networks connected and services contracted?”*

Connection: All buildings located up to 20m from the public water supply and sewage network shall be connected to the network by means of connecting branches. Once the connection has been made, wells, boreholes and septic tanks, that hitherto was used for water supply and

sanitation must be abandoned and the public networks used. The water in the network offers greater guarantees of quality and ensures better management of water resources. In exceptional cases, the Municipality of Arganil may allow the use of septic tanks, provided that public health and environmental protection conditions are ensured.

Water Service Contract: To conclude the contract, the user must prove that he/she is entitled to use the property by presenting one of the following documents: Deed of purchase and sale of the property; updated land registry; Lease contract, or other that allows the occupation of the property.

After signing the contract, the Municipality of Arganil must start the service within 5 working days, unless a force majeure situation occurs.

Waste Service Contract: As a rule, the municipal waste service is always available and no user request is required to start depositing the waste in the containers. For this reason, this service is considered to be contracted simultaneously with the water supply and/or wastewater sanitation service (if there is water consumption, there will, as a rule, be waste production).

A single contract may be concluded covering public water supply, urban wastewater sanitation and urban waste management services.

2.3. | Readings and Billing

🤔 *“How are the readings and billing processed?”*

Billing and meter reading periodicity: Water and waste services are billed monthly. The meter readings shall, as a general rule, be carried out periodically by employees of the services of Municipality of Arganil or others, duly accredited for that purpose, at least once every two months, and the user must allow access to the meter to take the readings.

In the months in which there is no reading or in those in which it is not possible to carry it out due to the user’s impediment, the user may communicate to the Municipality of Arganil the value registered in the meter that is related to him/her, using one of the following means:

- **Postal RSF (No Franchise Answer)** left by municipal services;

- **E-mail address:** leituras.aguas@cm-arganil.pt
- **Phone Number:** 235 200 154
- **Face-to-Face service:** One-Stop Desk at the City Council (9:00 a.m. – 5:00 p.m. working days)
- **Webpage:** <https://www.cm-arganil.pt/viver/balcao-unico/servico-de-leituras-de-agua/>

If it is impossible to carry out the reading in the previous terms, and there is no communication of consumption by the user, the Municipality of Arganil can estimate the consumption according to the average consumption between the last two actual readings made, by the Municipality of Arganil.

2.4. | Payment and Collection

🤔 *“How are payment and collection processed?”*

Payment term: It is up to the users to pay the consumption verified on the respective meter, which must be done on time, form and place established in the corresponding invoice, which must be issued 20 days before the payment deadline.

Late payment: In the event of non-payment of the invoice within the established period, the Municipality of Arganil will notify the user in writing to make the payment due within twenty (20) days, plus default interest calculated at the rate in force and the respective mailing expenses, failing which, if deemed necessary, the water supply will be cut off after the expiry of that period, without prejudice to the respective enforced collection.

The Municipality of Arganil may suspend the water supply on the grounds of a delay in payment of the invoice of more than fifteen (15) days beyond the deadline for payment, provided that the user is notified in accordance with the law.

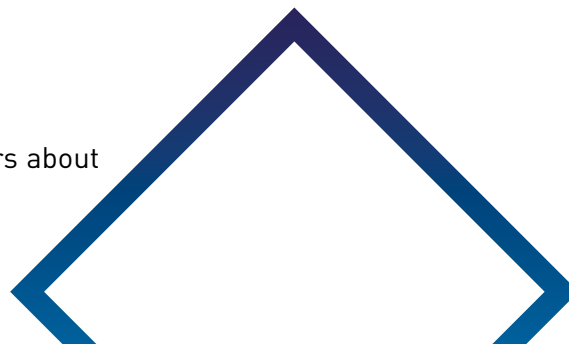
2.5. | Access to information on the service provided

🤔 *“How to access information about the service provided?”*

The Municipality of Arganil has several channels to inform users about

the conditions under which water and waste services are provided:

- **Face-to-face service:** One-Stop Desk at the City Council (9:00 a.m. – 5:00 p.m. working days)
- **Phone Number:** 235 200 154
- **Webpage:** www.cm-arganil.pt



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