

# URBAN LAW

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## INTRODUCTION

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TOWN PLANNING

AGATA MALANKIEWICZ | MAJA MAWUSI | ALICJA OLSZEWSKA | NATALIA NOCOŃ

# TERRITORY - ADMINISTRATIVE DIVISION

THE **TERRITORY** HAS TWO ASPECTS:

**PHYSICAL** - WHERE THE CITIZEN LIVES

**LEGAL** - DISTINCTION BETWEEN GOODS, WHICH CAN BE MATERIAL OR IMMATERIAL

There are norms which are regulating the way of using the territory.

# PROPERTY IN ITALIAN LAW

- PART OF THE **CONSTITUTIONAL SYSTEM**
- ONE OF THE **CITIZEN RIGHTS**, BUT **NOT** THE FUNDAMENTAL ONE
- ECONOMICAL RIGHT, **EQUAL** WITH OTHER RIGHTS

# STATE LAW / REGIONAL LAW

- REGIONAL LAW **MAY VARY** BETWEEN DIFFERENT REGIONS, BUT IT MUST EXIST ON **COMMON BASE**, WHICH IS STATE LAW

# SUBSIDIARITY

**Subsidiarity** is a **principle** of social organization that holds that social and political issues should be dealt with at the **most immediate** (or local) **level** that is consistent with their resolution.

# WHAT IT MEANS FOR URBAN PLANNING?

MUNICIPAL PLANNING STARTS FROM THE **MUNICIPALITY**.

EACH MUNICIPALITY IS RESPONSIBLE FOR ITS AREA AND CAN HAVE ITS OWN **LIMITATIONS**.

# BEYOND THE TERRITORY

—LANDSCAPE EXAMPLE

**COLOSSEO**, AS A NATIONAL VALUE, COME UNDER PROVINCE /  
REGION, NOT A MUNICIPALITY.

# THE BEGINNING OF URBAN LAW

Regulation of the territory started from France and in England in 1848 (after industrial revolution).

In Italy in 1865 the need to construct the law was, among other things, due to the strong development of urbanism and, consequently, the need for development of infrastructure.

Italy the first plans are in the city of: Naples and Turin law 101/1908, Milan law 866/1912 and Rome with the decree 981/1931.



# PRINCIPLES OF URBAN LAW

THE PRINCIPLES OF URBAN LAW CONCERN 3 ASPECTS:

**TERRITORY:** THE OBJECT

**ADMINISTRATION:** ORGAN PROPOSED TO ORGANIZE THE TERRITORY, CONCERN  
RELATIONSHIP BETWEEN CITIZENS AND ADMINISTRATION

**CITIZEN:** WHO IS SUBJECT TO THE RULES OF ADMINISTRATION, WHO GIVES THEM  
EXPECTATIONS, WHO WANTS TO USE THE TERRITORY, WHICH IS LIMITED IN THE USE OF  
THE TERRITORY FROM THE RULES THAT ARE DETECTED BY THE PUBLIC ADMINISTRATION.

# HOW DOES THE ADMINISTRATION WORK?

ADMINISTRATION WORKS BY USING THE **AUTHORITY** TO ESTABLISH THE **PUBLIC** USE **AIM** OR PUBLIC INTEREST

CONSTITUTION PROVIDES **LEGISLATIVE** AND **ADMINISTRATIVE** FUNCTIONS  
( **LEGISLATIVE** - ISSUE THAT CONCERT STATE COMPETENCE  
**ADMINISTRATIVE** - WHICH IS PERFORM BY THE MUNICIPALITY)

# HOW DOES THE ADMINISTRATION WORK?

**The power** (authority) **is an attribution given by the law** and **public administration body must**, with no exceptions, **comply with it** (=follow, stick to it); **IS LIMITED**

There is a regulation pinpointing that the administration does not cultivate the authority uncritically. The law Art. 241 from 1990 (about administrative procedures) tells about that the performance of the public administration authority must accomplish procedures that follows the regulations. **In case of law violation**, when the administration authority uses the power in a wrong way, **the society may contest and sue this authority to the administrative court**.

# REGULATIONS DIVISION

THE REGULATIONS ARE DIVIDED INTO 2 MICRO-AREAS:

**RULES OF RELATIONSHIP** WHICH ESTABLISHES TERMS OF PUBLIC RELATIONS  
WITHIN CITIZENS

**RULES OF ATTRIBUTION** WHICH ASSIGNS THE AUTHORITY (THE POWER)

## ART. 24

**“Everybody can take legal actions in order to protect/defense its rights.”**

In other words, all of the citizens may defend their rights in front of the court in terms of attribution of legal interests.

# ART.832 Civil Code | RULES OF RELATIONSHIP

The owner has a right to receive and possess things within the limits of the obligations established by the legal system.

# ART. 869 Civil Code | REGULATION PLANS

Property owners in the **municipality**, where the spatial planning projects are formed, shall **comply with the requirements/provisions** of those plans in construction and in ratification or with the modification of existing construction.

# AUTHORITIES

There are 2 **authorities**:

1) **discretionary** (*decided by officials and not fixed by rules*), which organizes guidelines of territory and selection of where to build, = **LEGISLATIVE, STATE -> REGIONAL**

2) **captive / bounding**, which gives permission to build = **ADMINISTRATIVE, MUNICIPALITY**



# AUTHORIZATION

IN ORDER TO **BUILD** A BUILDING, IT IS NECESSARY TO ACHIEVE **AUTHORIZATION** OF:

- ATTRIBUTIVE RULES
- AUTHORITY, POWER
- PROCEDURES
- ACTIONS, STEPS, MEASURES

IT IS FOLLOWED BY THE RULES CONCERNING LEGISLATIVE PROCESSES AND **THE LAW CONCERNING ADMINISTRATIVE PROCEDURE** (ART. 241 FROM 1990)

# ART. 1

THE ADMINISTRATIVE ACTIVITY PURSUES PURPOSES DETERMINED BY THE LAW.  
THE ADMINISTRATIVE ACTIVITY WITHIN THE PERFORMANCE OF THE PROCEDURES  
PURSUES THE AIMS OF THE LAW IN TERMS OF:

- ECONOMY
- EFFICACY
- IMPARTIALITY
- PUBLICITY
- TRANSPARENCY

IN ACCORDANCE TO THE RULES OF THIS LAW.

# ART. 3 | JUSTIFICATION FOR THE PROSECUTION

EACH ADMINISTRATIVE PROCEDURE MUST BE MOTIVATED. ADMINISTRATION BEFORE GIVING A DECISION, IN SENSE OF **ART. 10 BIS**, MUST MAKE A PROVISION WHICH IS CALLED **REASONS FOR REJECTION/ACCEPTANCE OF THE APPLICATION, PRIOR NOTIFICATION OF DENY.**

# PROCEDURE STEPS

- #1 Opening a procedure which concerns collecting all of the documents
- #2 The administration appoints an accountable of procedure
- #3 An investigation is opened ahead **with involvement/participation of stakeholders**
- #4 A provision is given: positive/ negative

if negative: must be preceded by “ **an advance notice**”

**A CITIZEN AFTER RECEIVING THE ADVANCE NOTICE HAS 10 DAYS TO DISAGREE**

AFTER 10 DAYS, A CITIZEN MAY APPEAL TO A ADMINISTRATIVE COURT/TRIBUNAL,  
WHICH ANALYSIS IF:

- a) administrative institution has proceeded the case by following the phases
- b) if holds a power/authority in a proper way (case of excess of power)
- c) if the decision if motivated in a proper and adequate mode

# CITIZEN/CITIZEN or CITIZEN/ADMINISTRATIVE

## 1) SUBJECTIVE INTEREST

that is a judge who has a particular entity and may have individual/ subjective right

## 2) LEGITIMATE / LEGAL INTERESTS

are divided into 2 subcategories:

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### I.L. "PRETENSIVO"

when citizen expects/ assumes that should have something and demands the administration should release the citizen a permission to build if the "interest" or the authority is **not held properly, the citizen goes to court**

### I.L. "OPPOSITIVO"

administration may dispose a part of citizen's property.

The **procedure explains** to me why my property has been disposed and a citizen **is given a compensation**

# CITIZEN/CITIZEN or CITIZEN/ADMINISTRATIVE

## 2) LEGITIMATE / LEGAL INTERESTS

are divided into 2 subcategories:

IF while during the procedure a citizen sees **that administration has done something wrong**, he/she may appeal to the administrative judge **to cancel the disposal** of the property

IF the **administrative power is held in a wrong way**, a citizen may defend his interest so that the administrative **uses that in a correct way**

### I.L. “OPPOSITIVO”

administration may dispose a part of citizen's property.

The **procedure explains** to me why my property has been disposed and a citizen **is given a compensation**

# URBAN LAW

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PRINCIPLES OF THE CONSTITUTION / DISCIPLINE OF THE LEGISLATIVE  
AND ADMINISTRATIVE FUNCTIONS

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# THE LAW IS BUILT THROUGH SOURCES

THE **PRIMARY SOURCE** IS GIVEN BY:

- CONSTITUTION

THE **SECONDARY SOURCES** ARE GIVEN BY:

- LAW THAT MAY BE EMPLOYED BY THE STATE OR REGION
- REGULATIONS
- ADMINISTRATIVE ACTS (MEASURES)



# PRINCIPLES OF THE CONSTITUTION

THE CONSTITUTION CAME INTO FORCE IN **1948** (27 DECEMBER 1947)  
IN THE **POST-FASCIST** PERIOD.

**THE FUNDAMENTAL URBAN LAW IS LAW 1150 ESTABLISHED IN 1942**  
(BEFORE THE CONSTITUTION)

# ART. 3 CONSTITUTION

"ALL CITIZENS HAVE EQUAL DIGNITY AND ARE EQUAL  
BEFORE THE LAW WITHOUT DISTINCTION"

THE PRINCIPLE WILL DIVIDE THE PRINCIPLE OF EQUALITY IN 2 CATEGORIES:

- **SUBSTANTIAL PRINCIPLE**

THE REPUBLIC HAS THE TASK OF REMOVING THE OBSTACLES OF ECONOMIC AND SOCIAL ORDER THAT PREVENT THE FULL PERSONAL DEVELOPMENT

- **FORMAL PRINCIPLE**

ALL HAVE ANY SOCIAL DIGNITY AND ARE EQUAL TO THE LAWS

# ART. 97 CONSTITUTION OF THE PRINCIPLES FOUNDING THE PUBLIC ADMINISTRATION

ITALIAN CONSTITUTION IS BUILT THROUGH SOME **FUNDAMENTAL PRINCIPLES** AND A SERIES OF RIGHTS THAT ARE DIVIDED IN 2 MACROAREAS:

- FUNDAMENTAL RIGHTS WHICH PRESENTS THE PRINCIPLE OF EQUALITY.
- ORGANIZATION OF THE REPUBLIC

THE PRINCIPLES ARE THOSE OF:

- GOOD TREND
- IMPARTIALITY

THE DECLINATION ON THESE PRINCIPLES ARE THE PRINCIPLES LISTED IN ART. 1 / LAW 241.

# ART. 117 COSTITUZIONE

"IT PROVIDES THAT THE ORDER DEBTS ARE INSPIRED BY THE PRINCIPLES OF THE EUROPEAN ORDER (THE PRINCIPLES ARE NOT ONLY OUR, BUT ALSO EUROPEAN)".

BETWEEN THE EUROPEAN PRINCIPLES WE FIND **THE PRINCIPLE OF PROPORTIONALITY**, VERY IMPORTANT BECAUSE THE URBAN PLANNING MUST BE PROPORTIONED.

## "PROPORTIONALITY OF THE MEANS IN COMPARISON TO THE GOAL"

APPLYING IT TO THE ADMINISTRATIVE PRINCIPLE THAT MUST DISPOSSESS AND, ADJACENT, HAS A LAND OF AN OWNER, **A PRIVATE PERSON MAY RELY ON THE DISPROPORTIONALITY OF THESE MEASUREMENTS**, WHICH MEANS A LEGAL OFFENSE.

IN THE NOTIONS OF THE PUBLIC ADMINISTRATION IT IS LAW 241/90, MORE PARTICULARLY IN ART. 21 TER / 21 QUINQUIES / 21 NONES.

There is an article that when there are changes in the moment in which there is already Art. 22, it uses a technique to add an adjective.

# ART. 21 TER

"IT DISCIPLINES THE **EXECUTIVENESS** OF THE ADMINISTRATIVE ACTS, IN **THE RELATIONSHIP BETWEEN ADMINISTRATION AND PRIVATE PERSON.**

THERE ARE DIFFERENT RULES REGARDING THE RELATIONSHIP BETWEEN PRIVATE, WHILE IN THIS CASE THE ORDER DOES NOT PREVENT TO MAKE PRIVATE JUSTICE.

IN THE CASE OF THE RELATIONSHIP BETWEEN ADMINISTRATIVE AND PRIVATE, **THE ADMINISTRATION CAN MAKE JUSTICE ALONE**, BECAUSE THE ACTS OF THE PUBLIC ADMINISTRATION ARE DIRECTLY EXECUTIVE "

# ART. 21 QUINQUIES

"DISCIPLINE THE ASSUMPTION IN WHICH A MEASURE, WHICH HAS BEEN ASSIGNED TO A PERSON (EX. A PERMISSION TO BUILD THAT HAS LEGITIMATELY BEEN RELEASED THERE), **CAN BE REVOKED BY GIVING TO THE PUBLIC ADMINISTRATION**, PROVISION MAY BE REVOKED AGAIN ONLY IF THERE IS A PUBLIC INTEREST"

# ART. 21 NONES-RESTORATION OF LEGALITY

"THE ADMINISTRATIVE ACT MAY ALWAYS BE CANCELED FOR A PUBLIC INTEREST"

- REVOCATION IS A PUBLIC INTEREST WHICH HAS BEEN VALUATED

IN A REVOCATION THAT THE REASONS OF PUBLIC INTEREST OCCUR UNEXPECTEDLY, THEREFORE IT IS **AN EXTRAORDINARY POWER** IN WHICH IT MUST RECOGNIZE AN INDEMNITY, BECAUSE IT **HAS BEEN UNLIMITED AS A RESULT OF THE NEW EVALUATION OF THE PUBLIC INTEREST.**



- ANNULMENT IS ACTUATED WHEN THERE IS A VARIOUS MEASURE THAT HAS NOT PURSUED A PUBLIC INTEREST

THE CANCELLATION OF OFFICE **MUST BE MADE BY ONE SIDE PURSUING THE PUBLIC INTEREST**, FROM OTHER THINKING THE INTERESTS (IN THE CANCELLATION OF THE OFFICE THE ADMINISTRATION MUST MOTIVATE)

TODAY THE LAW SAYS THAT THE MEASURE OF CANCELLATION MUST BE EMITTED BY THE ADMINISTRATION BY THE TIME OF **18 MONTHS**.

# ART 21 OCTIES

"THE ADMINISTRATIVE MEASURE, ADOPTED IN VIOLATION OF LAW OR EXCEPTED BY EXCESS OF POWER OR INCOMPETENCE, IS ANNULLABLE".

## **THERE ARE 2 TYPES OF VICE:**

- ILLICIT ACT
- THE ILLEGITIMATE ACT, VIOLATION OF THE LAW, EXCESS OF POWER OR INCOMPETENCE

**THERE MAY BE EXCESS OF POWER FOR:**

- MISUSE
- IRRATIONALITY
- LACK OF PROPORTIONALITY

**ALL THE VICES CAN BE MADE IN 2 WAYS:**

- ADMINISTRATIVE JUDGE
- HIERARCHICAL APPEAL WHEN THE ADMINISTRATIVE IS WRONG CAN BE CONTROLLED BY THE HIERARCHIC SUPERIOR.

# ART. 114 CONSTITUTION

"DISCIPLINE WHICH ARE THE INSTITUTIONS AND PARTICIPANTS THAT MAKE PART OF THE ITALIAN REPUBLIC, **THE REPUBLIC IS CONSTITUTED BY:**

- MUNICIPALITY IS THE NEAREST ENTITY TO THE CITIZEN
- PROVINCES
- METROPOLITAN CITIES  
(ROME, NAPLES, FLORENCE, MILAN, TURIN, PALERMO, BARI, GENOA)
- REGIONS
- STATES

THEY ARE MADE IN INCREASING ORDER AND THIS IS REFERRED TO THE **PRINCIPLE OF SUBSIDIARITY**, THIS DIVISION WILL SERVE TO DIVIDE, SUBDIVIDE AND NUCLEAR AS THE ADMINISTRATIVE FUNCTIONS ARE DIVIDED BETWEEN THESE ENTITIES, BUT ALSO LEGISLATIVE.

# LEGISLATIVE FUNCTION IS GOVERNED BY ART. 117 CONSTITUTION

"THE LEGISLATIVE POWER PRACTICED BY THE STATE AND FROM THE REGIONS IN RESPECT OF THE CONSTITUTION AND CONSTRAINTS BETWEEN THE COMMUNITY ORGANIZATION AND THE NATIONAL OBLIGATIONS, THEREFORE **NOT ONLY THE LAW MUST FOLLOW THE BASIC PRINCIPLES BUT ALSO THE PRINCIPLES ARISING FROM THE COMMUNITY ORDER,**

EX. THE RIGHT OF PROPERTY IS LOCATED IN ART.42 OF THE CONSTITUTION, THE RIGHT OF THE ECONOMIC AND SOCIAL RIGHTS, WHILE IN COMMUNITY ORDERING, THERE IS A CONVENTION BETWEEN INTERNATIONAL OBLIGATIONS, WHICH IS THE CONSIDERED CONVENTION OF CEDU (EUROPEAN CONVENTION OF HUMAN RIGHTS), AND SAYS THAT THE RIGHT OF OWNERSHIP IS A FUNDAMENTAL RIGHT ALSO IN D.U.

**THE LAW IN DISCIPLINING URBAN PLANS AND THE USE OF THE TERRITORY** ON ONE SIDE SHALL TAKE ACCOUNT OF THE RIGHT OF THE PROPERTY, AS SEEN IN THE CONSTITUTION, FROM THE OTHER FOR HOW DECLINED BY THE EUROPEAN COURT OF HUMAN RIGHTS".

# ART. 117

THE ARTICLE ABOUT **LEGISLATIVE CONFIDENCE** - WHICH SUBJECTS ARE REGULATED BY STATE OR REGION LAW.

EACH REGION MAKES ITS OWN LAW.

ATTRIBUTES THE LEGISLATIVE FUNCTION TO THE STATE AND THE REGIONS, WHICH MUST DECREASE IN COMPLIANCE WITH THE PRINCIPLES OF THE CODE AND THE EUROPEAN ORDER AND INTERNATIONAL OBLIGATIONS.

DIVIDE BY MATTERS THE LEGISLATIVE COMPETENCES BY DECLINING WHEN IT HAS LEGISLATIVE COMPETENCE TO THE **STATE** OR THE **REGION**:

- EXCLUSIVE OF THE MATERIAL STATUS INCLUDING: **FOREIGN POLICY, IMMIGRATION** ETC.
- COMPETITOR THE STATE OF THE PRINCIPLES WITHIN WHICH MAY MOVE REGIONAL LAW. THE COMPETITIVE MATTERS WE FIND IT IN ART. 117 COMMA 3 WHERE THERE IS:

GOVERNMENT OF THE TERRITORY, THAT MEANS THAT **WE CAN HAVE A REGIONAL LAWS, BECAUSE EVERY REGION WILL DISCIPLINE ITS OWN TERRITORY IN AN AUTONOMOUS WAY, BUT IT MUST DO IN ACCORDANCE WITH THE STATE PRINCIPLES.** ACCORDING TO THE LAW 1150/1942 **WE MAY HAVE VARIOUS REGIONAL LAWS THAT DISCIPLINATE THE TERRITORY,** THE LAW SAYS THAT **THE TERRITORY MUST BE ORGANIZED IN PLANS,** BECAUSE ALL REGIONAL LAWS CAN SAY "I DO THE REGULATOR PLAN, I DO THE GENERAL URBAN PLANNING ECC." BUT SHOULD REGULATE THE TERRITORY IN "PIANI".

- RESIDUE THAT ARE OF REGIONS



# ART. 118 CONSTITUTION

THE ARTICLE IS ABOUT THE **ADMINISTRATIVE COMPETENCE**, WITH 3 CRITERIA OF:

- PROPORTIONALITY,
- RATIONALITY,
- EFFICIENCY

TELLS ABOUT THE DEPENDENCE OF ABOVE MENTIONED CRITERIA.

THE CITY / PROVINCE / REGION / COUNTRY IS IN CHARGE OF REGULATION / ADMINISTRATIVE POWER.

"THE AMM FUNCTIONS ARE ATTRIBUTED TO MUNICIPALITIES WHICH ENSURE THE UNITARY EXERCISE IN **PROVINCIES, METROPOLITAN CITIES, REGIONS** AND **STATES**."

# AT A CERTAIN POINT THE ART. 118 SAYS THAT:

"THE AMM FUNCTIONS ARE THROUGH THE COMMON SAVINGS WHICH ARE **ABOVE THE COMMUNITY**, IN CASES IN WHICH **IT IS NECESSARY FOR THE PROTECTION OF THE PUBLIC INTERESTS.**"

IT MEANS THAT THE LAW, ONCE THAT THE **ADMINISTRATIVE LEGISLATIVE FUNCTION OF THE CONSTITUTION** TO THE MUNICIPALITIES HAS BEEN ATTRIBUTED, PREVENT THE FACULTY TO EMPLOY MEASURES, ACTS AMM., IN ORDER TO **PURSUE THE PUBLIC INTEREST**, THEREFORE IT PRESUMES THAT IT IS THE MUNICIPALITY TO PROTECT THE PUBLIC INTEREST.

HOWEVER, THERE ARE CASES IN WHICH THE **MUNICIPALITY WILL NOT BE ABLE TO PURSUE THAT PUBLIC INTEREST**, THEREFORE IT WILL HAVE TO PROTECT THE PROVINCE, EG. **THE PROVINCIAL ROADS THAT CONNECT 2 MUNICIPALITIES**, THE MUNICIPALITY IS NOT ABLE TO PURSUE THAT PUBLIC INTEREST, THAT IN THIS CASE IS THE CONNECTION BETWEEN 2 MUNICIPALITIES.

OUR REGULATOR PLAN WILL BE AN ACT WHERE THE AMM FUNCTIONS WILL BE EXERCISED BY THE MUNICIPALITY. THROUGH THE SOURCED PTCP (PROVINCIAL COORDINATION TERRITORIAL PLANS) ARE THOSE PLANS THAT **DISCIPLINATE THE PROVINCIAL TERRITORY**, WHICH RIGHTLY ARE CALLED **INVARIANTS**, BECAUSE **THE MUNICIPAL PLAN CAN DISCIPLINATE THE TERRITORY MADE UNLESS THE INVARIANTS**, WHICH CANNOT BE VARIATED, YOU CAN NOT VARY THE DISCIPLINES AND PLANS WHICH HAVE BEEN DETECTED BY ENTISPOWERERS.

# ART. 9 CONSTITUTION

"THE REPUBLIC PROMOTES THE **DEVELOPMENT OF CULTURE, THE SCIENTIFIC AND TECHNICAL RESEARCH, PROTECT THE LANDSCAPE AND THE HISTORICAL AND ARTISTIC HERITAGE** OF THE NATION, **PROTECT THE LANDSCAPE** WITH THE PLANS".

THE GOVERNMENT OF THE TERRITORY SHOULD **PROTECT THE LANDSCAPE**, THE **AGRICULTURAL AREAS** ARE NOT ONLY RELATED TO THE AGRICULTURAL ACTIVITY, BUT ARE ALSO LINKED TO A TERRITORIAL ASSETS WHERE I DO NOT WANT THE PROPERTY TO DEDUCE THE TERRITORY.

"**THE PRIVATE PROPERTY RECOGNIZED AND GUARANTEED BY THE LAW** THAT DETERMINE THE WAYS OF PURCHASE, ENJOYMENT AND LIMITS OF PRIVATISTIC CHARACTER BUT ALSO OF PUBLICISTIC CHARACTER, WHERE IT IS SAID THAT THE LIMITS **SERVE TO THE PURPOSE OF INSURING THE SOCIAL FUNCTION**, THAT IS FOR THE **PURPOSES OF COLLECTIVITY**".

## ART. 41 COMMA 3

"THE LAW DETERMINE THE PROGRAMS AND THE CHECKS OPPORTUNITY, BECAUSE **THE PUBLIC AND PRIVATE ACTIVITIES CAN BE ADDRESSED AND COORDINATED FOR SOCIAL PURPOSES**, IT IS THE **REGULATOR PLAN WHICH TELLS US WHERE TO BUILD A COMMERCIAL ACTIVITY AND HOUSING**".

THEREFORE THE SETTING OF THE CONSTITUTIONAL CARD IS ALWAYS THAT OF A WEIGHTING OF INTERESTS, THAT IS BY A SIDE, WE HAVE THE **PRIVATE INTEREST**, FROM THE OTHER **PUBLIC INTEREST**, THIS IS SUCH IN GENERAL FOR ALL THE ACTIVITY AMM., BUT IT IS EXPECTED OVER THE GOVERNMENT OF THE TERRITORY.

ART. 41/42 WHO ARE PRIVATE INTERESTS, CAN BE ORDERED TO SOCIAL FUNCTIONS CITIZEN IN ART. 9/32/44, THIS LAST TALKS ABOUT RATIONAL EXPLOITATION OF THE SOIL AND ESTABLISHES FAIR SOCIAL REPORTS.

THERE IS A LAW OF STATE PRINCIPLES THAT GIVES THE GUIDELINES WITH WHICH REGULATORY LAWS MAY BE APPROVED.

LAW 1150 / '42 DIVIDED THE TERRITORY IN:

- **INHABITED URBAN TERRITORY**
- **NON-INHABITED TERRITORY**

AT A CERTAIN POINT IN ART. 4 OF THE LAW:

"THE URBAN DISCIPLINE IS ACTIVATED BY MEANS OF **TERRITORIAL REGULATORS PLANS, MUNICIPAL REGULATORS PLANS AND STANDARDS ON CONSTRUCTION AND BUILDING ACTIVITIES**, EXCEPTED BY LAW OR BY REGULATION."

THEREFORE THE LAW SAYS THAT A REGULATOR PLAN IS NECESSARY TO DISCIPLINATE THE LIVING ROOM, SO THE ILPRG FIRST INTERESTED ONLY THE BUILT-IN PARTS, BECAUSE THE FUNCTION WAS THAT OF REGULATING THE LIVING, TO GIVE RATIONALITY.

THE LAW SAYS THAT A **REGULATOR PLAN IS NECESSARY, BUT IT IS NOT OBLIGATORY**, IF THE MUNICIPALITY DOES NOT HAVE A REGULATOR PLAN IS NOT ILLEGATIVE, BUT THERE IS AN INCENTIVE TO LOSE A PLAN, BECAUSE THE PLAN IS TO EXERCISE A POWER (PROCEDURE - MEASURE), IF THERE IS NOT, WE HAVE THE RULES WHERE THE LAW EXPLAINS HOW TO DO WITHOUT A PLAN, AND THEREFORE THE INTENT OF THE LAW WILL BE TO INCREASE THE TOWN TO MAKE THE PLAN, IF THE MUNICIPALITY DOES NOT HAVE A PIANO, THE LAW PUNISHES IT.

