

Law of the Maritime and Terrestrial Zone

Law No. 6043 of March 2, 1977, published in Alcance No.36 of La Gaceta
No. 52 of March 16 of 1977

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Chapter I. General Dispositions

Article 1.-The maritime and terrestrial zone constitutes a part of the national patrimony, it belongs to the State and is inalienable and imprescriptible. Its protection, as well as that of its natural resources, is the (State's) obligation of the State, its institutions and of the inhabitants of the country. Its use and utilization are subject to the dispositions of this law.

Article 2.-It corresponds to the Costa Rican Tourist Board, in name of the State, the superior and general vigilance of all that refers to the maritime terrestrial area.

Article 3.- Without detriment to the powers of the Costa Rican Tourist Board, it is the competence of municipalities to directly ensure the observance of norms of this law referent to dominion, development, utilization and use of the maritime terrestrial area, especially of the tourist areas in both littorals.

Usufruct and management of the Maritime and Terrestrial Zone, both the public and restricted areas correspond to the municipalities of the respective jurisdiction.

Article 4.-The Controller General of the Republic, by itself or by petition of any entity or State institution or an interested party, will exert the legal control for the appropriate compliance of the dispositions of this law. As a consequence, it will take the pertinent measures related to any actions that violate or could infringe these dispositions or related laws, or that pretend to obtain rights or acknowledgment of these against these norms, or to annul concessions, permits, contracts, acts, agreements or dispositions obtained from their contravention of the same. The above, without detriment of what corresponds to other institutions or dependencies in compliance with legal faculties.

Article 5.- Barring a contrary legal disposition, only the Legislative Assembly may give permits or grant concessions in the areas permanently covered by the sea, adjacent to the littorals. The facilities for protection and rescue, authorized by the respective municipality, which are done on behalf of people's safety and navigational security, constitute an exception.

Article 6.-The dispositions of this law do not apply to city areas located in the littorals, nor to properties registered in accordance with the law under the name of individuals, nor to those whose legality is recognized by the laws.

Article 7.-Lands located in the maritime zone may not be the object of squatters' rights and individuals may not appropriate them nor legalize them to their name, by this or other means.

Article 8.-The maritime and terrestrial zone is declared of public benefit so that the lots, plots and improvements located in them, that have been sold, acquired or held in property by individuals, may be rescued for national patrimony by expropriation.

Chapter II. The Maritime and Terrestrial Zone

Article 9.- The Maritime and Terrestrial Zone is the two-hundred meter wide strip of land along the Atlantic and Pacific littorals, of the Republic, whatever its nature, measured horizontally beginning from the ordinary high tide and lands and rocks that the sea leaves uncovered in low tide.

For all legal effects, the maritime zone includes islands, keys and maritime cliffs, as well as all the land or natural formation standing out over the ocean level within the territorial sea of the Republic. Except for Isla del Coco, which is under direct authority and possession of the State, and other islands whose dominion or management are determined in the present law or special laws.

Article 10.- The Maritime and Terrestrial Zone is composed of two sections: the Public Zone, which is the fifty-meters wide strip of land, counting from the ordinary high tide and the area left uncovered in low tide: and the Restricted Zone, constituted by the remaining one hundred-fifty meters strip of land, or the other land, in case of islands.

Keys, cliffs and other small areas and natural formations that stand out from the sea correspond to the public zone.

Article 11.- Public zone is also the one occupied by all the mangroves of the continental and insular littorals and estuaries of the national territory, no matter its extension.

Article 12.-In the Maritime and terrestrial zone it's forbidden, without a due legal authorization, to exploit the existing flora and fauna, to mark the boundaries off with fences, furrows or any other way, construct buildings or facilities, cut trees, extract products or perform any type of development, activity or occupation.

Article 13.-Authorities or the corresponding jurisdiction and respective municipalities, shall proceed, as soon as they know of the violations referred to in the above two articles, previously collecting information to that effect, to evict the transgressors and to destroy or demolish the constructions, remodeling or facilities performed by them, without any liability to authorities or the municipality. The cost of the demolition or

destruction will be charged to the owner of the construction or facility. All the above, without detriment of the penalties that may proceed.¹²⁶

Article 14.-Owners of lands, registered or not in the Public Registry, or their representatives, or persons acquiring concessions, rentals or in possession of bordering land with the maritime and terrestrial zone are obliged to protect and preserve it. When damages are caused by third parties, they must denounce them immediately to the respective authorities.

Article 15.-Owners of properties bordering with the maritime and terrestrial zone may request the incorporation of their real estate to the zone's planning, covering the proportional part of the respective cost with their own means, and transferring to the State, with no cost, the necessary areas for public use. In all cases, planning and exploitation of those lands, for buildings and facilities, shall obey the norms that the National Housing and Urbanism Institute (INVU) and the Costa Rican Tourist Board decide, before being approved by the respective municipality.

Article 16.-All transfer of rights or lands, improvements or constructions and facilities, on behalf of the State or its institutions, in the maritime and terrestrial zone, be it voluntarily or by expropriation or in bordering lands with it, or for works in the same, will be exempt of all kinds of taxes in charge of the transferor or conveyor.

Article 17.-The respective municipality, the Costa Rica Tourist Board and competent authorities and corresponding dependencies, shall dictate and enforce the measures deemed necessary, to preserve or avoid damage of the original conditions of the maritime and terrestrial zone and its natural resources.

Article 18.-In exceptional cases, such as construction of industrial plants, facilities for sport fishing or for crafts, of port works, sea culture programs, or other similar establishments or facilities, for whose functioning a seaside location is required, the use of the necessary areas of the Maritime Zone may be authorized in order to facilitate its edification and operation; as long as there is an express approval of the respective Municipality, the Costa Rica Tourist Board, National Housing and Urbanism Institute (INVU), and other State institutions in charge of authorizing its functioning, as well as the Ministry of Public Works and Transport. In the case of construction, installment and operation of shipyards, and floating or dry docks, the use of the maritime and terrestrial zone areas deemed necessary for its functioning may be authorized, prior express approval of the respective municipality. Nevertheless, when its validity exceeds fifteen years or the extensions added to the original term, exceed that term, a legislative authorization will be required.¹²⁷

¹²⁶ See Juridical Consultation No. 4842-96, BJ No. 219, 14-NOV-1996

¹²⁷ **As** amended by article 4 of Law No. 6951 of February 29 of 1984 and tacitly extended by Law No. 7210 of November 23 of 1990, published in La Gaceta No. 238 of December 14 of 1990.

Article 19.- Until the respective declaratory of tourist aptitude is produced, no work, construction, reconstruction or remodeling works of any kind may be authorized, on the maritime and terrestrial zone.

Chapter III. Public Area

Article 20.- Save for exceptions established by law, the public area may not be the object of occupation under any title or case. No one may claim any right over it. It will be dedicated to public use and especially, to the free transit of persons. Entities and authorities indicated in article 18 must dictate and enforce the necessary dispositions to guarantee the free and safe transit of persons and public use of this area.

Article 21.- An exception to the article mentioned above, is made to those sections that due to their geographical configuration, its topography or special conditions, may not be of public use, in which case its development will be authorized by the respective Municipality and the Costa Rica Tourist Board, as long as they don't alienate them, that a free transit area is established to facilitate public use and enjoyment of the beaches, crags and estuaries, and that pedestrians' safety is guaranteed.

Article 22.- No type of development will be permitted on the public zone, except of the infrastructure works and constructions that in each case are approved by the Ministry of Public Works and Transport, the Costa Rica Tourist Board, the National Housing and Urbanism Institute (INVU) and the respective municipality, as corresponds to the public use they are destined to, or if it is related to the establishment and operation of state tourist facilities, of great benefit for the country.

When the kind of development implies estuaries or mangroves, or they may be affected, the technical criteria of the Ministry of Agriculture and Livestock Farming must be consulted, regarding the ecological consequences for those places.

Article 23.-The State or municipalities shall build the roads to guarantee access to the public areas.

All existing accesses or the ones originated in the development project's planning of the public zone are declared of public interest, and their expropriation will proceed . But if it refers to real estate with specific restrictions for public ways on benefit of the State or without registering in the Public Registry, it will be enough to declare it of free traffic by executive decree.

Article 24.-If for natural causes the topography should change, with the subsequent variation of the distances, and for that reason a construction or facility finds itself located within the public zone, the owner will keep his rights but no repair works or remodeling can take place. Efforts will be made to transfer it to a restricted area or alignment with it, with the aid of the respective municipality or the Costa Rica Tourist Board, if it concerns a person of limited economic resources. If the above is not possible, expropriation will proceed.

Article 25.-In case of lands duly registered on the Public Registry, that include the public area, partly or totally, private use of it may only be permitted with express agreement of the respective municipality, the Costa Rica Tourist Board, and the National Housing and Urbanism Institute.

Chapter IV. Functions of the Costa Rica Tourist Board

Article 26.- The Costa Rica Tourist Board will create a general plan for land use in the maritime and terrestrial zone, with the collaboration of the Planning Bureau and other competent official organisms, within the National Plan for Tourist Development, declared of public interest, according to priorities of national development and taking into account the interest of preserving the area as national patrimony.

Article 27.-The faculty of declaring zones as of tourist interest or not, within the maritime terrestrial area, corresponds to the Costa Rica Tourist Board, be it by its own initiative or at the municipality's request. These declaratory shall be published in the Official Journal. From its publication, the respective area is affected by what the law disposes.

Article 28.- The Costa Rica Tourist Board may formulate integrated tourist development projects that include part of a tourist area or its entirety. They shall adjust to regulations of this law. They may be financed and managed, be it only by the Costa Rica Tourist Board or jointly, with the interested municipality, in the terms convened by both entities. The respective municipalities will have the right to charge and receive fees over the concessions granted or given for the enjoyment of the areas occupied by these developments, save if they were important parts of these.

Article 29.- The Costa Rica Tourist Board will dictate, according to the norms of this law and its regulations, the necessary dispositions for a better utilization of areas declared of tourist aptitude.

Article 30.- The Costa Rica Tourist Board will keep a General Registry of Concessions of the maritime and terrestrial zone. To such effect, municipalities must submit a copy of concessions granted, the agreed extension, of the transfers and obligations or other operations that they authorize, as well as the other certifications requested by the Tourist Board, without detriment of the presentation by the interested party of (that the interested presents) the documents corresponding to those acts, its contracts or its photocopies, directly to the Costa Rica Tourist Board. Those titles will not damage third parties, until the moment of received or presented before such Registry. The Bylaw of this law will sign out the inscription fee of those documents as well as the norms for the Register's functioning. The indicated Registry will become a part of the National Registry, by executive decree, applying to that effect, what is determined by the second paragraph of transitory I of the Law of the National Registry, No. 5695 of May 28 of 1975.

Article 31.-All urban or tourist development plans that affect the maritime and terrestrial zone shall be approved by the National Housing and Urbanism Institute and the Costa Rica Tourist Board, as well as by the other official organisms that could have competence to intervene to that effect, according to the law.

Only natural or legal Costa Rican persons that could have concessions may participate in tourist developments on the maritime zone or with access to it. Similarly, foreign entities may participate if they are tourism companies whose capital for the development belongs to Costa Ricans by more than fifty per cent.

Article 32.-Banks of the National Banking System are authorized to finance the creation of plans and feasibility studies related to urban or tourist developments, through the credits that they may grant to the municipalities interested in such projects.

Article 33.-Those intending to perform tourist exploitation in the maritime terrestrial area, besides requiring approval of plans as indicated by article 31, must also guarantee before the corresponding municipality, the due execution of their projects with a guarantee previously approved by the Costa Rica Tourist Board.

Chapter V.

Functions of the municipalities

Article 34.-Municipalities must attend directly to the care and preservation of the maritime zone and its natural resources, in their respective jurisdictions.

To that end, as well as for compliance with this law's dispositions, will appoint the necessary inspectors, who, in performance of their functions, will have total authority, so that they will have free access to all lands and facilities, except for individual residences, in conformity with the law.

Article 35.-The corresponding municipalities shall keep the maritime zone areas (terrestrial area) that are not under private dominion by a legitimate title, under their custody and management.

They shall preserve the situation existent in the zone, until the tourist declaratory is pronounced by the Costa Rica Tourist Board.

Article 36.- Municipalities must coordinate functions recommended by this law with the Costa Rica Tourist Board.

Article 37.- No municipality may authorize tourist development projects occupying areas of the declared tourist zone; without a previous approval of the Costa Rica Tourist Board by agreement of its Board of Directors, or without legislative authorization when it relates to islands or keys. The Costa Rica Tourist Board must resolve within the following three months after receiving the respective action. If not proceeding within the term, the approval will be considered as tacitly granted.

A similar authorization will be required from the National Housing and Urbanism Institute in application of the mentioned procedures.

Article 38.- Municipalities may not grant concessions on tourist areas, without approval or elaboration of the development surveiller's maps for those areas, by the Costa Rica Tourist Board and the National Housing and Urbanism Institute.

Municipalities may request the creation of such surveiller's maps to those institutions.

Chapter VI. Of the restricted areas and its concessions ¹²⁸

Article 39.-Concessions referent to the maritime zone may only be granted on the restricted area (are) except for the special dispositions included in this Law.

Article 40.-Only municipalities may grant concessions on restricted areas corresponding to the maritime zone of their respective jurisdiction, in conformity with what is ('s) disposed by this law, save for the exceptions established by itself.

Article 41.-Concessions will only be for the use and enjoyment of determined areas of the restricted zone, for a term and under the conditions established by this law.

Articles 42.-Concessions on tourist areas require the Costa Rica Tourist Board's approval. In other maritime zone's areas, approval corresponds to the Lands and Colonization Institute. Those institutes may not deny their approval, save if it breaches the law, in which case they must expressly indicate this, in a reasoned way.

If the concession refers to an island or maritime key, or any of their parts, the approval of the Legislative Assembly is necessary.

Article 43.-Although not expressed in the respective documents, concessions granted in conformity to this law are subject to the condition that grantees may not vary the destination of their plot, and the buildings or facilities constructed on it, without the respective municipality's consent, and the one from the Lands and Colonization Institute or the Costa Rica Tourist Board, as it may correspond.

¹²⁸ This law is authentically interpreted in the sense that all concessions granted on the restricted zone, based on it, may not restrict public access to the inalienable area of fifty meters, save if such access is possible by a road destined to such effect. Interpreted by article 17 of Law 6990 of July 15 of 1985.

Article 44.-Concessions will be granted attending the legal principle, of first in time, first in right. Nevertheless, the regulation of this law may establish an order of priorities attending the nature of the exploitation, and its major public convenience. But, in equality of conditions, preference will be given to that land occupant that has quietly, publicly and peacefully possessed in a continuous way.

Article 45.-It is forbidden to give in cession or commit, or in any other way, transfer or encumber, totally or partly, the concessions or the rights deriving from them, without the express authorization of the respective municipality, and of the Costa Rica Tourist Board or the Lands and Colonization Institute, as is the case. All acts or contracts infringing this disposition will not be valid.

Article 46.-The corresponding municipality, in the zone under its jurisdiction, may not grant any concession in benefit of its director, proprietary or assistant, or the municipal executive, or its relatives in first or second degree by consanguinity or kinship. For both of them as for who intervenes in the granting or authorization of concessions, and in general, will rule the dispositions established in article 107 of the Law of Financial Administration of the Republic, No. 5901 of April 20 of 1976. Exception is made to concessions granted before the respective functionary is selected or appointed.

Article 47.-Concessions may not be granted, to:

- a. Foreigners not residing in the country for at least five years.
- b. Corporations with shares to the holder.
- c. Societies or entities whose residence is abroad.
- ch. Entities constituted in the country by foreigners.
- d. Entities whose shares or quotas or capital, correspond in more than fifty per cent to foreigners.

Entities having concessions may not give in cession or transfer quotas or shares to foreigners and neither can their partners. In any case, transfers done who contravene what's disposed here will be lack of all validity.

Article 48.-Concessions will be granted for a term not shorter than five nor longer than twenty years, and must indicate the fee to be paid and its form of payment. The fee substitutes the real estate tax.

The regulation of this law will establish the way to proceed with the request, the modalities of the concession, the fee to pay in each zone according to their circumstances, and especially, to the different situation of the area's settlers or inhabitants, and for those who aren't, as well as any other dispositions deemed necessary to regulate the relations between municipalities and grantees.

Article 49.-In case of death, or declared absence of the grantee, his rights may be adjudicated to his heirs or apparent family heirs. If there should not be any, the concession will be considered cancelled and will return to the respective municipality, including constructions and existent improvements.

Article 50.-Concessions may be extended successively, at the term of expiration, or the preceding extension, for a term not greater than what's stipulated in article 48, as long as it is requested by the interested, if the respective municipality agrees and the Costa Rica Tourist Board approves it.

The request must be presented within the three months following the notification referent to the expiration of the term of concession, given to the grantee by the municipality. Those warnings may be given directly by the municipality or through a publication in the Official Journal. To proceed with a request it's essential that the interested is up to date with the payment of the respective fee and that is duly in compliance with the obligations established by this law. Should he not be, or if late in payments, his request will be considered as presented the date when his payments are updated, or complies with his obligations. The request for extension presented untimely will be considered as a new request for concession.

In case of an extension, the fee to pay will be the one in force at the date when the extension is agreed by the respective municipality, in conformity with the corresponding regulation.

Article 51.-The municipality or corresponding institute may deny extension of the concessions, for public utility reasons, or for general convenience, because the plot has become part of the public zone or because it is required for urban or tourist developments or plans, duly approved by the Lands and Colonization Institute and the Costa Rica Tourist Board, or by not complying with the obligations of the grantee established by law, its regulations or the contract. In all cases, the motives must be duly proven.

Article 52.-The concessions extinguish for any of the following causes:

- a. Expiration of the fixed term without a request for extension in a legal way
- b. Renouncement or abandonment by the interested
- c. By death or legal absence without adjudication to heirs or apparent heirs.
- d. Because its extension is not agreed, in conformity to what is established in the precedent article.
- e. Cancellation of the concession

Article 53.-The respective municipality or the Costa Rica Tourist Board or the Lands and Colonization Institute (I.N.V.U. being its acronym in Spanish) may cancel concessions as corresponds, in any of the following events:

- a. Lack of payment of the respective fees
- b. The grantee does not comply with his obligations, in conformity with the concession or contract granted
- c. Violation of the dispositions of this law or the law in which the rental or concession was granted
- d. If the grantee impedes or annoys the general use of the public zone, and
- e. Other causes established by this law.

Each cancellation, once in firm, will be reported to the Costa Rica Tourist Board, if it was not decreed by it. Cancellations must be recorded on the inscription of concessions on the Registry indicated on article 30.

Article 54.-Each concession will count with its respective contract, with the requirements specified by this law.

Article 55.-Once a concession has expired if by causes beyond the control of the grantee, the value of the building and improvements in the plot that is object of the concession, must be recognized in his behalf.

Once a concession has expired, if by cause of the grantee, the improvements, buildings and facilities on the plot, will benefit the respective municipality, without having to recognize any amount for them.

The above without detriment of the municipality's right to demand of the grantee, the corresponding indemnity for non-compliance or the respective repair of damages, deducing from them the value of such improvements and buildings.

Article 56.-The respective municipality will regain use and enjoyment of the plot, once a concession is expired.

Article 57.-In the zones declared of tourist interest by the Costa Rica Tourist Board, besides the above norms, concessions will be subject to the following dispositions:

- a. Lots or plots destined to build recreational residences or villas, for use by the grantee and his acquaintances, not constituting a remunerated activity, will be conceded according to the development plan of the area. Those plans will provide a rational distribution and use of the land, according to urban techniques, will determine the location, size and destination of the lots, without allowing lesser capacities than the minimum established by sanitary norms.
- b. Plots destined to the establishment of recreational centers, hotel facilities, restaurants or similar, residences or villas to rent, commercial businesses, or other type of activities, besides the ones indicated, may be granted for a maximum area that is technically necessary in

conformity to the respective projects, in accordance to the area's planning, prior approval by the Costa Rica Tourist Board.

- c. Up to one fourth of the area may be offered, as concessions, for recreation, rest or vacation purposes, for tourism cooperatives, trade-union or professional associations, labor unions, student associations, syndic coalitions, progressive assemblies, common associations of communal development, or entities of social service or service / non-for profit clubs. In these cases concessions have the implicit condition that facilities built are not for profit, nor used for political electoral aims, which is forbidden.
- d. In no case may plots be given to industries that are not related to tourism exploitation.
- e. No person, with spouse and minor children, can have more than one concession.

Article 58.-Concessions for agricultural purposes must indicate that plot's destination, and the capacity of the plot or the respective lot, for which a surveiller's map of the area to be ceded has to be drawn. These concessions are fastened to the condition that the grantee may not impede, moreover, will facilitate construction of roads of access to the public area, without the State, its institutions, or the municipalities having to acknowledge any sum for the areas taken to build them.

Article 59.-Income received by municipalities for the concept of concessions on the restricted area will be distributed as follows:

- a. Twenty per cent will be destined to form a fund for payment of improvements as foreseen in this law
- b. Forty per cent will be invested in improvement works of the corresponding tourist areas, including all those investments necessary for consulting services and management expenses required for the purposes of the present law.
When the funds indicated in the above two clauses were not necessary, partly or totally, for the development of the tourist area, as decided by the Lands and Colonization Institute and the Costa Rica Tourist Board, the remaining sum may be destined to other needs of the respective county, and
- c. The remaining forty per cent will be invested in improvement works for the county.

Article 60.-The granting of concessions will be done directly to the grantees. In the cases when a sum greater than the one fixed in clauses c) of articles 93, 94 and 95 of the Law of Financial Administration of the Republic, No. 5901 of April 20 of 1976, has been paid for the concept of expropriation or improvements, the lot or plot with the improvements or the constructions that originated such payment, may only be object of

concession by a private or public bid, in conformity to the norms of these articles.

CHAPTER VII. Sanctions

Article 61.- That one who exploits the existent flora or fauna in a maritime terrestrial area or mangroves referred to in article 11 without the due authorization, will be penalized with six months to four years of imprisonment, without detriment to sanctions of other kind that could proceed and except if a more serious crime is implied.

Article 62.- That one who builds or performs any kind of development on the maritime terrestrial area, which is contrary to what this law or its related laws dispose, or who impedes the execution of a suspension or demolition order of works or facilities, or the application of a sanction to the transgressor of (someone who transgressed) the dispositions of those laws, without detriment to other sanctions, will be punished with one month to three years of prison, except if the action qualifies as a felony.

Article 63.-The functionary or employee who grants concessions or permits for occupation, development or approves plans, against the dispositions of this law or related ones, or impedes or denies an order of suspension or demolition, legally decreed or disposed, of a work or facility, or the sanction to any transgressor to the norms of this law and its regulations, will receive three months to two years of prison, if it is not a felony. He shall also be fired from his position without any liability to his employer. If the functionary was of popular election, it will proceed that the Supreme Court of Elections will withdraw his credential, with a previous collection of information done by the same Court.

Article 64.-¹²⁹

Article 65.-In all cases of penalties imposed for the crimes indicated in this law, or by causes related to abuse of property on the maritime zone, if the author or if his accomplice were a grantee, they will lose the concession, which will be cancelled, as well as the buildings, improvements or facilities (he has in his) at their plot, and they shall pay the damages caused by this action or omission.

Chapter VIII. Special Dispositions

¹²⁹ The Constitutional Court declared this article **contrary to the Constitution**, by resolution at 14:57 hours of October 4 of 1994, contained in Vote No. 5755 94.

Article 66.-In all cases of expropriation for effects of this law, the proceedings indicated in title VI of Law No. 4574 of May 4 of 1970 and its reforms (article 157 to 170 of the Municipal Code), will be followed in the applicable.

Article 67.-Banks of the National Banking System and State institutions are authorized to cede loans to the grantees of the restricted areas of the maritime zone, with the respective concession and its buildings, improvements and facilities, as guarantee.

Article 68.- The ones that in virtue of concessions or rentals, will be in possession of plots located totally or partly in the public area, at the moment of this law's operation, will continue in possession of their plots provided that they remain in them, in the terms of their respective contracts, and until they are not remodeled, destroyed their buildings or facilities, or the concessions or contracts are cancelled or expired and as long as their contracts have been legally granted, and are in operation,

Article 69.-Those areas where there are buildings without the respective authorization, in conformity to this law, will be included in the planning that corresponds to the dictated urban norms, which will be gradually applied in cases of remodeling or reconstructions.

Article 70.- Settlers of a maritime zone, if Costa Rican by birth, with more than ten years of living in it, according to the information of the Rural Assistance Police's authorities, or a certification from the Electoral Registry about the domicile of the applicant, may continue in possession of their respective plots, (provided) as long as it is their only property. Nevertheless, they shall submit themselves to the zone's planning, according to which they may be relocated and their improvements indemnified, according to this law. In every case the public area will be respected.

Article 71.-All acts, contracts, agreements and dispositions, performed or taken since the promulgation of law No. 5602 of November 4 of 1974, and which are contrary to it, will be void.

Article 72.-In case the denomination, the organization or nature of institutions and entities indicated here are varied, the functions assigned to them by this law will be carried out by the organism that replaces them.

Article 73.-The present law does not apply to maritime zones included on national parks and equivalent preserves, which will be ruled by their respective legislation.

Chapter IX. Special Cases

Article 74.-As concerns to the project for Integral Development of Culebra Bay, whose littoral limits to the north on the point of Lambert's grid, latitude 2/94 and longitude 3/53, extending to point of latitude 2/84 and longitude

3/50, that is, from Cabuyal Point to Cacique Point, the affected areas will be under the direct management of the Costa Rica Tourist Board. The regulation that will rule this development will be formulated by the Executive Power, prior consultation to the Costa Rica Tourist Board.

All the mentioned above, without detriment of the profit and the fees that correspond to the respective municipalities, in conformity to this law.

Article 75.-The Board of Port Management and Economic Development of the Atlantic Watershed will continue with the dominion over the lands that were transferred to it in virtue of article 41, clause b) of law No. 5337 of August 27 of 1973, except for the maritime and terrestrial zone (terrestrial area) corresponding to both sides of the main canals system, that unites the ports of Moín and Barra del Colorado. This area will be ruled by the stipulations of this law, in full force.

Article 76.-The Municipality of the central county of Puntarenas is authorized to sell to the current occupants, or in its absence, to those whom it may interest, the excess of lands sold by the Costa Rica Tourist Board in the maritime and terrestrial strip that lies between Chacarita and the Barranca' s rivermouth, with a previous appraisal of such lands by the General Department of Direct Taxation. The product of such sales, will be destined by the Municipality to sanitation works of the settlements located in the east side of La Angostura.

The Municipality will reserve an area not lesser than fifty meters of wide from the ordinary high tide, dedicating it to the construction of a boulevard, whose planning will do jointly with the Costa Rica Tourist Board. Amended by article 2 of Law No. 4071 of January 22 of 1968.¹³⁰

Article 77.-Owners of plots bordering to the north with the Puntarenas estuary, may request concession of the lands they can access naturally or artificially, as well as of the part of the sea they use as wharves or as other facilities, industrial or crafts, as long as they don't contaminate the waters.

Article 78.-The Island of San Lucas will keep its current legal situation under the management of the Municipality of Puntarenas.

Article 79.-The area of Mata de Limón will be ruled by what is disposed in law No. 5582, as it refers to the financial contract of the Caldera Port.

Article 80.-The dispositions of article 20 are not applicable to the area of Tivives beach, leased to the Cooperative Tivives, R.L., since its building plans were done over the basis of a contract with the State, prior to this law.

Article 81.-The Executive Power will dictate the necessary regulations for execution of the present law.

¹³⁰ The Constitutional Court through its resolution at 16:30 hours of February 1 of 1995, contained in Vote No. 584-95, declared the addition of paragraphs fourth, fifth and sixth of this article included by law No. 7108, published in Alcance No. 35 of La Gaceta No. 215 of November 11 of 1988 as unconstitutional.

Article 82.-This law is of public order and annuls the law No. 4558 of April 22 of 1970 and its amends, as well as all the others that may oppose it, except for Law No. 4071 of January 22 of 1968 and its amends, and law No.5469 of April 25 of 1974. This law will be in force since the day of its publication.

Transitory Dispositions.

Transitory I.- Granted concessions or rental contracts that are based on preceding laws, save for the exceptions established herein, will be under the control of the respective municipalities and will remain in the same terms and conditions in which they were convened, but at their expiration, and if its extension is granted, they will be modified according to the norms of this law. The mentioned above as it regards to the maritime and terrestrial zone law.

Transitory II.-The municipalities and the Lands and Colonization Institute should submit to the Costa Rica Tourist Board copies of the contracts or concessions that they may have granted in the maritime and terrestrial zone (area) within six months from the moment in which this law is in force, without detriment of the interested that may present their contracts to the Costa Rica Tourist Board in the same term, all for the effects of their registration at it. Once the term is expired, if such contracts have not been presented, they will be void of validity and will be considered as expired.

If no contracts have been extended any existing vouchers must be presented.

In any case, written evidence that they are up to date in the payment of the respective fees must be enclosed. The absence of this record will be probation of the no payment of the fees.

For the effects of this transitory the original documents or photocopies of the same may be presented, signed by the interested or by the agent from the corresponding entity.

Transitory III.-Constructions and facilities currently located in the maritime and terrestrial zone, dedicated to tourism, in virtue of concessions or rentals granted by the State or its institutions may not be destined to activities of different nature. The respective municipalities and the Costa Rica Tourist Board will dictate and execute the measures deemed convenient to avoid this transformation. In any case, if the prohibition is violated, the granted concession will be cancelled.

Transitory IV.-Projects of tourist development approved by the Costa Rica Tourist Board before this law is in force will not be affected by its dispositions.

Transitory V.-Norms of this law will not apply to properties whose titles are currently in process, provided they adjust to the law on which the corresponding right is founded.

Transitory VI.-Exception to the dispositions of this law is made to properties in the maritime and terrestrial zone, declared as urban area of

the district nine of the central county, province of Puntarenas, owned by persons who acquired them legitimately and in full possession of them. The mentioned above prior payment of an aliquot sum of five thousand colones per hectare, to the benefit of the Municipal Administrative Council of Jacó or the respective county, when so ordered by the law. ¹³¹

Transitory VII.-Municipalities with jurisdiction of the maritime and terrestrial zone will charge a fee established by this law to occupants of the same. Collection will be done according to the current use and appraisal of the General Department of Direct Taxation. This authorization is provisional (character), until the development plan for the respective area is in force, and no right is produced for the occupants as it refers to the concession. ¹³²

Transitory VIII.- The following institutions will be exonerated of the payment of the rental's right in the maritime and terrestrial zone : Temporalities of the Catholic Church, health and nutrition centers, the Rural Assistant Police Force, communal halls and boards of education already established. ¹³³

Legislative Assembly.- San José, at the seventeenth day of the month of February, year nineteen seventy-seven.

ALFONSO CARRO ZUÑIGA,
President

STANLEY MUÑOZ SANCHEZ,
First Secretary

GUILLERMO SANDOVAL AGUILAR,
Second Secretary

Presidential House, San José.- at day two of the month of March of nineteen seventy-seven.

To be executed and published.

Daniel Oduber Carlos Ml. Castillo M.
Minister of the Presidency.

¹³¹ Added by law No.6515 of September 8 of 1980. Published in La Gaceta No. 208 of October 30 of 1980.

¹³² Added by law No. 6890 of September 14 of 1983, published in La Gaceta No. 180 of September 23 of 1983.

¹³³ Added by law No.6975 of November 30 of 1984, published in Alcance No. 22 to La Gaceta No. 230 of December 3 of 1984.