SUBSIDIARY LEGISLATION 363.109

ADVERTISEMENTS ON STREET FURNITURE (GĦARGĦUR LOCAL COUNCIL) BYE-LAWS

8th April, 2004

LOCAL COUNCIL BYE-LAW 24/2/2004, as amended by Legal Notice 425 of 2007.

1. The title of these Bye-Laws is the Advertisements on Street Furniture (Għargħur Local Council) Bye-Laws. Citation.

2. In these Bye-Laws unless the context otherwise requires - Interpretation.

"Act" means the Local Councils Act; Cap. 363.

"advertisement" means any type of promotion whether commercial or otherwise, and includes a notice;

"applicant" means the person who applies to the Council under the provisions of bye-law 3.2;

"contractor" means the person who has been authorised by the Council to display, fix or place any advertisement on street furniture under the provisions of bye-law 3.1;

"Council" means Għargħur Local Council;

"street furniture" means any object, movable or immovable which is the Council's property or is under its responsibility and which although would not substantially form part of the road, pavement, garden or other public area, would be placed in such area or fixed to it, or even placed on it, and includes dustbins, skips or bins on wheels, benches, planters, boundary walls, walls, columns, roundabouts, central strips and traffic islands.

3.1 Subject to any permit, authorisation, or licence required under any law, no person shall display, fix or place any advertisement on any street furniture within the Għargħur locality boundary without the written authorisation of the Council. Authorisation to advertise on street furniture.

3.2 Such authorisation may be granted either after a written application to the Council or else after a public call made by the Council for applications to be submitted:

Provided that the authorisation shall be deemed void if applicant fails to comply with the requirements established in the guidelines issued or which may be issued from time to time by the Council in terms of article 33(1)(*g*) of the Act:

Provided also that the guidelines shall be incorporated in the contract document which shall regulate the authorisation granted by the Council to the contractor in terms of bye-law 3.3.

3.3 Following a public call by the Council, the authorisation of the Council shall take the form of a contract in accordance with the regulations and procedures applicable to Local Councils.

Such a contract shall be valid for a period of one year

which may be renewed by the Council for a further one year period by means of a contract. In every case the Council reserves the right to refuse to renew the contract after having given valid reasons in writing to the person concerned.

3.4 The Council may, on awarding the contract mentioned in bye-law 3.3, authorise the contractor to use the space where advertisements may be displayed on street furniture, even by selling the mentioned space to third parties. In such a case, third parties would not require the Council's authorisation:

Provided that the contractor shall not use or sell the space for any advertisement that is prohibited by the contract, or at a higher price than that established by the Council by the contract or with conditions other than those stipulated in the original contract.

3.5 For every authorisation granted by the Council according to these Bye-Laws there shall be paid a fee as established in the Schedule:

Provided that for the authorisation granted by the Council following a public call, the fee entitled to be paid to the Council is that offered in the tender document which has been accepted.

3.6 Notwithstanding the authorisation granted under these Bye-Laws, the person to whom authorisation is given is personally responsible for any permits or licences necessary under any other law.

3.7 The Council may grant authorisation in terms of these Bye-Laws to voluntary organizations that operate from the locality, or non-governmental organizations listed in the Eighth Schedule to the Act, after the Council receives a written request so as to advertise activities or public notices without payment.

3.8 Any authorisation granted under these Bye-Laws is subject amongst other conditions to a condition that the advertisement shall be removed within one week from the expiry date of the authorisation. In any case to the contrary, the person responsible for removing such advertisements shall be guilty of a contravention.

Penalties.
Amended by: L.N. 425 of 2007.

4. Every person who is in breach of one of the provisions of these Bye-Laws or any condition of the authorisation given by virtue of these Bye-Laws shall, on conviction, be liable to a fine (*ammenda*) of forty-six euro and fifty-nine cents (46.59) for such contravention, and to a further fine (*ammenda*) of not less than two euro and thirty-three cents (2.33) and not more than eleven euro and sixty-five cents (11.65) for every day during which one of the provisions of these Bye-Laws or any condition of the authorisation is breached.

SCHEDULE

(Bye-law 3.5)

Substituted by: L.N. 425 of 2007.

Fees due for Advertisements on Street Furniture

Size	Fee due		
	Two Weeks	One Month	One Year
Up to 0.5 square metre	€6.99	€11.65	€46.59
Up to 1.0 square metre	€13.98	€23.29	€116.47
Up to 2.0 square metres	€27.95	€46.59	€232.94

Exceeding 2.0 square metres - €4.66 per day (subject to a minimum of €93.17).

LEĠISLAZZJONI SUSSIDJARJA 363.109

BYE-LAWS DWAR REKLAMI FUQ GĦAMARA TAT-TOROQ (KUNSILL LOKALI GĦARGĦUR)

8 ta' April, 2004

KUNSILL LOKALI BYE-LAW *24/2/2004, kif emendat bl-Avviż Legali 425 ta' l-2007.*

1. It-titolu ta' dawn il-*Bye-Laws* hu *Bye-Laws* dwar Reklami fuq Għamara tat-Toroq (Kunsill Lokali Għargħur). Titolu.

2. F'dawn il-*Bye-Laws* kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra: Tifsir.

"applikant" tfisser dik il-persuna li tapplika lill-Kunsill skond id-disposizzjonijiet ta' l-ordinament 3.2;

"Att" tfisser l-Att dwar Kunsilli Lokali; Kap. 363.

"Kunsill' tfisser il-Kunsill Lokali Għargħur;

"kuntrattur" tfisser dik il-persuna li tkun awtorizzata mill-Kunsill li tesibixxi, twaħħal jew tqiegħed xi reklam fuq għamara tat-toroq skond id-disposizzjonijiet ta' l-ordinament 3.1;

"għamara tat-toroq" tfisser kull ħaġa, mobbli jew immobbli, li tkun proprjetà tal-Kunsill jew taħt ir-responsabbiltà tiegħu li għalkemm ma tkunx parti essenzjali minn triq, bankina, ġnien jew post ieħor pubbliku, tkun imdaħħla ġo post bħal dak jew imwaħħla miegħu jew imqiegħda fuqu, u tinkludi *dustbins*, *skips* u *bins on wheels*, bankijiet, qsari, ċnut, ħitan, balavostri, kolonni, *roundabouts*, *central strips* u *traffic islands*;

"reklam" tfisser kull xorta ta' promozzjoni kemm kummerċjali kemm ta' xort'oħra, u tinkludi avviż.

3.1 Bla ħsara għal kull permess, awtorizzazzjoni, jew liċenza meħtieġa taħt xi liġi, ebda persuna ma tista' tesibixxi, twaħħal jew tqiegħed xi reklam fuq xi għamara tat-toroq fil-konfini tal-lokalità ta' Għargħur mingħajr l-awtorizzazzjoni bil-miktub tal-Kunsill. Awtorizzazzjoni għal reklamar fuq għamara tat-toroq.

3.2 Dik l-awtorizzazzjoni tista' tingħata jew wara applikazzjoni bil-miktub għaldaqshekk, jew wara sejħa pubblika fejn il-Kunsill jistieden applikazzjonijiet:

Iżda dik l-awtorizzazzjoni għandha titqies mhix valida jekk l-applikant jonqos milli jaderixxi mal-ħtiġiet li hemm stabbiliti fil-linji ta' gwida maħruġa jew li jistgħu jiġu maħruġa minn żmien għal żmien mill-Kunsill taħt l-artikolu 33(1)(*g*) ta' l-Att:

Iżda wkoll dawk il-linji ta' gwida għandhom ikunu mdaħħla fil-kuntratt li għandu jirregola l-awtorizzazzjoni mogħtija mill-Kunsill lill-kuntrattur skond l-ordinament 3.3.

3.3 Meta l-Kunsill joħroġ sejħa pubblika, l-awtorizzazzjoni tal-Kunsill għandha tkun permezz ta' kuntratt skond ir-regolamenti u l-proċeduri applikabbli għal Kunsilli Lokali.

Dak il-kuntratt ikun validu għal perijodu ta' sena li jista'

jiġi mġedded għal perijodu ta' sena oħra permezz ta' kuntratt. F'kull każ il-Kunsill jirriserva d-dritt li jirrifjuta li jġedded il-kuntratt wara li jagħti raġinijiet validi bil-miktub lill-persuna involuta.

3.4 Fil-għoti ta' kuntratt kif imsemmi fl-ordinament 3.3, il-Kunsill jista' jawtorizza lill-kuntrattur li jużа l-ispazju fejn jistgħu jitwaħħlu reklami fuq għamara tat-toroq ukoll billi jbiegħ l-imsemmi spazju lil terzi persuni. F'dak il-każ, l-imsemmija terzi persuni ma jkunux jeħtieġu l-awtorizzazzjoni tal-Kunsill:

Iżda l-kuntrattur ma jistax jużа jew ibiegħ l-ispazju għal xi reklami li jkunu projbiti bil-kuntratt, jew b'iktar mill-prezz stabbilit mill-Kunsill f'dak il-kuntratt jew b'xi kondizzjonijiet differenti minn dawk stipulati fil-kuntratt oriġinali.

3.5 Għal kull awtorizzazzjoni mogħtija mill-Kunsill skond dawn il-*Bye-Laws* għandu jitħallas dritt kif hemm stabbilit fl-Iskeda:

Iżda fil-każ ta' awtorizzazzjoni mogħtija mill-Kunsill wara sejħa pubblika, id-dritt li jitħallas lill-Kunsill ikun dak offrut fid-dokumenti ta' l-offerta li tkun ġiet milqugħa.

3.6 Minkejja kull awtorizzazzjoni mogħtija taħt dawn il-*Bye-Laws*, il-persuna li lilha tingħata l-awtorizzazzjoni tkun personalment responsabbli għal kull permess jew liċenza meħtieġa taħt kull liġi oħra.

3.7 Il-Kunsill jista' jagħti l-awtorizzazzjoni skond dawn il-*Bye-Laws* lil għaqdiet volontarji li jiffunzjonaw mil-lokalità, jew lill-organizzazzjonijiet li mhumiex tal-Gvern imniżżlin fit-Tmien Skeda li tinsab ma' l-Att, wara li dawn jagħmlu talba bil-miktub sabiex jirreklamaw attivitajiet jew appelli pubbiċi mingħajr ħlas.

3.8 Kull awtorizzazzjoni mogħtija taħt dawn il-*Bye-Laws* tkun fost kondizzjonijiet oħra soġġetta għall-kondizzjoni li r-reklam għandu jitneħħa fi żmien ġimgħa minn meta jiskadi ż-żmien li għalih tkun ħarġet l-awtorizzazzjoni. F'każ kuntrarju il-persuna responsabbli għat-tneħħija ta' dawk ir-reklami tkun ħatja ta' kontravvenzjoni.

Penali. *Emendat: A.L. 425 ta' l-2007.*

4. Kull persuna li tikser xi waħda mid-disposizzjonijiet ta' dawn il-*Bye-Laws* jew xi kondizzjoni ta' l-awtorizzazzjoni mogħtija bis-saħħa ta' dawn il-*Bye-Laws*, teħel, meta tinsab ħatja, ammenda ta' sitta u erbgħin euro u disgħa u ħamsin ċenteżmu (46.59) għal dik il-kontravvenzjoni, flimkien ma' ammenda oħra ta' mhux inqas minn żewġ euro u tlieta u tletin ċenteżmu (2.33) u mhux aktar minn ħdax-il euro u ħamsa u sittin ċenteżmu (11.65), għal kull ġurnata li tkun kisret xi waħda mid-disposizzjonijiet ta' dawn il-*Bye-Laws* jew xi kondizzjoni ta' l-awtorizzazzjoni.

SKEDA
(Ordinament 3.5)

Sostitwita:
A.L. 425 ta' l-2007.

Drittijiet dovuti għal Reklamar fuq Għamara tat-Toroq

Qisien	Dritt dovut		
	Ġimgħatejn	Xahar	Sena
sa 0.5 metru kwadru	€6.99	€11.65	€46.59
sa 1.0 metru kwadru	€13.98	€23.29	€116.47
sa 2.0 metri kwadri	€27.95	€46.59	€232.94
Iktar minn 2.0 metri kwadri	€4.66 kuljum (suġġett għal minimu ta' €93.17)		