L.C.B.L. 14/5/99

# LOCAL COUNCILS ACT, 1993
# (ACT NO. XV OF 1993)

## Advertisements on Street Furniture (Birkirkara Local Council) Bye-Laws, 1999

IN exercise of the powers conferred by sections 34, 36 and 60 of the Local Councils Act, 1993, and in conformity with the provisions of subsection (8) of section 35 of this Act, the Birkirkara Local Council has made the following Bye-Laws:-

Citation and commencement.

**1.1** These Bye-Laws may be cited as the Advertisements on Street Furniture (Birkirkara Local Council) Bye-Laws, 1999.

**1.2.** These Bye-Laws shall come into force one month after their publication in the Gazette.

Interpretation.

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

"Act" means the Local Councils Act, 1993;

"advertisement" includes a notice;

"applicant" means the person who applies to the Council under the provisions of subsection (2) of section 3 of these Bye-Laws;

"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 subsection (1) of section 3 of these By-Laws;

"Council" means the Birkirkara 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, 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 Birkirkara locality boundary without the written authorisation of the Council. Authorisation to advertise on street furniture.

**3.2** The 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 paragraph (g) of subsection (1) of section 33 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 subsection (3) of this section.

**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 for a further one year period by means of a contract.

**3.4** The Council may, on awarding the contract mentioned in subsection (3) of this section, 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, advertisements may only be displayed following the written authorisation of the Council:

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.

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

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 document of the accepted tender.

**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 to voluntary organisations that operate from the locality, parish organisations and philanthropic societies or non-governmental organisations 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.

Penalty.

**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 twenty Maltese Liri (Lm20) for such contravention, and to a further fine (*ammenda*) of not less than one Maltese Lira (Lm1) and not more than five Maltese Liri (Lm5) for every day during which one of the provisions of these Bye-Laws or any condition of the authorization is breached.

## SCHEDULE A

(Section 3.5)

### Fees due for Advertisements on Street Furniture

**Squares, roundabouts and main roads**

| Size | Two Weeks | One Month | One Year |
|---|---|---|---|
| Up to 0.1 square metre | Lm6 | Lm10 | Lm40 |
| Up to 1.0 square metres | Lm12 | Lm20 | Lm100 |
| Up to 2.0 square metres | Lm24 | Lm40 | Lm200 |

Exceeding 2.0 square metres — Lm4 per day (provided this is not less than Lm80).

**Secondary Roads**

| Size | Two Weeks | One Month | One Year |
|---|---|---|---|
| Up to 0.1 square metre | Lm3 | Lm5 | Lm20 |
| Up to 1.0 square metres | Lm6 | Lm10 | Lm50 |
| Up to 2.0 square metres | Lm12 | Lm20 | Lm100 |

Exceeding 2.0 square metres — Lm2 per day (with a minimum of Lm40).

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