

L.C.B.L. 55/15/99

LOCAL COUNCILS ACT, 1993
(ACT No. XV OF 1993)

Skips (*San Pawl il-Baħar* 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 *San Pawl il-Baħar* Local Council has made the following Bye-Laws:—

1.1 These Bye-Laws may be cited as the Skips (*San Pawl il-Baħar* Local Council) Bye-Laws, 1999.

Citation and
commencement.

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

2. In these Bye-Laws, unless the context otherwise requires:—

Definitions.

“authorised person” means any person holding a permit in terms of subsection 4.3 of these Bye-Laws, or his representative and any resident of any street or part thereof who is the only person authorised in accordance with subsection 4.2 of these Bye-Laws;

“bin on wheels” means any recipient on wheels that may be closed by means of a lid, used for the deposit of domestic refuse, supplied by or under the authority of the Council and placed in a public place within the *San Pawl il-Baħar* locality boundary, but does not include a skip;

“commercial and/or industrial waste or refuse” means any waste, originating from any shops, factories, enterprises, companies and other entities operating in commerce and industry and includes all bulky refuse in general, but does not include domestic waste or refuse;

“Council” means the *San Pawl il-Baħar* Local Council;

“domestic refuse” means household waste originating from private dwellings including flats or residential homes but does not include commercial and/or industrial waste;

“skip” means any open or closed skip supplied by or under the authority of the Council in a public place within the *San Pawl il-Baħar* locality boundary, and which includes any other recipient

of this kind, used for the deposit of commercial and/or industrial waste, but does not include bin on wheels.

Use of skips or bin
on wheels.

3. A skip or bin on wheels may only be used by authorised persons.

Placing of
skips or bins
on wheels.

4.1 No person, except the Council or the authorised person, may place any skip or bin on wheels in any public place within the *San Pawl il-Baħar* locality boundary.

4.2 The Council may assign an area wherein authorised persons only may use skips or bins on wheels provided by the Council in lieu of door-to-door collection of domestic and commercial waste.

4.3 The Council may, however, authorise in writing any person to place a skip or bin on wheels during such times and at such places and under such terms and conditions as may be stipulated in the written authority by the Council annexed in Schedule A to these Bye-Laws.

4.4 When a written authority under this section is granted, there shall be payable to the Council a fee of: —

4.4.1 in the case of a skip, seventy five (75) cents per day for every skip;

4.4.2 in the case of a bin on wheels, twenty (20) cents per day for every bin on wheels.

4.5 Any person who contravenes any provision of this section or who fails to comply with any of the conditions stipulated in the written authority, shall be guilty of a contravention.

Misuse
of skips or bins
on wheels.

5. No person shall:-

5.1 make use of any skip or bin on wheels unless he is an authorised person; or

5.2 cause any damage to any skip or bin on wheels or obliterate any markings printed on or affixed thereon; or scribble or make any mark on any skip or bin on wheels without the consent of the Council, or of the person to whom authority has been granted to place a skip or bin on wheels under section 4 of these Bye-Laws, as the case may require; or

5.3 after using the skip or bin on wheels leave its lid open or ajar; or

5.4 use the skip or bin on wheels for any purpose other than that it is intended for; or

5.5 when the skip or bin on wheels is full, deposit any refuse or waste in a manner that the lid of the skip or bin on wheels will not close properly or will remain ajar; or

5.6 when depositing such waste or refuse, spill and leave spilled any waste or refuse outside the skip or bin on wheels; or

5.7 throw or deposit any waste or refuse near or around the skip or bin on wheels; or

5.8 deposit in any bin on wheels any waste, refuse, object or substance which is not of a domestic nature; or deposit in any skip any commercial and/or industrial waste for which authority was not granted under the written authority in accordance with these Bye-Laws; or

5.9 deposit in the skip or bin on wheels any bulky article or liquid or any refuse, object or substance which the skip or bin on wheels is not intended to receive; or

5.10 remove or misplace the skip or bin on wheels from where it is placed unless, in the case of a skip or bin on wheels placed under the authority of the Council by a person, such person shall have obtained authority in writing to do so from the Council; or

5.11 deposit waste or refuse in a skip or bin on wheels which is not supplied by the Council but placed by a person to whom authority has been granted by the Council in accordance with these Bye-Laws; or

5.12 deposit in a bin on wheels any domestic refuse which is not contained in a closed bag, of a type and material approved by the Council; or

5.13 when authorised by the Council to deposit waste or refuse in a particular skip or bin on wheels, deposit any waste or refuse in another skip or bin on wheels.

6.1 Any person who, wholly or partially, engages in or operates a commercial and/or industrial activity within the *San Pawl il-Baħar* locality boundary shall each year during the month of January register

Registration of
commercial and
industrial
establishments.

with the Council the name of the contractor engaged by such person to collect his commercial and/or industrial waste.

6.2 No person mentioned in subsection 6.1 of this section shall throw or deposit commercial and/or industrial waste in the skips or bins on wheels supplied or authorised by the Council in the *San Pawl il-Baħar* locality boundary unless so authorised in writing by the Council.

Registration of
development.

7. Anyone who has the possession of an immovable property where a development which is going to generate waste is going to take place has the duty to register, not later than one week before the development commences, the name of the person or company engaged by him to collect the waste generated by such development.

Offences and
penalties.

8.1 Subject to the provisions of subsections 8.2 and 8.3 of this section, any person who contravenes or fails to comply with any of the provisions of section 5 hereof shall be deemed to have committed a contravention and shall, on conviction, be liable, unless a higher penalty is applicable under any other law —

8.1.1 for a first contravention to a fine (*ammenda*) of twenty Maltese liri (Lm20), and

8.1.2 for a second or subsequent contravention to a fine (*ammenda*) of thirty Maltese liri (Lm30).

8.2 In the case of a contravention under section 4 of these Bye-Laws, a person shall be liable on conviction to a fine (*ammenda*) of thirty Maltese liri (Lm30), and in the case of a continuing offence, to a further fine (*ammenda*) of five Maltese liri (Lm5) for each day during which the offence continues.

8.3 In the case of a contravention under section 6.2 of these Bye-Laws a person shall be liable on conviction to a fine (*ammenda*) of thirty Maltese liri (Lm30).

8.4 The imposition of a penalty under this section shall be without prejudice to the right of the Council to recover any civil damages caused by the commission of any contravention under these Bye-Laws.

Termination or
cancellation
of registration.

9. The Council may terminate the authority given, and, or cancel the registration made under these Bye-Laws if it is satisfied that any of the terms and conditions under which the said authority was granted or registration made has not been complied with, or if there is a substantial change in circumstances which in the opinion of the Council

renders it necessary to withdraw the authority or cancel the registration. In this case the Council shall not be obliged to refund any fee that would have already been paid to the Council under subsection 4.4 of these Bye-Laws.

SCHEDULE A

(Section 4.3)

SAN PAWL IL-BAHAR LOCAL COUNCIL

IN exercise of the powers conferred by article 4 of the Skips (San Pawl il-Bahar Local Council) Bye-Laws, 1999 the *San Pawl il-Bahar* Local Council is hereby authorising _____ residing at _____ Licence No _____ I.D. Card No _____ () name of enterprise or company _____ VAT No. _____ Tel. No./Fax _____ to place _____ skip/s / bin/s on wheels in the *San Pawl il-Bahar* locality boundary under the terms and conditions specified hereunder:

1. The skip/bin on wheels shall be of a size, type and colour to be approved in writing by the Council.
2. No markings shall be printed on or affixed to or removed from the skip/bin on wheels unless authorised by the Council in writing.
3. There shall be printed on the skip/bin on wheels such markings as may be authorised by the Council in writing.
4. The skip/bin on wheels shall be placed on the site/s indicated by the Council on the attached site plan provided by the same Council.
5. The authorised person shall ensure that the skip/bin on wheels is emptied every _____ or when it is full, whichever is the earlier.
6. The Skips (*San Pawl il-Bahar* Local Council) Bye-Laws, 1999 shall apply to each and every skip/bin on wheels placed in the *San Pawl il-Bahar* locality boundary.
7. The authorised person shall ensure that all preventive precautions for the conservation of the environment and for the protection of the citizen, are being implemented.
8. At all times during the period of authorisation the authorised person must apply for an adequate insurance policy, acceptable to the Council, against third party liability and indemnify the Council against any claims arising out of, or in relation to, the placement or use of any such skip/bin on wheels.
9. Subject to earlier termination for non-compliance with the above terms or conditions this authority shall be valid for a period of _____ commencing on _____.
10. This authority is subject to the payment of a fee of Lm _____.

Mayor_____
Secretary

(Date) _____