L.C.B.L. 37/18/99

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

Skips and Bins on Wheels (Mellieħa 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 Mellieħa Local Council has made the following Bye-Laws:—

Citation and commencement.

1.1 These Bye-Laws may be cited as the Skips and Bins on Wheels (Mellieħa Local Council) Bye-Laws, 1999.

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

Definitions.

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

"Act" means the Local Councils Act, 1993;

"authorised person" means any person holding a permit or his representative and any resident of any street or part thereof who is the only person authorised in accordance with subsection 3.1 of these Bye-Laws;

"bin on wheels" means any recipient on wheels that may be closed by means of a lid, supplied by or under the authority of the Council and placed in a public place within the Mellieħa locality boundary, for the deposit of domestic refuse but does not include 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;

"Council" means the Mellieħa Local Council;

"domestic refuse" means all type of waste not being of a commercial nature but household waste originating from private dwellings including flats or residential homes;

"skip" means any open or closed skip supplied by the Council or under its authority in a public place by a person duly authorised

by the Council within the Mellieħa 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.

Placement of skips and bins on wheels.

3.1 No person, without the authority of the Council, shall have the power to place any skip or bin on wheels in any public place within the Mellieħa locality boundary.

3.2 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.

3.3 When a written authority is granted, there shall be payable to the Council:—

3.3.1 in the case of a skip, a fee of fifty cents (50c) per day for every skip;

3.3.2 in the case of a bin on wheels, ten cents (10c) per day for every bin.

3.4 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 and bins on wheels.

4.1 A person shall be deemed to be guilty of a contravention if:

4.2 he causes any damage to any skip or bin on wheels or obliterate any markings printed on or affixed thereon; or scribble or make any mark of any sort on any skip or bin on wheels without the consent of the Council or of the person to whom written authority has been granted to place a skip or bin on wheels by virtue of section 3 of these Bye-Laws as the case may require; or

4.3 after using the skip or bin on wheels he leaves its lid open or ajar, or deposits any refuse in such manner as to impede the lid from closing properly or will remain ajar; or

4.4 he uses the skip or bin on wheels for any purpose other than that it is intended for, or deposits any waste or refuse which the skip or bin on wheels is not intended to receive; or

4.5 he deposits any waste or refuse outside, around or near the skip or bin on wheels; or

4.6 he removes or misplaces the skip or bin on wheels from where it is placed by the Council or by any person duly authorised without having obtained authority in writing to do so from the Council; or

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

4.8 he deposits 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

4.9 he deposits waste or refuse in a skip or bin on wheel other than that for which written authority has been issued by the Council; or

4.10 he deposits any waste or refuse whether of a commercial and/or industrial or domestic nature, which waste or refuse has not originated from within the Mellieħa locality boundary.

Registration of commercial and industrial establishments.

5.1 Any person who, wholly or partially, engages in or operates a commercial or industrial activity within the Mellieħa locality boundary and whose field of operation falls under one of the establishment categories shown under Column 1 of Schedule B to these Bye-Laws, shall register with the Council in order to be granted authority to deposit commercial and/or industrial waste in the skips supplied by or authorised by the Council in the Mellieħa locality boundary.

5.2 Without prejudice to the provisions of section 5.1 above, every person in Category 1 of Schedule B of these Bye-Laws can dispose of commercial and/or industrial waste in a bin on wheels.

5.3 For each registration made under section 5.1 a fee as shown in Column 2 of Schedule B to these Bye-Laws shall be payable to the Council.

5.4 The Council may, for a valid reason given in writing, refuse to register a person under section 5.1 above.

5.5 The applicant shall only commence to make use of the skip or bin on wheels after the application has been approved by the Council and after he would have received such approval in writing. Should the applicant make use of the skip or bin on wheel prior to the receipt of such approval, he shall be guilty of a contravention.

Offences and penalties.

6.1 Subject to the provisions of subsections 2 and 3 of this section, any person who contravenes or fails to comply with any of the provisions of section 4 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 —

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

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

6.2 In the case of a contravention under sections 3 and of subsection (5) of section 5 of these Bye-Laws, a person shall be liable on conviction to a fine (*ammenda*) of thirty Maltese liri, (Lm30).

6.3 In the case of a continuing offence a person shall be liable on conviction to a further fine (*ammenda*) of five Maltese liri (Lm5) for each day during which the offence continues.

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

Termination or cancellation of registration.

7. 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 Schedule B to these Bye-Laws.

SCHEDULE A

(Section 3.2)

MELLIEĦA LOCAL COUNCIL

IN exercise of the powers conferred by section 3 of the Skips and Bins on Wheels (Mellieħa Local Council) Bye-Laws, 1999 the Mellieħa 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 Mellieħa 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 authorized by the Council in writing.

3. There shall be printed on the skip/bin on wheels such markings as may be authorized 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 authorized person shall ensure that the skip/bin on wheels is emptied every _____ or when it is full, whichever is the earlier.

6. The Skips and Bins on Wheels (Mellieħa Local Council) Bye-Laws, 1999 shall apply to each and every skip/bin on wheels placed in the Mellieħa locality boundary.

7. The authorized 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 authorization the authorized 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 _____

(Section 5.1) **SCHEDULE B**

CATEGORIES OF ESTABLISHMENTS AND FEES

Column 1 CATEGORIES	Column 2 FEES FOR USE OF SKIPS
Category No. 1	
Bars, snack bars, clubs, institutions and any other organisations, sport centres, grocers, bakeries, butchers, chemists, hairdressers, salons, bazaars, stationeries, confectioneries, tailors, pet shops, plant and flower shops, clothes shops, offices, clinics, halls and any other commercial outlets and churches, antique shops, ironmongers, carpenters, household appliances shops, aluminium manufacturers and hawkers selling nougat.	No fees Registration with the Council only
Category No. 2	
Mobile kiosks and hawkers selling fast foods, who require a temporary police licence to operate on the days of a feast in the locality.	A fee of Lm 10 for the duration of the licence
Category No. 3	
Restaurants, guest houses, schools, homes for the elderly, banks, showrooms, green grocers, hawkers.	A fee of Lm 50 per annum
Category No. 4	
Mechanics, panel beaters, sprayers, tyre service, petrol stations, blacksmiths.	A fee of Lm 100 per annum
Category No. 5	
Hotels, holiday complexes, Industrial establishments including enterprises or co-operatives or any other enterprise, government departments, parastatal entities or corporations, excluding construction sites or stone quarries.	A fee of Lm 600 per annum
Category No. 6	
Any other industrial establishment not falling under any of the categories mentioned in this scheme, other than those already included in Category No. 5.	A fee of Lm 400 per annum

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