L.C.B.L. 38/3/2004

LOCAL COUNCILS ACT
(CAP. 363)

Advertisements on Street Furniture (Mġarr Local Council) Bye-Laws, 2004

IN exercise of the powers conferred by articles 34, 36 and 60 of the Local Councils Act, and in conformity with the provisions of article 35(8) of the said Act, the Mġarr Local Council has made the following Bye-Laws:–

Citation and commencement.

1.1 The title of these Bye-Laws is Advertisements on Street Furniture (Mġarr Local Council) Bye-Laws, 2004.

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;

"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 subarticle (2) of article 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 subarticle (1) of article 3 of these Bye-Laws;

"Council" means the Mġarr 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.

Authorization to advertise on street furniture.

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

3.2 Such authorization 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 authorization 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 subarticle (1) of article 33 of the Act;

Provided also that the guidelines shall be incorporated in the contract document which shall regulate the authorization granted by the Council to the contractor in terms of subarticle (3) of this article.

3.3 Following a public call by the Council, the authorization 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. In every case the Council reserves the right to refuse to renew the contract after having given valid reasons in writing to any person concerned.

3.4 The Council may, on awarding the contract mentioned in subarticle (3) of this article, 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 authorization:

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 different from those stipulated in the original contract.

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

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

3.7 The Council may grant authorization 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 authorization 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 authorization. In any case to the contrary, the person responsible for removing such adverts shall be guilty of a contravention.

4. Every person who is in breach of one of the provisions of these Bye-Laws or any condition of the authorization given by virtue of these Bye-Laws, shall, on conviction, be liable to a fine (*ammenda*) of twenty liri (Lm20) for such contravention, and to a further fine (*ammenda*) of not less than one lira (Lm1) and not more than five liri (Lm5) for every day during which one of the provisions of these Bye-Laws or any condition of the authorization is breached. Penalty.

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(Article 3.5)

SCHEDULE

Fees due for Advertisements on Street Furniture

Size	Fee Due		
	Two Weeks	One Month	One Year
Up to 0.5 square metre	Lm3.00	Lm5.00	Lm20.00
Up to 1.0 square metre	Lm6.00	Lm10.00	Lm50.00
Up to 2.0 square metres	Lm12.00	Lm20.00	Lm100.00
Exceeding 2.0 square metres	Lm2.00 per day (subject to a minimum of Lm40.00)		

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