L.C.B.L./61/05/2011

LOCAL COUNCILS ACT
(CAP. 363)

Advertisements On Street Furniture
(Ta' Xbiex Local Council) Bye-Laws, 2011

IN exercise of the powers conferred by articles 34, 35(8) and 60 of the Local Councils Act, the Ta' Xbiex Local Council has made the following Bye-Laws:-

1. The title of these Bye-Laws is the Advertisements on Street Furniture (Ta' Xbiex Local Council) Bye-Laws, 2011. Citation.

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

"advertisement" includes a notice or billboard;

"the Act" means the Local Councils Act;

"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;

"the Council" means the Ta' Xbiex 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, and any other objects that are property of the Council.

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 Ta' Xbiex 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 the 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 further 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 for a further one year period by means of a contract.

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, 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 in the contract or with conditions different from those stipulated in the original contract:

Provided further that the contractor shall not sell the space for any advertisement.

3.5 For every authorisation granted by the Council according to these Bye-Laws a fee shall be paid 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 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 in terms of these Bye-Laws to voluntary organisations that operate from the locality and philanthropic societies or non-governmental organisations as defined in the Volontary Organizastions 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 advert 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 authorisation given by virtue of these Bye-Laws, shall, on conviction, be liable to a fine (ammenda) of fifty euro (€50) for such contravention, and to a further fine (ammenda) of not less than two euro and fifty cents (€2.50) and not more than twelve euro (€12) for every day during which one of the provisions of these Bye-Laws or any condition of the authorisation is breached. Penalty.

SCHEDULE

(Bye-law 3.5)

Fees due for Advertisements on Street Furniture

Size	Two weeks	One month	One year
up to 0.5 square metres	€7	€12	€47
From 0.51 to 1.0 square metres	€14	€24	€117
From 1.01 to 2.0 square metres	€28	€47	€350
exceeding 2.0 square metres	€7 per day (provided this is not less than €117)		

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