VERŻJONI ELETTRONIKA

L.C.B.L 5/5/2018

LOCAL COUNCILS ACT
(CAP. 363)

Advertisements on Street Furniture (Bormla (Città Cospicua) Local Council) Bye-Laws, 2018

IN EXERCISE of the powers conferred by articles 34, 35(8) and 60 of the Local Councils Act, Bormla (Città Cospicua) Local Council has made the following Bye-Laws:-

1. The title of these Bye-Laws is the Advertisements on Street Furniture (Bormla (Città Cospicua) Local Council), Bye-Laws, 2018. Citation.

2. In these Bye-Laws unless the context otherwise requires:– Interpretation.

"Act" means the Local Councils Act; Cap. 363.

"advertisement" means any type of promotion or marketing, whether commercial or otherwise, but excluding a promotion by a political party, and includes a notice;

"applicant" means the person who applies to the Council under the provisions of Bye-Law 3.3;

"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;

"Council" means the Bormla (Città Cospicua) Local Council;

"street furniture" means any object, movable or immovable, which is the Council's property or is held by it under any title whatsoever or is under its responsibility or control and which although may not substantially form part of the road, pavement, garden or other public area, would be placed in such an area or fixed to it, or even placed on it, and includes dustbins, skips or bins on wheels, benches, poles, planters, boundary walls, walls, balustrades, columns, roundabouts, central strips and traffic islands, and any other object which may be included by the Council by means of a resolution.

3.1. No person shall display, fix or place any advertisement on any street furniture within the Bormla (Città Cospicua) locality boundary without the written authorization of the Council. Authorization to advertise on street furniture.

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3.2. The granting of such written authorization by the Council shall not in any way exempt any person from the duty to request and obtain any permit, authorization, or licence required under any other law:

Provided that the Council shall have the right to withdraw any authorization granted to any person, where that person fails to obtain any permit, authorization or licence required under any other law.

3.3. Such authorization by the Council 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 such authorization shall not be granted for any political advertisement:

Provided further that the authorization shall be deemed void if the applicant provides the Council with incorrect or false information in his application, or 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 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 Bye-Law 3.4.

3.4. 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 time which shall be indicated by the Council in the public call, and which period of time may be renewed for a further period of equal time by means of another contract. In every case the Council reserves the right to refuse to renew the contract after having given valid reasons in writing to the person who was awarded the contract.

3.5. The Council may, on awarding the contract mentioned in Bye-Law 3.4, authorise the contractor to use the space where advertisements may be displayed on street furniture, even by leasing 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 lease 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.

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3.6. Where the authorization is requested by means of a written application, such authorization may be granted by the Council at its exclusive and utmost discretion. Should the Council decide to grant the authorization, it shall do so in writing, which writing shall include all the conditions attached to the authorization.

3.7. For every authorization granted by the Council in accordance with these Bye-Laws, there shall be paid a fee as established in the First Schedule:

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.

3.8. The Council may, at its sole discretion, grant authorization in terms of these Bye-Laws to voluntary organizations that operate from the locality, or non-governmental organizations, after the Council receives a written request so as to advertise activities or public notices without payment.

3.9. Any authorization granted under these Bye-Laws is always subject amongst other conditions, to a condition that the advertisement shall be removed within one week from the expiry date of the authorization, notwithstanding the fact that this condition may not be mentioned specifically in the written authorization. In the event that the person to whom the authorization is granted fails to respect this condition, then that person shall be guilty of a contravention.

Penalty.

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 be guilty of an offence and shall, on conviction, be liable to a fine (ammenda) of forty-six euro and fifty-nine cents (€46.59) for such contravention, and to a further fine (ammenda) of not less than two euro and thirty-three cents (€2.33) and not more than eleven euro and sixty-five cents (€11.65) for every day during which one of the provisions of these Bye-Laws or any condition of the authorization continue to be breached.

Transitory Provision.

5. Whosoever is responsible for the affixing or placing of any advertisement to which these Bye-Laws would apply and which is already affixed or placed at the time of the coming into force of these Bye-Laws shall be obliged to remove that advertisement within two months from the day upon which these Bye-Laws come into force.

Provided that the duty to remove such an advertisement shall cease in the event that such a person requests and acquires the necessary authorisation from the Council according to the terms of these Bye-Laws.

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Reservation.

6. The Council reserves the right to remove any advertisement affixed without authorization or any advertisement which is not removed by the person authorised within the time-limit stipulated in these Bye-Laws, at the expense of the person contravening any of the provisions of these Bye-Laws or infringing any condition of the authorization given by virtue of these Bye-Laws.

FIRST SCHEDULE

(Bye-Law 3.7.)

Fees due for Advertisements on Street Furniture

Size	Fees Due		
	Two weeks	One month	One year
Up to 0.5 square metre	€6.99	€11.65	€46.59
Up to 1.0 square metre	€13.98	€23.29	€116.47
Up to 2.0 square metres	€27.95	€46.59	€232.94
Exceeding 2.0 square metres	€4.66 per day (subject to a minimum of €93.17)		

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — ***Printed at the Government Printing Press on FSC certified paper***

Prezz/*Price*
€0.36