

GENERAL DECREE GOVERNING CIVIC DUTY AND PUBLIC ROADS

Citizen coexistence

TITLE I

General provisions

Article 1. Object

1. The purpose of this decree is to regulate the proper use of public roads and to facilitate good citizen coexistence.

In this decree, acts, activities and behaviour's not contemplated in the previous point and that occur on public roads and municipal facilities when they alter citizen coexistence.

2. Any act, activity or behaviour that involves misuse or that causes disorder or damage to public roads and their structural elements, buildings and facilities of municipal ownership and urban furniture, are typified in this ordinance as an infraction, with its corresponding sanctioning regime.

3. Also included in this ordinance are acts, activities and behaviour's not contemplated in the previous point and that occur on public roads and municipal facilities when they alter citizen co-existence.

4. Likewise, the acts, activities and behaviour of residents or occupants of buildings or third parties that are carried out in buildings, facilities or enclosures of private ownership will constitute a transgression, provided that these actions affect the aesthetics of the buildings, civic duty and the environment, without prejudice to the reservation of actions for damages that may correspond to the injured individuals.

Article 2. Scope

The scope of application of this ordinance covers the entire municipality of Istán.

Article 3. Definition of public road

The concept of public roads used in this ordinance includes both the elements of roads in the strictest sense of the word and the squares, parks and other public spaces owned by the municipality.

TITLE II

The conduct or conduct of citizens with respect to municipal public property

CHAPTER I

Graffiti

Article 4. General rule

Graffiti, defacing or similar acts on any kind of property visible from a public road are prohibited.

Exceptions to the provisions of the preceding paragraph shall be:

1. Mural paintings of an artistic nature. These will require prior communication to the Town Hall and the municipal "acknowledgement", as well as the written authorization of the owner of the element on which you wish to paint.

2. Those that the Town Hall may authorize at its discretion taking into account the surrounding circumstances in each case, bearing in mind the conditions of the previous point.

CHAPTER II

Public roads and structural elements, buildings and facilities of municipal ownership

Article 5. Actions with regard to public roads and their structural elements

Any action that involves misuse or generates dirt or damage to public roads and their structural elements constitutes an infringement of this ordinance.

Article 6. Definition of structural element

A structural element of public road is considered to be one that is part of its content, district planning or that regulates mobility. By way of example, the following are considered structural elements:

- Public lighting posts and poles.
- Traffic lights and complementary elements.
- Vertical and horizontal signage on public roads
- Physical elements of protection or delimitation of the areas: pylons, chains, fences (mobile and fixed) and others.
- Manhole covers, grates and others.
- Facades and other walls

Article 7. Infringements

The following constitute an infringement of this ordinance with respect to the use of public roads and their structural elements, in addition to the behaviour referred to in article 5:

- Discharge of any type of firecracker against structural elements.
- Shake, tear, break, remove structural elements or parts of them, or climb on them.
- Move structural elements without prior municipal license.
- Light a fire near structural elements.
- Glue adhesives, posters and similar objects on structural elements.
- Tear, scratch, deface road signs referring to circulation, urban transport and other similar elements.

Article 8. Buildings and facilities owned by the municipality

Behaviour prohibited in articles 4 and 5 of this ordinance, in the buildings and facilities of municipal ownership, both outside and inside, are defined as infractions to this ordinance.

CHAPTER III

Street fixtures

Article 9

Any behaviour that involves misuse or that generates dirt or damage to the elements of urban fixtures constitutes an infraction under this ordinance.

Article 10. Definition of street fixtures

Urban fixtures are considered those elements that serve as ornamentation, support of services and leisure and recreational activities. By way of example, the following is considered urban furniture:

1. Waste paper baskets. 2. Public fountains. 3. Children's Games. 4. Planters. 5. Benches. 6. Bus stop indicator canopies and poles. 7. Advertising media. 8. Containers. 9. Sculptures. 10. Bicycle parking. 11. Gardening support elements. 12. Fences, mobile signals and other mobile traffic signage. 13. Other elements of street fixtures for the same purpose

Article 11. Waste paper baskets

Small solid waste such as papers, wrappers and similar elements must be deposited in the bins installed for this purpose. It is prohibited to:

- Throw cigarette butts or cigarettes or other lit materials into the bins. Should they be thrown in the bin they must be extinguished prior to them being thrown.
- Thros bags of debris, boxes or packages of dimensions greater than that of the container that must contain them.
- Deposit liquids or waste that can liquefy in the bins.
- Any act that may damage the bin.

Article 12. Public fountains

In public fountains and similar places, it is prohibited to:

1. Wash, bathe, wash animals, motor vehicles or the like, let animals swim or drink, throw any type of product or object or muddy the water.
2. Alter the outlet of the water by directing it out of the container designed to collect it or other similar actions.

Article 13. Children's games

Children's games are intended exclusively for children. All acts that involve misuse of the games or that generate dirt or damage are violations and, in particular:

- Use of games in a way that may cause harm or discomfort to other children.
- Use different from the established one, that may lead to the misuse of the game or damage it.
- Break some part, unhook them, and other similar acts.

Article 14. Public prohibitions

Without prejudice to the specifications established for street fixtures in the preceding articles, the following are prohibitions in conjunction to this and the rest of urban fixtures referred to in Article 10:

1. Explode any type of firecracker against street fixtures.
2. Shake, tear, knock down, break, dirty, twist or remove street fixtures, climb on top or climb over it.
3. Move elements without prior license or municipal authorization.
4. Light a fire near street fixture.
5. Tearing, scratching, defacing traffic signs referring to circulation, urban transport and other similar signs.
6. Stick stickers, posters and similar elements on street fixtures.
7. Tie ropes or other elements that may prevent the circulation of pedestrians or vehicles.

CHAPTER IV

Gardens, parks and other green areas

Article 15. Trees and shrubs

1. Everyone shall respect the trees and shrubs as well as the elements intended for their location, protection and beautification, and shall refrain from any act that may harm or dirty them.
2. It is forbidden to: climb trees, cut trees or shrubs, uproot them, cut their branches, leaves or flowers, engrave or cut their bark, pour any kinds of liquids even if they are not harmful in the vicinity of the tree or grates or throw debris or waste.
3. It is forbidden to nail nails, staples or any similar element in the trunk or branches of trees. Likewise, it is not allowed to hang signs or other similar advertising elements. The adornment of trees is accepted on the occasion of traditional festivals, prior municipal knowledge and provided that no damage is caused.
4. Property owners and neighbours may apply for authorisation to grow flowers and ornamental plants in the flowerbeds, which may be granted in a totally discretionary manner and, if applicable, with conditions for their maintenance.
5. Projects for new buildings or renovations shall provide for access during the stages of execution of the works, so that the structural elements and the existing trees are not damaged. Exceptionally, the City Council may authorize their displacement.

Article 16. Planters

1. Everyone will respect the plants in the planters, as well as the elements intended for their location, protection or beautification, and shall refrain from any act that may harm or dirty them.
2. It is forbidden to rip up plants, cut or tear off branches, leaves and flowers, engrave or cut the bark, throw any kinds of liquids even if they are not harmful to gardening, or throw debris or waste at them.
3. Property owners and their neighbours may apply for authorisation to grow flowers and ornamental plants in planters, which may be granted on a totally discretionary basis and, where appropriate, with conditions for their maintenance.

Article 17. Public prohibitions

Without prejudice to the specifications of the previous articles, the following are prohibitions regarding gardens, parks and other green areas:

1. Trampling or mistreating flowerbeds and planters, as well as taking plants or any of their elements (flowers, leaves, etc.).
2. Light bonfires and fires without the prior authorization of the City Council.
3. Launch drones and other similar elements.
4. Deposit or throw material or objects of any kind (debris, appliances, garden waste and other materials).
5. Extract stones, sand, plants or similar objects.
6. Mistreat or subtract gardening items.

Article 18. Infringements

Violation of the prohibitions or mandates contained in articles 9 to 17 of this ordinance shall constitute an infringement.

TITLE III

The behaviour or conduct of citizens with regard to noise

CHAPTER I

General Concepts

Article 19. Objective

The municipal competence to ensure the sound quality of the urban environment regulated by this ordinance excludes noise derived from commercial and industrial activities, and those produced by motor vehicles, which are regulated by its own specific ordinance.

Article 20. Limitations in general

The creation of noise on public roads or inside buildings will be kept within the limits of mutual respect.

SECTION 1 Neighbours

Article 21. Standard of general application

The creation of noise inside buildings will be kept within the limits of mutual respect.

This provision affects noise caused by the human voice or by the direct activity of people, animals, household appliances, musical or acoustic appliances and instruments, air conditioning, ventilation or refrigeration installations and similar noises.

The scope of this limitation includes the interior of the dwellings and common spaces, as well as patios, terraces, galleries, balconies and other open spaces of the buildings.

Article 22. Pets

Owners of domestic animals are obliged to take the necessary measures to prevent the tranquillity of their neighbours from being disturbed by their behaviour.

Article 23. Limitations for night rest

1. The creation of noise inside buildings between 22:00 and 8:00 h shall be reduced to a minimum so as not to disturb the rest of the neighbours.
2. It is forbidden, from 23:00 to 7:00 h, to leave in patios, terraces, galleries and balconies or other open spaces, domestic animals that with their sounds, shouts, songs and other activities disturb the rest of the neighbours.

SECTION 2 Leisure, recreational and entertainment activities

Article 24. Municipal authorization

Leisure and recreational activities and shows that have music equipment or that do musical activities are subject to a municipal license of classified activities and are regulated by its specific regulations.

CHAPTER II

Noise originating from public roads or public or private spaces

Article 25. Standard of general application

On public roads and other areas of public attendance, activities such as singing, shouting, operating radio sets, televisions, instruments, turntables and other similar devices beyond the limits of mutual respect is not allowed.

Article 26. Shows, leisure, recreational and occasional events

Shows, leisure, recreational and occasional events carried out in a public road or in private spaces are subject to obtaining municipal authorization. The City Council will determine as conditions of the authorization the maximum sound level as well as the start and end time of the activity.

Article 27. Ambient music in the street

Broadcast of ambient music is subject to the same requirements as the previous article. Authorizations will be granted in traditional and commemorative periods or dates or limited to days and times in commercial or similar areas at a collective or singular level.

Article 28. Loading and unloading

1. The activities of loading and unloading goods, handling of boxes, containers, construction materials and similar actions are prohibited from 22:00 to 7:00 h. Exceptions are nightly garbage collection and cleaning operations, which will adopt the necessary measures to minimize the level of disturbance of citizen peace and quiet.

2. The City Council may compel the adoption of appropriate measures in order to minimize the inconvenience and reduce it to those strictly necessary, provided that the convenience is justified and is technically and economically viable.

Article 29. Works on public roads and works

The works carried out on public roads and in construction will be subject to the following requirements:

1. Working hours will be between 8:00 and 20:00 h from Monday to Saturday, except holidays. This is without prejudice to the provisions of the Collective Labour Agreement that is applicable to it.

2. Appropriate measures shall be taken to ensure that the limits of respect for others are not exceeded.

3. In the event that the work has to be carried out outside the established hours and / or exceeds the admitted noise limits, an express authorization from the City Council will be required, which will establish the schedule for the exercise of the activity and, if applicable, the sound limits.

4. Machinery must be equipped with sufficient elements to reduce the sound impact on public roads.

5. Urgent works, those carried out by necessity and those that due to danger or inconvenience that they entail that cannot be carried out during the daytime hours of working days, such as municipal public services, are not affected by the previous prohibition. These works must also be expressly authorized by the City Council, which will determine the sound limits to be met and the schedule.

6. The municipality may compel the contractor to take appropriate measures to minimise the inconvenience resulting from the execution of the works.

Article 30. Acoustic warning systems for establishments and buildings

1. It is forbidden without just cause to trigger any warning system such as alarms, sirens, emergency signalling or similar systems.

2. Alarm operation test. Tests and trials of acoustic warning devices of the following types are authorised:

a) For the installation: they will be those that are carried out immediately after their installation.

b) Maintenance: Prior previous communication to the municipal police of the day and time. The sound emission may not exceed three (3) minutes.

3. Installation of alarms. The installation of alarms and other sound emergency devices in commercial establishments, homes and other buildings must be communicated to the municipal police, indicating: name and surname, ID, address and telephone numbers of at least two people who can respond to the installation. The fact that the owner has not given information to the municipal police of himself or the person responsible for the installation, will be considered as a tacit authorization for them to use the necessary means to interrupt the sound of the warning system.

4. In the event that the police are unable to locate anyone responsible for the alarm, the officers may use the necessary means to stop the nuisance by the owner of the establishment or building where it was located.

Article 31. Vehicle alarms

Vehicles parked in open spaces (public or private roads) are prohibited from producing unnecessary noise with alarm devices or emergency signage. Vehicles that are in this situation may be removed to avoid inconvenience to neighbours.

Article 32. Sound for advertising

1. Sound for advertising means advertising messages produced directly or by reproduction of the human voice, such as the sound of musical instruments or other mechanical or electronic artifices.

2. Sound for advertising is limited to political, trade union, cultural, recreational and similar activities, which in any case must be communicated in advance. As for the activities of electoral campaigns, it will be what the applicable legislation on the matter determines at all times.

Article 33. Activation of pyrotechnic products

The activation of pyrotechnic products without a municipal license is prohibited, in any case, it will be limited to public roads and private open spaces and to levels of detonation specified by the seller.

CHAPTER III

Action for coexistence between citizens - annoying noises.

Article 34

The local police or municipal technicians, ex officio or at the request of third parties, will check if the acts or activities that are producing noise breaches that provided in this ordinance. The assessment of the infringement shall be inferred from the report issued.

Those that break this ordinance will be required to cease the disturbing activity causing the violation, and in cases where the person responsible for the system that emits the noise cannot be located, the municipal police will take the necessary actions to cease the disturbance.

Violators of noise emission inside buildings who, at the request of the police, cease the activity will not be subject to a complaint. In case of refusal, continuation or repetition of the annoyance, the complaint will be made.

Article 35. Infringements

Breach of the prohibitions or mandates contained in articles 21 to 32 of this ordinance constitutes an infringement, in addition to the following behaviours:

1. Emission of noise from inside the buildings that cause discomfort to the neighbours.
2. Disturb the night rest of the neighbours.
3. Ignoring municipal requirements to cease the original activity of vibrations or disturbing noises

4. Ignoring municipal requirements for the correction of the deficiencies observed.
5. Producing noise derived from works on public roads or in construction without adopting adequate noise limitation measures.
6. Exceed the noise limits determined by municipal license or sectoral regulations.
7. Exercise an activity that requires a municipal license for the noise caused, without the municipal authorization
8. Failure to comply with the schedules set out in the license or regulations.
9. Put into operation focused emissions when it has been ordered to cease and desist the activity.
10. Falsify certificates and technical data.
11. Not having the acoustic and / or vibratory insulation imposed in the license or other types of conditions.
12. Not provide data or provide the information requested by the competent authorities or by their agents in the performance of their duties when required by law. Also the providing of false, inaccurate, incomplete or misleading information or documentation, implicitly or explicitly.
13. The deficient installation of warning systems in establishments or vehicles, or the lack of necessary maintenance that causes the unjustified start-up of the alarm.
14. Not having provided the data of the persons responsible for the acoustic warning system to the police or the data is incorrect or deficient and, therefore, hinder the task of the municipal police in locating the person responsible for the installation of the alarm in the event that it is starts to work.
15. Singing, shouting, operating radios, televisions, instruments, turntables, etc., above the limits of respect for others.
16. Producing sound destined to advertising is not allowed nor without the prior advise established in article 30.2.
17. The activation of pyrotechnic products on public roads or open private spaces, without a municipal license.

CHAPTER IV

Cleaning of public roads as a result of activities that are carried out in it Article 36. Object

This chapter prescribes rules to maintain the cleanliness of the city in terms of:

- a) The general, special and private common use of public roads.
- b) The prevention of dirt in the city produced as a result of public activities on the street.

ITEM I

Cleaning of public road as a consequence of the general common usage by citizens

Article 37. Behaviour of citizens with regard to cleanliness

1. It is prohibited to throw, deposit or abandon on public roads any kind of product in solid, liquid or gaseous form.
2. Small solid waste such as papers, wrappers and similar objects shall be deposited in the bins installed for this purpose.
3. Bulky waste materials, or small ones in large quantities, shall be delivered in an orderly manner to the municipal garbage collection services.

Article 38. Animal ownership and cleanliness

1. Pet owners shall take measures to ensure that they do not dirty public roads, their structural elements and street furniture with faecal stools and avoid urination on the facades of buildings, structural elements and street furniture.
2. Pet owners are obliged to collect and remove the excrement of the animal immediately and in an appropriate manner, to clean, if necessary, the part of public road, structural element or urban furniture that has been affected.
3. The collected stools shall be hygienically correctly placed (inside bags or other waterproof wrappers) in the bins, in household garbage bags or in other elements that the municipal authority disposes.
4. In the event of an infringement of this rule, the agents of the municipal authority may request the owner or the person responsible for the animal to remove the stool.

Article 39. Infringements

The violation of the prohibitions and mandates contained in articles 35 and 36 of this ordinance constitutes an infringement, in addition to the following behaviours:

1. Throw away or deposit on the ground any waste (papers, soil, debris, dead animals, furniture).
2. Deposit the debris in a different way than that regulated by the specific collection ordinance.
3. Throw or pour any liquid onto public roads. Water intended to clean the street may only be thrown directly into the grates.
4. Throw cigars or cigarettes or any other lit material into the bins. In any case, they must be deposited once they have been extinguished.
5. Clean or dust carpets, curtains, clothing or similar items from balconies, windows, rooftops and portals.
6. Throw from any opening of a building any element onto the public road or onto other floors of the buildings.
7. Foul public roads, their structural elements, buildings and facilities of municipal ownership and urban furniture with defecation or urination of both humans and animals
8. Disregard the municipal requirements for the removal of items and other elements incorrectly deposited on public roads, structural elements or urban furniture.
9. Wash, maintain and repair vehicles and machines on public roads.
10. Wash animals on public roads, in fountains, etc. in the public domain.
11. Perform any act that causes dirt on public roads.

CHAPTER II

Cleaning of the public road as a consequence of the special and private common use

SECTION 1 Rules of general application

Article 40

1. For all activities that may cause dirt on public roads, regardless of the place where they are carried out, without prejudice to the licences or authorisations that may be appropriate in each case, their holders are required to take appropriate measures to prevent it, to clean the part of the public road and its structural elements that have been affected, and to remove residual materials.
2. The City Council may make the owner of the activity adopt the appropriate measures to minimize the inconvenience derived from the execution of the works and reduce them to those strictly necessary.
3. The City Council may require a cash deposit or a bank guarantee for the amount of the supplemental cleaning service foreseeable as they would be responsible for carrying out said cleaning as a result of the dirt produced by the celebration of the public act
4. The owners of establishments and authorized activities on public roads (fixed or not), such as bars, cafes, kiosks, places of sale and similar activities, are obliged to maintain adequate conditions of cleanliness, in both the facilities themselves and the urban space under their responsibility.
5. The organizers of public street events will be responsible for the dirt that occurs in the city as a result of their celebration

SECTION 2 Works and other activities

Article 41. Measures to prevent dirt from works carried out on public roads

To prevent dirt, persons carrying out works on public roads or in public spaces must:

1. Prevent the scattering and dispersion of these materials outside the strict area affected by the work, protecting it by placing elements appropriate to the environment
2. Always keep the surfaces bordering to the work clean and free of all kinds of residual materials.
3. Place the necessary protective measures to prevent the fall of materials onto public roads.
4. All measures shall be taken not to cause dust, smoke or other nuisance.

Article 42. Construction debris

Construction debris will be deposited in the containment elements foreseen in the specific ordinance on the matter.

Article 43. Transport, loading and unloading of materials

Drivers of vehicles that may litter public roads must take all necessary measures to prevent this. In the event that the load, fuel, sludge or other materials from their wheels dirty the public road or other elements, they must be cleaned immediately and any damage they may have caused repaired in accordance with the instructions of the municipal technical services

Article 44. Infringements

The violation of the prohibitions or mandates contained in articles 38, 39, 40 and 41 of this ordinance, in addition to the following behaviours, will constitute an infringement:

1. Emit dusts, fumes or other elements that may cause discomfort on public roads and dirty it.
2. Ignore the municipal requirements to cease the activity that originates the dirt or the emission of dusts, fumes or other elements that cause discomfort.
3. Ignore the municipal requirements for the correction of the deficiencies observed.
4. Ignore the municipal requirements to proceed with the cleaning of the part of the public road and its structural elements that would have been affected
5. Not take appropriate measures to avoid dirt or the emission of dust, fumes, etc. that cause discomfort on public roads.
6. Failure to comply with the conditions set out in the licenses to avoid dirt or the emission of dusts, fumes, etc. that cause discomfort.

CHAPTER V

Conservation of public roads

Article 45. Municipal responsibility

It is the exclusive responsibility of the municipal administration to carry out the works and works necessary for the perfect conservation of public roads, structural elements and urban furniture.

Consequently, no one may, even to improve the state of conservation of public roads, carry out repair, conservation or restoration work of the aforementioned elements without prior municipal license.

Companies and individuals that execute works on public roads under municipal license, are obliged to make replacements under the conditions contained in the license. Acts that are contrary to the content of this precept shall constitute an infringement of this ordinance.

CHAPTER VI

General common use of public roads

Article 46. Definition

General common use can be freely exercised by any person, in accordance with the nature of the items in the public domain and with the general limitations established by this ordinance.

Article 47. Common use of citizens

1. General common use of public roads by citizens shall be in accordance with the peaceful rules of coexistence, so that individual or group behaviours that are violent or that are intimidating or aggressive, physical or verbal, will constitute an infraction of this ordinance.
2. Games or pastimes that may constitute a danger to passers-by, or to those who practice them or hinder traffic, are not allowed on public roads.
3. The conduct or activities referred to in the preceding points shall be prevented by the local police and shall be subject to disciplinary proceedings.

Article 48. Movement of pets on public roads

1. On public roads, animals must always be accompanied by their owners or a responsible person. The person accompanying the animal will adopt the appropriate measures so that it cannot cause discomfort or damage to people and property.
2. On public roads, dogs must be on a leash or chain and have a tag with the animal's identification.
3. All dogs on the dangerous animal list must circulate with a muzzle. The use of the muzzle can be ordered by the municipal authority if an incident of manifested danger occurs.
- 4.. Dogs will not be able to access garden areas, parks and children's play areas. The surface occupied by the urban furniture of games and an area of influence constituted by a strip of five meters around these areas will be considered a children's play area.
5. The rest of the aspects related to the possession of animals will be regulated by the specific municipal ordinance in the matter.

Article 49. Infringements

Breaking the prohibitions or mandates contained in articles 44, 45 and 46 of this ordinance, in addition to the following behaviour, will constitute an infringement:

1. Allow unaccompanied animals to circulate.
2. Driving on public roads with an unleashed dog and without the corresponding identification and, if applicable, without a muzzle
3. Allow a dog to access a children's area.
4. Feeding any type of animals on public roads.
5. Hang clothes on facades in front of the public road when areas to do so elsewhere are available.

CHAPTER VII

Special common use of public roads

SECTION I

Special common mass use of public roads or when the usage of the public road is temporary

Article 50. Uses and exploitation

The special common use is that enjoyed by the facilities provisionally located in the municipal public domain, which limit or exclude the use by other interested parties, as well as permanent facilities that do not prevent or modify the general common use of the public road. By way of example, the following are considered:

1. Advertising.
2. Protruding elements: awnings, canopies and similar elements
3. Elements outside permanent commercial establishments.
4. Commercial, service and leisure activities.
5. Temporary facilities for fairs and traditional festivals.
6. Bays and reserved parking lots for loading and unloading.
7. Occupations derived from works.

Article 51. Acts subject to license

The activities, uses and facilities that represent special common use of public roads are subject to obtaining prior municipal license.

Article 52. Rules of general application

1. The occupation of public roads shall ensure a minimum pedestrian crossing, which shall be established depending on the type of street, the influx of pedestrians and other aspects affecting the general use of the public road. In any case, the minimum width of the passage will be one and a half meters (1.5 m).
2. The possible negative impact on the citizen coexistence in the area, the inconvenience and the breach of conditions of the licenses will be grounds for denying the municipal license.

SECTION 1 Advertising

Article 53. Object

The regulation of authorized advertising modalities and their specific conditions are determined by the special ordinance on the matter and urban regulations, and the object of this section is the regulation of what affects citizen coexistence.

Article 54. Distribution of advertising

1. The distribution, spreading and launching of all kinds of commercial advertising (flyers, programs, brochures, stickers, etc.) on public roads is prohibited.
2. The distribution of advertising is allowed when it is part of the political, union, recreational, cultural or similar activity provided that, for reasons of cleanliness and hygiene, it does not mean the recreation and launch of the same on the public road.
3. As for the activities of electoral campaigns, rules will be determined at all times by the applicable legislation on the matter.

SECTION 2 Outgoing elements: awnings, canopies and the like

Article 55

Non-permanent outgoing elements are regulated by the specific ordinances on the matter.

SECTION 3 Off-premises elements permanent commercial structures

Article 56

It is expressly forbidden to place any element on the public road in front of the establishment, such as advertising easels, vending machines for drinks, cigars, planters, food boxes and similar elements.

SECTION 4 Elements of bar-type establishments, bar-restaurant or restaurant

Article 57. Types of furniture

1. The furniture and the elements that can be authorized to occupy the public road of establishments of bars, bar-restaurant or restaurant will be tables, chairs, parasols and advertising elements representative of the establishment. These elements will be placed within the space granted in the municipal license.
2. Furniture must be adapted in each case to the environment of the area in question. The furniture model must be submitted together with the licence application.

Article 58. General conditions

1. The occupation of public roads is regulated by the specific municipal ordinance.
2. The licence holder assumes the obligation to keep the terrace and the section of public road that corresponds to him clean.
3. When required by the needs of public service and municipal administration requirements of any reason, the space occupied by the location of the tables will be cleared by the holder of the license, with prior notice and secondly by the City Council, without expressed owner being entitled to compensation.

Article 59. Tables and chairs

1. The stacking or installation of furniture and other items outside the space granted by the licence is prohibited.
2. The City Council may require in the license the measurements of the tables and chairs, the number of chairs per table and their arrangement, as well as other information necessary to guarantee the viability of the area.

Article 60. Parasols

The placement of parasols will only be allowed in conjunction with tables and chairs. The type of support used may not damage the pavement of the public road or hinder the passage of pedestrians.

Article 61. License

1. In addition to the general data in the application for a municipal licence, the following shall be indicated:

- a) Tables and chairs: surface to be occupied, number, model, size and form of placement
- b) Parasols: number, size and type of support
- c) Advertising elements: design and measurement.

SECTION 5 Street trade

Article 62

Street trade is prohibited throughout the municipality except in fairs, commemorative or traditional festivals and markets and craft exhibitions of regular periodic celebration, which will be governed by the specific ordinances in the matter.

SECTION 6 Commercial, service and leisure activities

Article 63

1. By way of example, the following are considered:

- a) Reservations of spaces or closure of streets due to sporadic or occasional needs.
- b) Occupations for various jobs on public roads.
- c) Sports and recreational events or shows.
- d) Film shooting for professional purposes.
- e) Photography for professional purposes.
- f) Leisure, cultural or promotional facilities

2. The licences relating to points 1 and 2 shall be granted with conditions depending on the real need to occupy the public road to carry out the activity, the opportunity and the impact on the general common use of the public road.

3. Licences for the remaining items shall always be granted at their discretion and the number of licences may be limited

SECTION 7 Temporary Party Facilities traditional or neighbourhood

Article 64. Street decoration

At fairs or traditional festivals, the owners or owners of establishments, neighbourhood associations, etc., may be authorized, after a report from the municipal technical services, the adornment of streets and trees, in accordance with the following conditions:

- a) The minimum height of placement of the ornament, measured from the lowest part, will be five (5) meters when it crosses the road and three (3) meters when it is placed on top of sidewalk, promenades and other areas are of the exclusive use of pedestrians.
- (b) Tree branches may not be cut or nails, staples or other elements that cause similar damage may be introduced.
- c) In trees and shrubs only the placement of luminaires of low weight and low heat emission will be allowed

Article 65. Exceptions

During fairs or traditional festivals, the occupation of public roads may be authorized in a discretionary manner for any activity not expressly prohibited by this ordinance or by law.

SECTION 8 Fords and reservations parking and loading and unloading

Article 66. Specific regulation

For the granting of licenses and parking reservations, the requirements contained in the specific ordinances on the matter will be observed.

Article 67. Parking Bays

The access of vehicles from the public road to the premises or enclosures, or vice versa, constitutes a special common use of public property and, consequently, will be subject to a municipal license. Any modification of the structure of the sidewalk that must facilitate this access is considered as a parking bay.

SECTION 9 Occupations arising from works

Article 68. Regulatory regulations

1. Occupations of public roads derived from construction work and public works must observe all the points contained in the state and regional regulations on safety at work in construction, and the precepts of this ordinance.
2. In addition, the City Council may require special measures in the following cases:
 - a) Works in buildings of architectural singularity or in their vicinity.
 - b) Works carried out in buildings of public affluence or in their vicinity.
 - c) Works in the vicinity of public spaces of important concurrence or with a specific singularity.

Article 69. Definition

The occupation of the public road arising from the works includes the elements and spaces occupied by the enclosure for protection, auxiliary means of construction, construction machinery, tools and materials.

Article 70. Rules of general application

The occupation of the public road will guarantee a minimum passage for pedestrians, which must be conveniently signposted.

Article 71. Protection of trees

When works are carried out on land close to a tree or woodland, or the vehicles, machines and other auxiliary elements used by the construction company must circulate or be located in that place, prior to the start of the work the trunk of the tree must be protected up to a height of not less than 3 m, with planks or any other form that the municipal technical services indicate. These protections will be removed once the work is finished or when the municipal technicians advise.

Article 72. Construction fences

Regardless of the specific ordinance of the matter, the work enclosures must be consistent, stable and perfectly aligned. The material of the fence must be opaque.

Article 73. Tubes for the removal of debris

The pouring of material through tubes, must be done into a container with an opaque canvas and must be dampened periodically to avoid dirt on public roads and discomfort or damage to people, animals or things.

Article 74. Debris containers

1. The containers will be removed from the public road on weekends and holidays, and on commemorative or traditional festivals that the City Council communicates
2. The containers must have the name of the company and the telephone number stamped on it
3. Containers placed on the pavement shall leave at least one and a half metres (1.5 m) wide free passage for pedestrian traffic. The placement on the road will be carried out in authorized parking areas without hindering or hindering circulation.

In other cases, the municipal technical services will be consulted.

SECTION 10 Infringements

Article 75. Infringements

The violation of the prohibitions or mandates contained in articles 50 to 72 of this ordinance constitutes an infraction, in addition to the following behaviours:

(a) Of general application:

1. Use or occupation of the subsoil, the ground or the overhang of the public road or do works on it without a municipal license.
2. Failure to comply with the general or specific conditions of the municipal license for which the permit to occupy the public road is granted.
3. Installation of fixtures that do not comply with the specifications or models approved by the City Council.
4. Occupation of public roads in such a way as to hinder or impede the free movement of pedestrians or vehicles or which may cause damage to persons and other elements of the public road
5. To not remove the materials at the request of the City Council for traditional festivals or other types of acts.
6. Exceed the period of validity of the municipal license.
7. Deteriorate any element of the public road.
8. Install fixed or mobile elements in order to make them serve as permanent or temporary housing (such as caravans, tents, precarious constructions and other deteriorated vehicles or similar elements)
9. Installation of ornaments on public roads that break the precepts of the ordinance.
10. Prevent or hinder access to public service facilities (such as traffic light regulators, lighting panels, hydrants, hydrants and other similar elements).

b) Advertising.

1. The launching and spreading of all kinds of advertising on public roads as well as the distribution not allowed in article 52 of this ordinance.
2. Placement of banners attached to trees, lighting poles or any other structural element or urban fixtures that may suffer damage or may be dangerous.

c) Parking bays

1. The placement of ramps or the circumstantial installation of mobile or fixed elements that alter the sidewalk or the roadway.
2. The lack of conserving in perfect condition the pavement and signage.
3. The access of vehicles from the public road to a premises or enclosure without having obtained a license.
5. Place a non-regulatory plaque to signal an access without a municipal license.

d) Works in general.

1. Carrying out the works with incorrect or insufficient protection measures or signage
2. Carrying out activities that endanger pedestrians, vehicles or other facilities.
3. Leave obstacles of any kind on public roads.
4. Hinder or interrupt the movement of vehicles or pedestrians.
5. None signage of the pedestrian crossings in accordance with the precepts of this ordinance.
6. Not sufficiently protecting the pavement of the public road

e) Construction enclosures.

1. Enclosure of work with an unstable fence or misaligned or that presents openings that allow access to the interior of the work.
2. Construction fence with non-opaque material.

(f) Debris pipes

1. Throwing the material incorrectly through the tubes (do not throw into a container, do not place opaque canvas, do not wet the materials periodically to avoid dirt from the public road).
2. Throwing the material through the tubes causing discomfort or damage to people or things.

g) Containers.

Not removing the containers from public roads on weekends or holidays

CHAPTER VIII

Signage of streets and public spaces and numbering of properties

Article 76. Denomination

Each of the streets and public spaces will be identified by a different name. The denomination of the public streets will correspond to the Plenary of the Corporation and may be promoted ex officio or at the request of individuals or interested entities

Article 77. Signage

The labelling of streets or public roads is a public service, and must be made in accordance with the material that is determined, and will be fixed in the corners or bevel of the buildings that are considered appropriate. It can also be placed on poles or other supports. The placement of signs or other permitted elements of commercial establishments must respect the space intended for the placement of the sign.

Article 78. Administrative easement

The owners of farms are obliged to consent to the administrative easements necessary to support the installation, on facades, trellises and fences of elements indicating the name of the street. The easement shall be free of charge, and may be established ex officio by notification to the interested party, who shall not be entitled to any compensation other than that of the damages caused by the installation. Modifications or changes of location that on these elements would have to be carried out ex officio by the City Council or as a consequence of the private activity referred to the realization of works will be in charge, in each case, of the City Council or of the promoters of the works. In the event that the modification or change is agreed to by the City Council, the costs of repairing the supports that support the displaced elements will be borne by it.

Article 79

The same character of easement of the previous article will have the support on private farms, of circulation signs, elements of public lighting and urban furniture in general

Article 80. Building numbering

It is the obligation of the owners of each building to place the indicator of the building on the right side or in the centre of the entrance door, in accordance with the models and rules established by the City Council, once the aforementioned numbering has been assigned or modified by the corresponding body of the Municipal Administration. It is up to the Administration to communicate the changes in numbering, and to individuals to request it before placing of the number.

Article 81. Infringements

The following facts constitute an infringement in relation to the naming and labeling of public roads:

- a) Non-placement or defective or incorrect placement of the numbering of the property
- b) Cover, dirty or stain the text of the name plates of streets and other public spaces.
- c) Moving without municipal permission the street naming plates.
- d) Not placing the building number when the change is communicated.

CHAPTER IX

Sanctioning regime

Article 82. Concept of infringement

The actions and omissions that represent a violation of its precepts, as typified in the different articles of development, constitute an administrative infraction of this ordinance.

Article 83. Responsibility

Natural persons who commit infractions such as authors and co-authors are responsible for administrative offences

This responsibility may be extended to those persons who by law are attributed the duty to foresee the administrative infraction committed by others.

For infringements relating to acts subject to a licence that occur without its prior obtaining or with breach of its conditions, the natural and legal persons who are holders of the licence shall be liable and, if it does not exist, the natural or legal person under the relationship of dependence on which the material author of the infringement acts.

Article 84. Classification of infringements and their sanction

The administrative infractions of this ordinance are classified as minor, serious and very serious.

Penalties resulting from administrative offences shall have the nature of a fine and shall be imposed in accordance with the following scale:

- Minor infractions: up to 750 €.
- Serious infractions: from € 751 to € 1,500.
- Very serious infractions: from € 1,501 to € 3,000.

The classification of the infringement and the imposition of the sanction must be duly be appropriate to the facts and the following application criteria shall be taken into account for this purpose:

- a) The existence of intentionality or repetition
- b) The nature of the damage caused.
- c) Reoffending within one year of the same infringement
- d) Social significance.

The imposition of sanctions will be compatible with the requirement of the offender to restore the altered situation to its original state, as well as compensation for damages caused by the sanctioned acts

Article 85. Classification of infringements

1. Minor infractions shall constitute those typified in articles 5, 11, 12, 13, 42, 47 and 79 of this ordinance, in addition to all those infractions of this ordinance that are not classified as serious or very serious.

2. Serious offences shall constitute those typified in Articles 7, 14, 16.2, 17, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37 and 73, as well as recidivism in the commission of minor offences

Reoffending in infractions of a serious nature will be considered a very serious infraction.

Article 86. Prescription and expiration

Very serious offences are time-barred after three years; severe at two years and mild at six months

These time limits shall begin to run from the day on which the infringement was committed.

The penalties imposed for very serious offenses will expire at three (3) years, those imposed for serious offenses at two (2) years and those imposed for minor offenses per year.

These periods shall begin to run from the day following that on which the decision by virtue of which the sanction was imposed has become final in administrative proceedings.

If six months have elapsed since the beginning of the sanctioning procedure and there is no express and definitive resolution, the period of thirty (30) days will begin for the expiration of the file and the archiving of the proceedings. These periods will be interrupted in the event that the procedure has been paralyzed for some reason attributable to the interested parties, or because the facts have passed to the criminal jurisdiction

Article 87. Precautionary measures

The competent body to initiate the sanctioning procedure may adopt, by means of a reasoned resolution, the precautionary measures of a provisional nature that are necessary for the good purpose of the procedure, avoiding the maintenance of the effects of the infringement and promoting those required by the general interests. In this regard, it may agree to the suspension of activities that are carried out without a license and the removal of objects, materials or products that were generating or would have generated the infringement.

Article 88. Jurisdiction and procedure

The competence for the initiation of the sanctioning procedures subject to this ordinance, and for the imposition of sanctions and other requirements compatible with the sanctions, corresponds to the Mayor, who can delegate it to the members of the Corporation.

The review of the files will correspond to the Councillor and Official designated in the Decree or resolution of initiation.

The abbreviated procedure will be used preferentially and in its actions, the requirements made to the offender may be accumulated, if appropriate, so that the replacement to the original state of the situation altered by the infringement and the determination of the amount to which the compensation for the damages caused to the public domain, to the municipal buildings, ascends, municipal facilities, trees and street fixtures.

The compensation for damages caused shall be determined, if it is not cumulated, in a supplementary procedure, with a hearing of the person responsible. In any case, the assessments carried out by the municipal technical services will serve as the basis for the determination.

The administrative decisions will give rise according to the assumptions, to the subsidiary execution and the procedure of coercion on the patrimony or to leave expedited the corresponding judicial route.

Article 89. Normal endings

Once the administrative responsibility of the offender has been determined and the fine indicated, it may be agreed voluntarily to replace the amount of compensation for damages to the property, facilities, trees and urban furniture of municipal ownership, by the physical performance of the works that require the repair of the damage and the recovery of its previous appearance.

In these cases the necessary materials will be provided by the City Council and the amounts of the fines may be reduced.

Article 90. Complementary regulations

For what is not foreseen in this chapter on the sanctioning regime, Royal Decree 1.398/1993, of August 4 (BOE No. 189, of August 9), will be applicable additionally.

Additional provision

The Mayor's Office-Presidency, will regulate the types of coordination of the settlement and collection of sanctions subject to the management and collection procedures used by the City Council, at the proposal of the Municipal Intervention.

Final disposition

This ordinance consisting of 90 articles, and additional provision and a final provision will enter into effect once it has been definitively approved by the Full City Council of Istán and published its full text in the Official Gazette of the Province of Malaga