



MIJAS CITY COUNCIL

SECURITY ORDINANCE

AND

CITIZEN COEXISTENCE



SECURITY AND COEXISTENCE ORDINANCE CITIZEN OF MIJAS CITY COUNCIL

INDEX

STATEMENT OF MOTIVES

TITLE I.-GENERAL PROVISIONS

CHAPTER I.-PURPOSE AND OBJECT, LEGAL FOUNDATIONS, SCOPE OF APPLICATION AND ADMINISTRATIVE ACTIONS

Article 1.- Purpose and object of the Ordinance
Article 2.- Legal foundations
Article 3.- Scope of objective application
Article 4.- Scope of subjective application
Article 5.- Municipal jurisdiction
Article 6.- Exercise of municipal powers
Article 7.- Administrative actions

CHAPTER II.-GENERAL PRINCIPLES OF CITIZEN COEXISTENCE AND CIVILITY: RIGHTS, CITIZEN OBLIGATIONS AND MUNICIPAL AUTHORIZATION

Article 8.- General Standards of Citizen Coexistence and Civility
Article 9.- Principle of individual freedom
Article 10.- Citizen rights and obligations
Article 11.- Activities, facilities and processing of licenses
Article 12.- Forced execution and municipal action

CHAPTER III.-MEASURES TO PROMOTE COEXISTENCE

Article 13.- Promotion of citizen coexistence and civility
Article 14.- Collaboration of foreign people in the promotion of coexistence and civility
Article 15.- Promotion of coexistence habits and media

TITLE II.-CLEANING OF THE ROAD NETWORK AND OTHER FREE SPACES



CHAPTER I.-OBLIGATED PERSONS

Article 16.- Public spaces

Article 17.- Private spaces

CHAPTER II.-PUBLIC CLEANING AS A CONSEQUENCE OF THE GENERAL COMMON USE OF CITIZENS

Article 18.- General rules

Article 19.- Particular rules

CHAPTER III.-CLEANING OF BUILDINGS AND URBAN FURNITURE

Article 20.- Rules of use Article

21.- Powers Article 22.-

Hanging clothes and display of household items Article 23.- Care of public places and goods of ornament or public utility

CHAPTER IV.-CLEANING OF PUBLIC ROADS AS A RESULT OF VARIOUS WORKS AND ACTIVITIES

Article 24.- Dirt on public roads

Article 25.- Residual materials

Article 26.- Measures to prevent dirt from works carried out on public roads.

Article 27.- Waste from works

Article 28.- Transport, loading and unloading of materials Article 29.- Occupations derived

from works Article 30.- Express prohibitions Article 31.-

Infractions Article 32.- Forced execution and municipal action

CHAPTER V.-ORGANIZATION AND AUTHORIZATION OF PUBLIC ACTS

Article 33.- Organization and authorization of public events

TITLE III.-RULES OF CONDUCT IN PUBLIC SPACE, OFFENSES, SANCTIONS AND SPECIFIC INTERVENTIONS

CHAPTER I.-ATTACKS AGAINST THE DIGNITY OF PEOPLE

Article 34.- Fundamentals of regulation



- Article 35.- Rules of conduct**
- Article 36.- Sanctions regime**
- Article 37.- Specific interventions**

CHAPTER II.-VISUAL DEGRADATION OF THE URBAN ENVIRONMENT

Article 38.- Fundamentals of regulation

First section: Graffiti, graffiti and other graphic expressions

- Article 39.- Rules of conduct**
- Article 40.- Sanctions regime**
- Article 41.- Specific interventions**

Second section.- Banners, posters, stickers and other similar elements

- Article 42.- Rules of conduct**
- Article 43.- Brochures and leaflets Article 44.- Advertising Article 45.- Sanctions regime Article 46.- Specific interventions**

CHAPTER III.-BETTING

- Article 47.- Fundamentals of regulation**
- Article 48.- Rules of conduct**
- Article 49.- Sanctions regime**

CHAPTER IV.-IMPROPER USE OF PUBLIC SPACE FOR GAMES

- Article 50.- Fundamentals of regulation**
- Article 51.- Rules of conduct**
- Article 52.- Sanctions regime**
- Article 53.- Specific interventions**

CHAPTER V.-OTHER CONDUCT IN PUBLIC SPACE

Section I.- Occupation of public space by conduct that adopts forms of begging
Article 54.-

- Basis of regulation Article 55.- Standards of conduct Article 56.- Sanctions regime**



Section II.- Use of public space for the offer and demand of sexual services **Article 57.- Basis**

of regulation Article 58.- Standards of conduct Article 59.- Sanctions

regime Article 60.- Specific interventions

CHAPTER VI.-PHYSIOLOGICAL NEEDS

Article 61.- Fundamentals of regulation

Article 62.- Rules of conduct

Article 63.- Sanctions regime

CHAPTER VII.-CONSUMPTION OF ALCOHOLIC BEVERAGES

Article 64.- Fundamentals and purpose of the regulation Article 65.- Rules of

conduct Article 66.- Special protection

zones Article 67.- Sanctioning

regime Article 68.- Criteria for grading the sanction

Article 69.- Specific interventions

CHAPTER VIII.- UNAUTHORIZED STREET TRADE OF FOOD, DRINKS AND OTHER PRODUCTS

Article 70.- Fundamentals of regulation

Article 71.- Rules of conduct

Article 72.- Sanctions regime

Article 73.- Specific interventions

CHAPTER IX.- UNAUTHORIZED ACTIVITIES AND PROVISION OF SERVICES. DEMAND AND CONSUMPTION

Article 74.- Fundamentals of regulation

Article 75.- Rules of conduct

Article 76.- Sanctions regime

Article 77.- Specific interventions

CHAPTER X.-IMPROPER USE OF PUBLIC SPACE

Article 78.- Fundamentals of regulation

Article 79.- Rules of conduct

Article 80.- Sanctions regime



CHAPTER XI.-VANDALIC ATTITUDES IN THE USE OF URBAN FURNITURE.
DETERIORATION OF URBAN SPACE

Article 81.- Fundamentals of regulation

Article 82.- Location and use of street furniture

Article 83.- Trash cans and containers

Article 84.- Ponds and fountains

**Article 85.- Bonfires and
campfires Article 86.-**

Animals Article 87.- Animals

company Article 88.- Prohibitions in relation to pets Article 89.-

Presence of animals on public roads Article 90.-

**Privately owned land, constructions and buildings Article 91.- Loading
and unloading**

CHAPTER XII.- OTHER CONDUCT THAT DISTURB CITIZEN COEXISTENCE

First section.- Beaches

Article 92.- Rules of conduct

Article 93.- Sanctions regime

Second section.- Noise pollution

Article 94.- Fundamentals of regulation

First subsection.- Acts in public spaces that disturb rest and peace.
peace of mind for neighbors and pedestrians

Article 95.- Acoustic warning systems for establishments and buildings

Article 96.- Noises from vehicles

Article 97.- Sound advertising

**Article 98.- Pyrotechnic devices, firecrackers and
rockets Article 99.- Street parties**

Article 100.- Noises from instruments and musical devices

Article 101.-Noises from shows, leisure, recreational and sporadic activities

Second subsection.- Musical performances in the street

Article 102.- Prescriptions

**Article 103.- Background music in the
street Article 104.- Music in the street**



**TITLE IV.-BASIC RULES OF CONDUCT AND CARE OF PUBLIC ROADS,
INFRINGEMENTS AND SPECIFIC SANCTIONS**

CHAPTER I.-BASIC RULES OF CONDUCT AND CARE

Article 105.- Basic Standards

Article 106.- Waste Deposit Article

107.- Bulky waste (furniture, household goods and appliances)

Article 108.-Waste from markets, food galleries, shops and industries

Article 109.- Land and debris

Article 110.- Abandonment of

vehicles Article 111.- Parking of vehicles on public roads for sale and rental

Article 112.- Dead animals

Article 113.- Other waste

Article 114.- Kiosks, terraces and others leisure activities

Article 115.- Cleaning and care of buildings Article

116.- Cleaning of shop windows and other elements

Article 117.- Organization and authorization of public events

**TITLE V.- COMMON INSTRUCTIONS ON SANCTIONING REGIME AND OTHER
IMPLEMENTATION MEASURES.**

CHAPTER I.-GENERAL PROVISIONS

**Article 118.- Function of the Local Police related to compliance with this
Ordinance**

**Article 119.- Duty of citizen collaboration in compliance with the
Ordinance**

**Article 120.- Obstructionist behavior in the areas of coexistence and civility
Article**

**121.- Evidence of agents of authority Article 122.- Citizen
complaints Article 123. - Social**

measures Article 124.- Measures

**applicable to offenders who are not residents of the municipal area Article
125.- Responsibility**

for conduct contrary to the Ordinance

Committed by minors Article

126.- Attendance at educational centers Article

127.- Protection of minors Article

128.- Mediation Article

129.- Inspection and Sanctioning Power



Article 130.- Primacy of the Criminal Jurisdictional Order

CHAPTER II.- SANCTIONING REGIME

Article 131.- General provisions

Section one.-Infringements

Article 132.- Very serious infractions

Article 133.- Serious infractions

Article 133.- Minor infractions

Article 135.- Sanctions

Article 136.- Graduation of sanctions

Article 137.- Responsibility for infractions Article

138.- Competence and sanctioning procedure Article

139 - Concurrence of sanctions Article

140.- Destination of the fines imposed Article

141- Reduction of the sanction for immediate payment

**Article 142.- Substitution of fines and repair of damages for work in
benefit of the community**

Article 143.- Conventional termination

Article 144.- Sanctioning procedure

Article 145.- Appreciation of crime or

misdemeanor Article 146.- Criminal

liability Article 147.- Prescription of infractions and

sanctions Article 148.- Prescription and expiration

TITLE VI.-COMMON INSTRUCTIONS ON THE SANCTIONING REGIME AND POLICE, RESPONSIBILITY AND OTHER IMPLEMENTATION MEASURES

CHAPTER I.-REPAIR OF DAMAGES

Article 149.- Damage repair

CHAPTER II.-ADMINISTRATIVE POLICE MEASURES

**Article 150.- Singular orders of the Mayor for the application of the
Ordinance**

CHAPTER III.- DIRECT ADMINISTRATIVE POLICE MEASURES

Article 151.- Direct administrative police measures



CHAPTER IV.- PRECAUTIONARY MEASURES

**Article 152.- Precautionary
measures Article 153.- Provisional
measures Article 154.- Confiscations**

CHAPTER V.-FORCE EXECUTION MEASURES

Article 155.- Coercive fines

ADDITIONAL PROVISION

TRANSITIONAL PROVISION

REPEALING PROVISION

FINAL PROVISIONS

**First.- Dissemination of the
Ordinance Second.- Review of the
Third Ordinance.- Entry into force**



STATEMENT OF MOTIVES

Municipal regulatory power is nothing more than another instrument to guide the rules of the game of citizen coexistence. It is not possible to forge a stage of security and civility where coexistence is absent.

On the other hand, the social impetus characterized and generalized by a rooting of its own identity signs in the different orders that make up the transgression of norms of the social layer of an increasingly globalized world - youth, foreigners, internet, domestic violence, minors, sexuality, heritage, citizen coexistence, immigration makes it increasingly necessary to provide the appropriate instruments to the guarantors of the protection of rights, freedoms and citizen security as well as intercommunication between the security forces of the different spheres. of the Public Administration, with respect to their autonomy, that operate in the same territory.

The legal support of this Ordinance finds its origin, first of all, in the municipal autonomy coined by our Magna Carta in its article 137 and by the European Charter of Local Autonomy in relation to the communities provided for in articles 140 and 141 of our Constitution.

Subsequently, articles 139 to 141 of Law 7/1985, of April 2, Regulating the Bases of the Local Regime, introduced by Law 57/2003, of December 16, also expressly includes a title of jurisdiction under the which establishes the possibility that City Councils, for the adequate organization of social relations of coexistence of local interest and the use of their services, equipment, infrastructure, facilities and public spaces, in the absence of specific sectoral regulations, can establish the types of infractions and impose sanctions for non-compliance with duties, prohibitions or limitations.

Likewise, the Supreme Court Sentence of 09/29/2003 established doctrinal bases and a general criterion for classifying infractions and sanctions by City Councils in the exercise of their own "nuclear" powers, respecting the principles of proportionality and hearing of the interested party, as well as weighing the seriousness of the crime.

In any case, the previous provisions constitute sufficient legal coverage to comply with the legal reservation of the classification mandate and provide a complete response to article 25.1 of the Spanish Constitution.

It is the primary objective of this Ordinance to preserve public space as a place of



encounter, coexistence and civility, in which all people can freely develop their free movement, leisure and recreation activities, with full respect for the dignity and rights of others and the plurality of expressions and diverse ways of life.

Title I of the Ordinance is intended to regulate a series of general provisions that frame the main lines of the coexistence policy that the FEMP wishes to promote, from the general principles of coexistence and civility with their inherent citizen rights and obligations to measures to promote coexistence habits.

Title II establishes the rules of conduct in public spaces regarding the cleanliness of the road network and other free spaces in accordance with their nature, respecting the right of others to enjoy them.

Title III establishes behavioral guidelines in public spaces to avoid individual or collective practices that violate the dignity of people, as well as discriminatory practices with xenophobic, racist, sexist, homophobic content or any other personal condition or circumstance. , economic or social, especially when they are directed at the most vulnerable groups. It is divided into twelve chapters, referring, respectively, to attacks on the dignity of people, the visual degradation of the urban environment (both by graffiti, graffiti and other graphic expressions and by banners, posters and brochures), betting, the use inappropriate play in public spaces, other behaviors in public spaces (those that adopt forms of begging and those that involve the use of public spaces for the offer and demand of sexual services), the fulfillment of physiological needs, the consumption of alcoholic beverages, unauthorized street commerce, unauthorized activities and provision of services, improper use of public space, vandalism in the use of street furniture, deterioration of urban space and other behaviors that disturb citizen coexistence (areas natural areas and green spaces, noise pollution and others).

The purpose of Title IV is the basic rules of conduct and care of public roads in what has been called basic proximity services insofar as it means responding to the unsaturable citizen demand for waste, land and debris, abandonment and vehicle parking on public roads for sale and rental, dead animals, unauthorized occupations, public establishments, kiosks, terraces and other leisure activities, cleaning and care of buildings and shop windows, responsible use of water and organization and authorization of public events .

Title V regulates the common provisions related to the sanctioning and liability regime. It is divided into two chapters: general provisions and sanctioning regime that try to align the necessary municipal control and control activity.



discipline with the harmonization of mechanisms aimed not only at mitigating the economic cost of damage but at educating and raising awareness with the implementation of citizen instructions that promote coexistence and civility.

Title VI harmonizes the common provisions on police and other enforcement measures by establishing the channels for repairing damage, administrative police and direct administrative police measures, provisional measures and measures of forced execution.

The Provisions contain dissemination provisions of the Ordinance and edition of a guide on coexistence and civility that includes the main provisions of the current regulations on the matter and the corresponding recommendations and advice for action. Furthermore, to guarantee its constant adaptation to new possible phenomena and problems that may arise in reality, it is expected that the Ordinance will be reviewed every two years.

TITLE I.-GENERAL PROVISIONS

CHAPTER I.- PURPOSE AND OBJECT, LEGAL FOUNDATIONS, SCOPE OF APPLICATION AND ADMINISTRATIVE ACTIONS

Article 1.- Purpose and object of the Ordinance

1. The purpose of this Ordinance is to preserve public space as a place of coexistence and civility, in which all people can freely develop their activities of free movement, leisure, meeting and recreation, with full respect for the dignity and rights of the others and to the plurality of cultural, political, linguistic and religious expressions and diverse ways of life existing in the Municipality of Mijas.

2. Likewise, this Ordinance aims to prevent any actions that disrupt citizen coexistence and the protection of both municipally owned public property and the facilities and elements that form part of the urban and architectural heritage of the Municipality of Mijas against the attacks, alterations and/or improper uses to which they may be subject, the sanction of uncivil behavior and the repair of damages caused.

3. It is also the object of this Ordinance to establish rules that favor the normal development of citizen coexistence, the good use and enjoyment of public goods, as well as their conservation and protection, within the scope of municipal powers.

4. For the purposes expressed in the previous sections, this Ordinance regulates a series of measures specifically aimed at fostering and promoting coexistence and civility, identifying which legal assets are protected, providing for the rules of conduct in each case. and sanctioning those that can disturb,



harm or deteriorate both the citizen coexistence itself and the property found in the public space that must serve as support, typifying, where appropriate, specific intervention measures.

Article 2.- Legal bases

1. The Ordinance incorporates the guiding criteria of the European Charter of Local Autonomy in relation to the communities contemplated in the Spanish Local Regime legislation provided for in articles 140 and 141 of the Constitution.
2. This Ordinance has been prepared in accordance with the municipal power to classify infractions and sanctions that, with the purpose of ordering relations of citizen coexistence, is established in articles 139 and following of Law 7/1985, of April 2 , Regulator of the Bases of Local Regime.
3. The provisions of the previous section are understood without prejudice to the other powers and functions attributed to the Municipality of Mijas by the general regulations of the local regime and the applicable sectoral legislation.

Article 3.- Scope of objective application

1. The provisions of this Ordinance are applicable throughout the municipality of Mijas.
2. The protection measures regulated in this Ordinance refer to public service or use assets of municipal ownership, as well as buildings, facilities, urban furniture such as: traffic lights, signposts, telephone booths, trash cans, public fountains, gazebos, awnings, kiosks, bollards, tree pits, railings, bike racks, fountains, planters, fences, billboards, parasols, canopies, benches, containers, and any other of a similar nature. and other municipal public property and elements located therein, such as: sidewalks, streets, circulation routes, squares, avenues, walks, passages, boulevards, parks, gardens and other spaces, green or forest areas, bridges and walkways, tunnels and underpasses, parking lots, fountains and ponds, recreational areas, public buildings, markets, museums and cultural centers, public schools, cemeteries, swimming pools, sports complexes and their facilities, statues and sculptures, banks, street lamps, decorative elements, road signs , trees and plants, fences, transport elements and municipal vehicles and other assets of the same or similar nature.
3. Also included in the protection measures of this Ordinance are the assets and facilities owned by other Public Administrations and public or private entities that form part of the urban furniture of the Municipality of Mijas insofar as they are intended for the public or constitute equipment, facilities or elements of a public service, such as: transport vehicles, bicycles, bicycle racks, shelters, bus, railway or coach stops or other elements of transport, containers and other elements of a similar nature, fences, posters, advertisements, signs and others advertising elements, traffic signs, kiosks,



terraces and nightstands, awnings, planters and other goods of the same or similar nature.

4. When applicable, the City Council will promote the signing of specific agreements with the owners of said spaces, buildings, facilities, vehicles or elements in order to provide the necessary legal coverage for municipal intervention.

5. The Ordinance will also apply to privately owned spaces, constructions, facilities and assets when conduct or activities are carried out from them that affect or may negatively affect coexistence and civility in the spaces, facilities and elements indicated in the previous sections. , or when the neglect or lack of adequate maintenance of the same by their owners, tenants or users may also imply negative consequences for coexistence or civility in public spaces.

6. The protection measures contemplated in this Ordinance also cover, insofar as they are part of the urban heritage and landscape, the facades of buildings and other urban and architectural elements of public or private ownership, such as portals, commercial galleries, shop windows. , patios, plots, passages, gardens, hedges, planters, street lamps, decorative elements, containers, bins and goods of the same or similar nature, provided that they are located on the public road or are visible from it, and without prejudice to the rights that individually correspond to the owners.

Article 4.- Scope of subjective application

1. This Ordinance applies to all people who are in the municipality of Mijas, regardless of their specific legal administrative situation.

2. It is also applicable to conduct carried out by minors, in the terms and with the consequences provided for in article 125 and in the rest of the legal system. In cases where this is expressly provided for, parents, guardians or guardians may also be held responsible for infractions committed by minors when there is, on their part, fraud, fault or negligence, including simple non-compliance.

3. Likewise, in cases where this is expressly provided for in the Ordinance, it will also be applicable to the organizers of public events referred to in article 34.

Article 5.- Municipal jurisdiction

1. The following are the responsibility of the Municipal Administration: **a)** The conservation and protection of municipal assets. **b)** Security in public places, which includes the surveillance of public spaces and the protection of people and property. In coordination with the State security bodies and forces that participate in public security.



c) The urban planning discipline, in order to ensure the conservation of the urban environment and buildings so that they are maintained in conditions of safety, health and public ornament. d) The promotion, incentive and organization of actions aimed at preventing conduct that violates or breaks the rules of peaceful citizen coexistence such as:

- General information campaigns including the proper dissemination of this text.
- Educational actions in schools.
- Training and information measures and actions for the various groups of the Municipality.
- Guidance and educational actions in alternative leisure projects, expanding the offer in this area.
- Implementation of suggestion boxes in the agencies dependent on this City Council.

2. The protective measures of municipal jurisdiction provided for in this Ordinance are understood without prejudice to the rights, powers and duties that correspond to the owners of the affected property and the powers of other Public Administrations and the regulated Judges and Courts of Justice, by the laws.

3. The application of the measures established in this Ordinance will be mainly aimed at restoring the disturbed civic order, reprimanding antisocial behavior and repairing the damage caused.

4. The municipal powers included in the Ordinance will be exercised by the competent municipal bodies that may demand ex officio or at the request of a party the application for licenses or authorizations, the adoption of the necessary preventive, corrective or reparative measures; order as many inspections as they deem appropriate and apply the sanctioning procedure in case of non-compliance with current legislation and/or this Ordinance.

Article 6.- Exercise of municipal powers

The municipal powers included in the Ordinance will be exercised by the competent municipal bodies, which may demand ex officio, or at the request of a party, the application for licenses or authorizations; the adoption of the necessary preventive, corrective or remedial measures; order as many inspections as they deem appropriate; apply the sanctioning procedure, in case of non-compliance with current legislation and/or this Ordinance.

Article 7.- Administrative actions

The actions derived from the application of the Ordinance will comply with the provisions on procedure, challenges and, in general, legal and sanctioning regime that are applicable.



CHAPTER II.- GENERAL PRINCIPLES OF CITIZEN COEXISTENCE AND CIVILITY: RIGHTS, CITIZEN OBLIGATIONS AND MUNICIPAL AUTHORIZATION

Article 8.- General Rules of Citizen Coexistence and Civility

1. Without prejudice to other duties that may arise from this or other municipal ordinances and the rest of the applicable legal system, all people who are in the Municipality of Mijas, regardless of their title or the circumstances in which they do so or the administrative legal situation in which they find themselves, must respect the rules of conduct provided for in this Ordinance.
2. No one may, through their behavior, undermine the rights of other people or attack their dignity or freedom of action. All persons shall particularly refrain from abusive, arbitrary or discriminatory practices or practices that involve physical violence or moral, psychological or other coercion.
3. It is a basic duty of citizen coexistence to treat with special respect, attention, consideration and solidarity those people who, due to their personal, social or any other circumstances, need it most.
4. All people have the obligation to correctly use the city's public spaces and the services, facilities and urban furniture and other elements located in them, in accordance with their own nature, destination and purpose, and respecting in all cases the right that others also have to use and enjoy them.
5. All owners or occupants of properties, buildings, constructions, facilities, vehicles or other privately owned assets are obliged to prevent conduct or activities that cause unnecessary inconvenience to other people.
6. All people who are in the Municipality of Mijas have the duty to collaborate with the municipal authorities or their agents in the eradication of conduct that alters, disturbs or harms citizen coexistence.
7. They are also obliged to notify the competent authority or emergency services of the existence of fires and acts that endanger the safety of people.

Article 9.- Principle of individual freedom

All the people referred to in the previous article have the right to behave freely in the public spaces of the Municipality of Mijas and to be respected in their freedom. This right is exercised on the basis of respect for freedom, dignity and the rights recognized by other people, as well as the maintenance of public space in adequate conditions for coexistence.



Article 10.- Citizen rights and obligations

1. Rights:

a) Within the scope of this ordinance, all persons subject to it have the right to behave freely in public spaces of the city and to be respected in their freedom. This right is limited by the rules of conduct established in this ordinance and the rest of the legal system, in particular by the general duties of coexistence and civility and, very especially, by the duty to respect the freedom, dignity and rights of the other people. **b)** Citizens have the right to the proper functioning of public services and, specifically, for the City Council, through the competent municipal services, to actively monitor compliance with municipal regulations and any other current regulations on citizen coexistence, and process the corresponding complaints against the actions that imply infringement thereof. **c)** To use municipal public services in accordance with their nature.

2. Citizen obligations: **a)** Citizens

have the obligation to respect citizen coexistence and tranquility. **b)** They are also obliged to use public goods

and services according to their use and destination. For the purposes of this Ordinance, use of public roads is understood to be the use or exploitation that any natural or legal person can make of the land, flight or subsoil thereof. **c)** To comply with the rules of coexistence established in current regulations and in the Municipal Ordinances and Regulations, as

well as the Resolutions and Sides of the Mayor's Office that are the subject of this Ordinance. **d)**

To respect the coexistence and tranquility of citizens. No one can, with their behavior, undermine the rights of other people, or attack their freedom, or

offend the generally accepted convictions and criteria on coexistence. Everyone must refrain from any conduct that involves abuse, arbitrariness, discrimination or physical violence or coercion of any kind. **e)** To respect and not degrade in any way public and private assets and facilities, or the environmental environment. **f)** To use public and private goods and services, whenever it may affect a third party, according to its use and destination. **g)** To respect, not to dirty and not to

degrade in any way public and private assets and facilities, or the environmental environment. **h)**

To respect the rules of use and behavior

established in transport vehicles and public buildings, follow the instructions of the Local Police or the personnel of other competent municipal

services and, in any case, in this Ordinance and in the Regulations that exist. .



3. The City Council will inform residents of their obligations and will provide the necessary services to facilitate those affected in filing complaints against those responsible for the deterioration of public and/or private property, or the alteration of good coexistence, according to what is established by this Ordinance.

4. All people have the obligation to correctly use the city's public spaces and the services, facilities and urban furniture and other elements located in them, in accordance with their own nature, destination and purpose, and respecting in all cases the right that others also have to use and enjoy them.

5. All owners or occupants of properties, buildings, constructions, facilities, vehicles or other privately owned assets are obliged to prevent conduct or activities that cause unnecessary inconvenience to other people.

Article 11.- Activities, facilities and processing of licenses

1. All commercial or industrial activities, as well as facilities or actions of any type, to be carried out or located within the territorial scope of the Municipality of Mijas, will require municipal authorization, without prejudice to other licenses required in accordance with current regulations.

2. The processing of authorizations will be carried out as stipulated by municipal regulations or by specific regulations in force.

Article 12.- Forced execution and municipal action

1. In the event of non-compliance with maintenance, cleaning or repair obligations, by the owner of the work, activity or by the owners of buildings and premises, regardless of the sanctions that may apply, the City Council may require the property, to the owner of the activity or to the successful bidder of the work or service, its completion through the forced execution procedure.

2. Once the established period has elapsed without executing what is ordered, it will be carried out by the City Council, at the expense of what is obligated through the subsidiary execution procedure.

3. Elements installed on public roads without municipal authorization may be immediately removed by municipal services, which will pass on the corresponding cost to the person responsible for said installation, without prejudice to the application of the corresponding sanctioning procedure.

CHAPTER III.-MEASURES TO PROMOTE COEXISTENCE

Article 13.- Promotion of citizen coexistence and civility



1. The City Council will carry out the policies to promote coexistence and civility that are necessary in order to ensure that the behaviors and attitudes of the people who are in the city adapt to the minimum standards of coexistence with the objective of guaranteeing civility and consequently improve the quality of life in public spaces.

2. Specifically, and without prejudice to the actions that may be agreed, the City Council will:

a) Carry out the informational communication campaigns that are necessary, with the appropriate intensity and duration and using the appropriate means to reach the communities or specific groups, on the need to guarantee and promote coexistence and respect the rights of others and the public space itself. **b)** It will develop the active policies necessary to guarantee coexistence, promote agreements and avoid the exercise of irresponsible citizenship. To this end, the City Council will carry out mediation tasks in conflicts that may arise due to diverse uses in the same public space. **c)** It will stimulate the supportive behavior of citizens in public spaces so that they provide help to people who need it to navigate or find their way, who have suffered accidents or who are in similar circumstances. **d)** Other attitudes of solidarity will also be encouraged that contribute to making the city more friendly and welcoming, especially with the people who need it most. **e)** It will carry out and/or promote specific measures to promote

coexistence and civility especially aimed at boys and girls, adolescents and young people in the city, through the development of specific programs in educational centers, public or private, in which they teach the general regime of the educational system, at any of its levels and cycles, in coordination with the municipal body competent in educational matters. **f)** Promote respect for cultural and religious diversity, in order to avoid attitudes contrary to personal dignity and discriminatory behavior, especially of a xenophobic, racist, sexist or homophobic nature. **g)** It will promote the signing of collaboration agreements with citizen, cultural, social, business, tourism, sports or any other type of entities and associations, to encourage active collaboration among its members with the various campaigns and initiatives in favor of coexistence and civility in the city, as well as to publicize and encourage respect for its basic norms.



Article 14.- Collaboration of foreign people in promoting coexistence and civility

1. The City Council will promote the collaboration of foreigners in promoting coexistence and civility in the Municipality of Mijas.
2. When applicable, for the purposes of applying for the exceptional residence permit provided for in articles 45.2 b) and 46.2 c) of Royal Decree 2393/2004, of December 30, which approves the Regulation of the Organic Law 4/2000, of January 11, 2000, on the rights and freedoms of foreigners in Spain and their social integration, the City Council, at the request of the applicant, and in recognition of that collaboration, will record it in the corresponding roots report.
3. Likewise, in accordance with the provisions of the legislation, when the collaboration of the foreign person in favor of coexistence and civility in the city is of special relevance, the City Council, at the request of the foreign person, and in order that it may request the temporary and exceptional residence authorization referred to in said article, may record this collaboration in the corresponding report, signed by the responsible councilor.

Article 15.- Promotion of coexistence habits and media

In coherence with everything above and from the conviction that the City Council must be effectively involved in achieving the objectives of this Ordinance, it proclaims its commitment to adopt as many measures as necessary and have the necessary means and elements to ensure that citizens can comply with the obligations derived from its precepts.

TITLE II.-CLEANING OF THE ROAD NETWORK AND OTHER FREE SPACES

CHAPTER I.-OBLIGATED PERSONS

Article 16.- Public spaces

1. Citizens are obliged to respect coexistence and citizen tranquility.
2. Public goods and services must be used in accordance with their nature, respecting the right of other citizens to enjoy them.
3. Any behavior that involves misuse or generates dirt or damage to public roads and their structural elements and street furniture is prohibited.
4. It is also understood to be included in the protection measures of this Ordinance:
 - a) The goods and facilities owned by other Public Administrations and public or private entities that are intended for the public or constitute public service equipment or elements that form part of the urban furniture of the municipality of Mijas, such as canopies, fences, posters, and other goods of a similar nature.



b) The facades of buildings and other urban and architectural elements of public or private ownership, as soon as they are integrated into the urban landscape of the city, which include, by way of example: patios, passages, streetlights, planters, elements decorative, and goods of a similar nature as long as they are located on public roads, all of them without prejudice to the rights that correspond to their owners.

5. They are also obliged to use public goods and services according to their use and destination.

Article 17.- Private spaces

1. The owners of land, constructions and buildings have the duty to maintain them in safe, healthy and public ornamental conditions.

2. It is the responsibility of the owners of the business premises located on the ground floor to clean the sidewalk that corresponds to their façade part.

3. The cleaning of streets that are not in the public domain must be carried out on the property, as well as light patios, block patios, communal areas, etc.

4. The cleaning of plots and other privately owned land located on urban land will be the responsibility of the property, without prejudice to compliance with other urban planning obligations.

CHAPTER II.- PUBLIC CLEANING AS A CONSEQUENCE OF THE GENERAL COMMON USE OF CITIZENS

Article 18.- General rules

1. Citizens have the obligation to deposit solid waste in the corresponding bins and containers.

2. It is prohibited to throw or deposit waste, waste and any type of garbage and debris on public roads and spaces for public use, in the sewage network and on unfenced lots and properties, and such containers must always be used.

Article 19.- Specific rules

1. It is prohibited for building occupants to dump any type of waste onto public roads, including in bags or other containers, particles derived from the cleaning of any type of object and water from watering plants on balconies and terraces.

2. Household and establishment garbage must be introduced, within the schedule set by the City Council, in bags that, properly closed, will be placed in the nearest container or, if completely saturated, in the closest one.

3. It is prohibited to deposit any type of liquid waste inside the containers, as well as to introduce materials into the selective collection containers.



of any type other than those expressly predetermined or set by the City Council.

4. The movement of containers from the place assigned by the Municipal Administration is prohibited.
5. It is prohibited to throw any type of waste from vehicles, whether moving or stopped.

CHAPTER III.-CLEANING OF BUILDINGS AND URBAN FURNITURE

Article 20.- Rules of use

1. All people are obliged to respect the urban furniture, as well as the local trees and complementary facilities, such as statues, fences, fountains, protections, streetlights, posts, signs, trash cans, fences and other elements intended for their beautification. , safety or usefulness, refraining from any act that could damage, disfigure or dirty them.
2. Users of public facilities and recreational areas, gardens and parks in the town must respect animals and plants; avoid all kinds of damage and dirt; Follow the instructions contained in the signs and notices, and those that may be formulated by the Local Police or the personnel of other competent municipal services.

Article 21.- Powers

1. The installation and maintenance on public roads of all types of urban furniture elements and road signs, as well as trees, gardens and public parks, is the exclusive responsibility of the municipality, without prejudice to the existing elements on private properties.
2. Those interested in the installation on public roads of any type of billboards, commercial or industrial information signs, space or passage reservations, or elements of urban furniture, must have the mandatory municipal authorization that will be established. installation requirements and conditions.
3. The elements described in the previous section, which are installed on public roads without municipal authorization, may be immediately removed by municipal services, which will subsequently pass on their cost to the person responsible for said installation, without prejudice to the application of the procedure. appropriate sanction.

Article 22.- Hanging clothes and displaying household items

1. The hanging or display of clothes, clothing and household items on balconies, windows, windowsills, exterior terraces or walls of buildings located towards public roads or when they are visible from them is prohibited. The clothes that



to dry in the light wells, they will be placed in such a way that they do not prevent the entry of light into the homes of the other neighbors and will be sufficiently drained to avoid wetting the clothes from other laundry.

Exceptionally, and whenever they are buildings that due to their structure and distribution do not have a light well or other place originally intended to be used as a clothesline, clothes will be allowed to dry inside the balconies.

2. It is especially prohibited to place flower pots or any other objects that could pose risks to passers-by, on window sills or balconies, when they lack adequate protection.

Article 23.- Care of public places and goods of ornament or public utility

1. The following activities are prohibited:

- a) Paint, write and dirty objects of ornamental or public use such as streetlights, sidewalks, trash cans, fences and fences, municipal boards, etc.
- b) Post posters outside authorized places.
- c) Spread and throw all kinds of leaflets and other advertising media on public roads.
- d) Place posters, banners and similar advertising elements, without municipal authorization.
- e) Make graffiti on structural elements of public roads, roads, sidewalks, urban furniture, walls and walls, except for those carried out with municipal authorization.

CHAPTER IV.-CLEANING OF PUBLIC ROADS AS A RESULT OF VARIOUS WORKS AND ACTIVITIES

Article 24.- Dirt on public roads

1. All activities that may cause dirt on public roads, wherever they are carried out, and without prejudice to the licenses or authorizations that may be applicable in each case, require their owners to adopt the necessary measures. to prevent public roads from becoming dirty, as well as to clean the affected part of it with appropriate frequency, and remove the resulting residual materials.

2. The Municipal Authority may require the person responsible to carry out the corresponding cleaning actions.

3. To prevent dirt, people who carry out work or works that affect public roads must proceed to protect it by placing appropriate elements around the demolitions, earth and other materials left over from the work, so that The expansion and spilling of these materials outside the area affected by the work is prevented.



4. If necessary, based on the fact that the transport vehicles dependent on the work produce dirt on public roads, a system for washing the wheels of these vehicles will be installed.
5. In particular, the areas immediately surrounding the work of ditches, pipes, etc., carried out on public roads, must always be kept clean and free of all types of residual materials.
6. When it comes to works on public roads, regardless of road safety measures, fences and protective elements must be installed, as well as tubes for loading and unloading materials and demolition products, which must meet the necessary conditions to prevent dirt on public roads and cause damage or inconvenience to people or things.
7. Vehicles intended for construction work will comply with the requirements established on the transportation and dumping of earth and debris.
8. In the case of buildings under construction, rehabilitation, renovation or demolition, the contractor of the work will be responsible for cleaning public roads that are affected by the works.

Article 25.- Residual materials

1. The abandonment or deposition of any residual material on public roads, or its dumping in any of its elements, is prohibited.
2. In the specific case of containers and packaging not produced by individuals and susceptible to recycling, the owners of the activity generating them must comply with the management carried out by the cleaning service.
3. The waste will be deposited, in all cases, in containment elements authorized by the City Council, and following the installation guidelines established for containers on public roads.
4. The use of containment elements for works will be mandatory when public space has to be occupied for their storage and their dimensions will be adjusted to the characteristics of the public roads in which they are located, in such a way that it is not impeding the provision of these elements. services.
5. Containers for works must be removed from public roads under the conditions established by this Ordinance and, in any case, within twenty-four hours following the end of the authorization granted.
6. After the twenty-four hour period has passed, the materials abandoned on public roads will acquire the character of municipal property, without the person responsible being able to claim from the City Council for the losses caused in the elimination of these materials, and without prejudice to the tax rate to be paid. apply for the provision of the corresponding service, nor the sanctions that may be applicable.
7. Once the loading, unloading, exit or entry to works, warehouses, etc., of any vehicle that may cause dirt on public roads is completed, the personnel responsible for said operations, and subsidiarily, the owners of the establishments and works where they were carried out and, ultimately, the owner or



the driver of the vehicle, will proceed to clean the public road and the elements thereof that have become dirty, as well as the removal of the spilled materials, all without prejudice to the provisions of article 24 of this Ordinance.

8. The people mentioned in the previous section, and in the same order, will be responsible for the infractions that are made to this Ordinance due to the aforementioned concepts, and for the damages that arise from them.

9. The transport of concrete with a concrete mixer vehicle is prohibited without having the discharge mouth closed with a device that prevents the pouring of concrete on public roads.

10. It is prohibited to clean concrete mixers on public roads and any other place not suitable for this purpose.

11. For non-compliance with the previous sections, the owner and driver of the vehicle will be responsible, being obliged to clean the concrete that is poured, and the affected public road, without prejudice to the corresponding sanctions.

12. The manipulation and selection of any type of waste material deposited on public roads is prohibited.

13. It is prohibited to search, rummage and extract items deposited in bins and containers installed on public roads.

14. The cleaning of shop windows, stores, points of sale, commercial establishments, etc., carried out by individuals, will be done in accordance with the provisions of this Ordinance, with care not to dirty public roads. The owner of the activity will be responsible for this.

Article 26.- Measures to prevent dirt from works carried out on public roads

1. To prevent dirt, people who carry out works on public roads or in public spaces must: **a)** Prevent the spread and

dispersion of these materials outside the strict area affected by the works, protecting it by placing elements appropriate to the work environment. **b)** Always keep the surfaces immediately around the work clean and free of all types of residual elements. **c)** Place the necessary protective measures to prevent materials from falling onto public roads. **d)** All measures will be taken to avoid causing dust, fumes or other nuisances.

Article 27.- Construction waste

Construction waste will be deposited in the containment elements authorized for this purpose and established in the mandatory authorization.



Article 28.- Transportation, loading and unloading of materials

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

Article 29.- Occupations derived from works

1. The occupation of public roads derived from the works includes the elements and spaces occupied by the enclosure for protection, auxiliary construction means, construction machinery, tools and materials.
2. The occupation of public roads will guarantee a minimum crossing for pedestrians, which must be appropriately signposted.
3. 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.
4. Additionally, the City Council may require special measures in the following cases: **a)** Works on buildings of architectural singularity or their proximities. **b)** Works carried out in public buildings or their surroundings. **c)** Works in the vicinity of public spaces with significant attendance or with a specific singularity.
5. The space occupied by public roads will be determined in the mandatory works license.

Article 30.- Express prohibitions

1. It is prohibited to carry out the following acts on public roads:
 - a)** Empty, pour and deposit any type of residual materials on both the roads and sidewalks - except those that are going to be removed by the public cleaning service -, tree pits, plots and sanitation networks. **b)** Spill any type of dirty water in the same places, except for the sanitation network. **c)** The dumping, including into the sanitation network, of any type of liquid, solid or solidifiable industrial waste. **d)** The abandonment of dead animals. **e)** The cleaning of animals. **f)** Washing and repairing vehicles. **g)** Carry out any act that causes dirt or is contrary to the cleanliness and decorum of public roads.



2. The abandonment of furniture and personal belongings on public roads is prohibited, except for those that are waiting to be removed by the special collection service.
3. It will be the responsibility of municipal services to remove any object or material abandoned on public roads without prior notice.
4. The materials removed by municipal services will be transferred, for deposit or disposal, to the places provided for this purpose by the municipal authority.
5. The deposit or treatment of these materials will be governed, at all times, by current legislation and, in matters not foreseen, by what is provided by the competent municipal authority.
6. The expenses incurred by the collection, transportation and custody of these materials will be borne by their owners or waste producers.

Article 31- Violations

1. The violation of the prohibitions or mandates contained in the articles of this Ordinance, in addition to the following behaviors, will constitute an infraction:

a) Emit dust, fumes or other elements that may cause discomfort on public roads and dirty them. **b)**

Disregard municipal requirements to cease the activity that causes dirt or the emission of dust, fumes or other elements that cause nuisance. **c)** Disregard municipal

requirements for the correction of observed deficiencies. **d)** Disregard municipal requirements to proceed

with the cleaning of the part of the public road and its structural elements that have been affected. **e)** Failure to take appropriate measures to prevent dirt or the emission

of dust, fumes, etc. that cause a nuisance on public roads. **f)** Failure to comply with the conditions established in the licenses to avoid dirt

or the emission of dust, fumes, etc. that cause discomfort. **g)** Use or occupy the subsoil, the ground or the surface of the public road

or carry out works on it without a municipal license. **h)** Failure to comply with the general or specific conditions

of the municipal license for which the permit to occupy public roads is granted. **i)**

Installation of furniture that does not comply with the specifications or models approved by the City Council. **j)** Occupation of public roads in a way that hinders or obstructs the free movement

of pedestrians or vehicles or that may cause damage to people and other elements of public roads. **k)** Exceed the validity period of the municipal license. **l)** Deteriorate any element of public roads.



Article 32.- Forced execution and municipal action

1. In the event of non-compliance with maintenance, cleaning or repair obligations, by the owner of the work, activity or by the owners of buildings and premises, regardless of the sanctions that may apply, the City Council may require the property, to the owner of the activity or to the successful bidder of the work or service, its completion through the forced execution procedure.
2. Once the established period has elapsed without executing what is ordered, it will be carried out by the City Council, at the expense of what is obligated through the subsidiary execution procedure.
3. Elements installed on public roads without municipal authorization may be immediately removed by municipal services, which will pass on the corresponding cost to the person responsible for said installation, without prejudice to the application of the corresponding sanctioning procedure.

CHAPTER V.-ORGANIZATION AND AUTHORIZATION OF PUBLIC ACTS

Article 33.- Organization and authorization of public events

1. Organizers of events held in public spaces must guarantee the safety of people and property. For these purposes, they must comply with the general security and self-protection conditions established in each case by the competent body.

When circumstances so advise, the City Council may require the organizers to deposit a deposit or take out an insurance policy to respond for any damages that may be caused.

2. The organizers of public events, in accordance with the principles of collaboration, co-responsibility and trust with the municipal authority, must ensure that the public spaces used do not become dirty and their urban or architectural elements do not deteriorate, and are obliged, in their case, to the corresponding repair, replacement and/or cleaning.
3. The City Council will not grant authorization for the celebration of festive, musical, cultural, sporting or similar events in the public spaces in which they are intended to take place when, due to the expectations of the attending public, the characteristics of the public space itself or other duly accredited and motivated circumstances in the file, such events may endanger security, coexistence or civility. In these cases, whenever possible, the City Council will propose to the organizers alternative spaces in which the event can be held.
4. When it comes to the exercise of the fundamental right of assembly and demonstration, recognized in article 21 of the Constitution, and in accordance with the provisions of article 9.2 of Organic Law 9/1983, of July 15, the City Council will issue mandatory reasoned report in which objective circumstances and causes will be collected that, where appropriate, may advise against holding the act or event in the space



public planned by its organizers, so that the competent government authority can adopt the corresponding decision.

TITLE III.-RULES OF CONDUCT IN PUBLIC SPACE, OFFENSES, SANCTIONS AND SPECIFIC INTERVENTIONS

CHAPTER I.-ATTACKS AGAINST THE DIGNITY OF PEOPLE

Article 34.- Fundamentals of regulation

The conduct classified as infractions in this chapter finds its constitutional and legal basis in the need to avoid in public spaces all individual or collective practices that violate the dignity of people, as well as discriminatory practices with xenophobic or racist content. , sexist, homophobic or any other personal, economic or social condition or circumstance, especially when they are directed at the most vulnerable groups.

Article 35.- Rules of conduct

1. Any conduct that disrespects the dignity of people, as well as any discriminatory behavior, whether of xenophobic, racist, sexist or homophobic content, or any other personal or social condition or circumstance, in fact, is prohibited in public spaces. in writing or orally, through insults, ridicule, intentional annoyance, mental or physical coercion, assault or other humiliating conduct.

2. The conduct described above is especially prohibited when it is aimed at or directed against older people, minors and people with disabilities.

3. Specifically, harassing attitudes between minors in public spaces are prohibited. Aggression or harassment of minors carried out by groups of people acting in urban spaces will be especially prosecuted.

4. The organizers of any public event of a cultural, festive, recreational or sporting nature, or of any other nature, will ensure that the conduct described in the previous sections does not occur during its celebration. If, as a result of any of these acts, the aforementioned conduct is carried out, its organizers must immediately notify the agents of the authority.

Article 36.- Sanctions regime

1. Without prejudice to the fact that the facts constitute a criminal offence, carrying out the conduct described in section 1 of the preceding article will be considered a serious offence, and will be punished with a fine of 750.01 to 1,500 euros.



unless the fact constitutes an infraction or a different sanction applies, in accordance with the applicable legislation.

2. Without prejudice to criminal legislation, the conduct described in sections 2 and 3 of the preceding article will be considered very serious infractions, which will be punished with a fine of 1,500.01 to 3,000 euros. If said conduct was carried out by groups of people, all members of these groups who were at the scene of the incident and who participated, actively or passively, in carrying out the illegal conduct provided for in the Act, will be charged with committing the infraction. previous article.

Article 37.- Specific interventions

When conduct contrary to the dignity of people or discriminatory may constitute criminal offenses, the agents of the authority will inform the competent judicial authority, without prejudice to the continuation of the sanctioning file, in the terms of article 146 of this Ordinance.

CHAPTER II.-VISUAL DEGRADATION OF THE URBAN ENVIRONMENT

Article 38.- Fundamentals of regulation

1. The regulation contained in this chapter is based on the right to enjoy the urban landscape of the Municipality of Mijas, which is inseparable from the correlative duty to maintain it in conditions of cleanliness, neatness and decorum.

2. Graffiti, graffiti and other dirty and unsightly behaviors not only devalue public or private heritage and reveal its deterioration, but mainly cause visual degradation of the environment, which affects the quality of life of residents or residents. neighbors and visitors.

3. The duty to refrain from soiling, staining and tarnishing the environment finds its foundation in the avoidance of visual pollution, and is independent and therefore compatible with infractions, including criminal ones, based on the protection of heritage, both public and private.

First section: Graffiti, graffiti and other graphic expressions

Article 39.- Rules of conduct

1. It is prohibited to make any type of graffiti, graffiti, stain, scribble, writing, inscription or graphics, with any material (ink, paint, organic matter, or similar) or scratching the surface, on any element of the public space, as well as as inside or outside equipment, infrastructure or elements of a public service and facilities in general, including public transport, equipment, street furniture, trees, gardens and public roads in general and the rest of the



elements described in article 3 of this Ordinance. Artistic murals that are made with the authorization of the owner or with municipal authorization are excluded.

2. When the graffiti or graffiti is carried out on a private property that is installed visibly or permanently on public roads, the express authorization of the City Council will also be required.

3. The organizers of any public event of a cultural, festive, recreational or sporting nature, or of any other nature, will ensure that, during its celebration, conduct that visually degrades the space used does not occur. If, as a result of any of these acts, the conduct described in the first section of this article occurs, its organizers must immediately notify the agents of the authority.

4. Without prejudice to the subsidiary civil liability of parents or guardians for the actions of minors who depend on them, they will also be directly and jointly responsible for the infractions described in this article committed. by minors who are under their guardianship, provided that, on their part, there is evidence of fraud, fault or negligence, including simple non-compliance.

Article 40.- Sanctions regime

1. Carrying out the conduct described in the preceding article will be considered a minor infraction, and will be punished with a fine of up to 750 euros, unless the act constitutes a more serious infraction.

2. Graffiti or graffiti carried out will be considered serious infractions, punishable by a fine of 750.01 to 1,500 euros: a) **On** elements of transport, whether publicly or privately owned, and, in the first case, case, municipal or not, including vehicles, stops, canopies and other elements installed in public spaces. **b)** In the elements of public parks and gardens. **c)** On the facades of adjacent public or private buildings, unless the extent of the graffiti or graphite is almost negligible. **d)** In traffic or road identification signs, or any element of street furniture, when it implies the disablement or total or partial loss of functionality of the element.

3. The infractions will be very serious, and will be punished with a fine of 1,500.01 to 3,000 euros, when they especially attack the urban space because they are carried out on listed or protected monuments or buildings.

Article 41.- Specific interventions

1. In the cases included in the previous articles, the agents of the authority will remove and intervene as a precautionary measure the materials or means used.



2. If due to the characteristics of the graphic expression, the material used or the affected property, cleaning and immediate restoration to its previous state were possible, the agents of the authority will personally order the offending person to proceed with its cleaning, without prejudice to the imposition of the corresponding sanctions for the infraction committed.
3. The City Council, alternatively, may clean or repair the damage caused by the violation, at the expense of the person or persons responsible and without prejudice to the imposition of the corresponding sanctions. The City Council will be compensated for the expenses incurred in the cleaning or repair, without prejudice to the imposition of appropriate sanctions.
4. When dealing with minor offenders, the appropriate and necessary procedures will be carried out to verify whether the circumstances provided for in section 4 of article 125 are present.
5. When the graffiti or graffiti may constitute the property violation provided for in article 626 of the Penal Code, the agents of the authority will bring it to the attention of the competent judicial authority, without prejudice to the continuation of the sanctioning file.

Second section.-Banners, posters, stickers and other similar elements

Article 42.- Rules of conduct

1. The placement of posters, fences, signs, banners, stickers, pasted papers or any other form of advertising, announcement or propaganda must be carried out only in places expressly authorized for this purpose by the municipal authority. The placement of posters and banners in municipal buildings and facilities, in any public space or element of the landscape and urban or natural furniture, is prohibited without express authorization from the City Council.
2. The placement of banners on public roads or in buildings can only be carried out with municipal authorization. In any case, the authorization will refer to the placement of posters, banners and elements that do not damage or dirty the surface and are easy to remove, with a commitment on the part of the authorization applicant to remove them within the established period. Posters may be placed in shop windows, portals and other places located inside the establishments
3. Likewise, express authorization from the City Council will be required, in addition to that of the owner of the affected property, when the poster or banner is installed on a private property. if flying over public space, excluding banners on balconies and other openings.
4. The authorization holders will be responsible for removing the installed elements and replacing the elements to their previous state, in accordance with the instructions given by the municipal services.
5. It is prohibited to tear, tear and throw posters, advertisements, banners and similar objects into public spaces.



6. It is prohibited to place advertising on the outside of vehicle windows, as well as to spread and throw any type of brochures or commercial advertising papers or any similar material on public roads and in public spaces and other spaces defined in the law. article 3 of this Ordinance.

7. People who distribute home advertising may not leave advertising outside the buildings' goal area.

8. The natural or legal persons who promote the contracting or dissemination of the message will be directly and jointly liable for the preceding infractions with the material authors of the act. In any case, those responsible are obliged to remove all posters, fences and elements placed without authorization. The City Council may proceed to remove it in a subsidiary manner and pass the cost on to those responsible, without prejudice to the corresponding sanctions.

9. The owners of the properties will take care to keep their walls and facades clean of any type of poster or advertisement that is not authorized.

Article 43.- Brochures and leaflets

1. It is prohibited to spread, throw and place in parked vehicles, all kinds of brochures, leaflets or propaganda or advertising papers and similar materials on the road and in public spaces. For these purposes, it will not be considered an infraction to deposit any type of information in an orderly and proper manner, as long as it is done in appropriate places under municipal authorization.

2. Home advertising distributors will not be able to place advertising outside the building portal enclosure.

3. The owners of the establishments may not place any type of furniture with advertising on public roads.

4. Tables for distributing propaganda, information or collecting signatures must have a prior request for municipal authorization and will be placed in those places where they do not obstruct pedestrian crossings.

Article 44.- Advertising

1. Advertising on public roads may take the following forms:

a) Advertising advertisements as long as they meet the characteristics approved by the City Council, through the corresponding license.

b) Distribution of advertising leaflets, without under any circumstances throwing them

onto public roads. c) Oral propaganda, when expressly authorized by the City Council.

2. It may not be placed in containers, street lamps, street furniture and similar, the advertising company being responsible, unless expressly authorized.



Article 45.- Sanctions regime

1. The facts described in the previous articles will constitute a minor infraction, and will be punished with a fine of 120 to 750 euros.

2. However, the placement of posters, banners or stickers on municipal buildings and facilities, on urban or natural furniture, and in general, on all those elements that, located in public spaces, are intended to provide specific services to citizens. In these cases, the violation will be punished with a fine of 750.01 to 1,500 euros.

3. When the above infractions are carried out on listed or protected monuments or buildings, they will be considered very serious, and will be punished with a fine of 1,500.01 to 3,000 euros. It will have the same consideration and the amount of the fine will be the same when the placement of posters, banners or stickers is done on traffic signs in a way that makes it impossible for drivers and/or pedestrians to have a correct vision.

Article 46.- Specific interventions

1. In the cases included in the previous articles, the agents of the authority will remove and intervene as a precautionary measure the materials or means used.

2. Likewise, they will personally order the offending person to proceed to remove the material and repair the damage caused by its placement, without prejudice to the sanctions that may be imposed for the infraction committed.

3. The City Council may adopt the precautionary measure of removal of propaganda or advertising elements at the expense of the responsible person, without prejudice to the imposition of the corresponding sanctions.

CHAPTER III.-BETTING

Article 47.- Fundamentals of regulation

The regulation contained in this chapter is based on the safeguarding of public safety, the freedom of movement of people and the protection of the legitimate rights of users of public space, especially especially vulnerable groups, such as for example minors.

Article 48.- Rules of conduct

The offering of games that involve betting with money or goods is prohibited in public spaces, unless specifically authorized.



Article 49.- Sanctions regime

1. The offering of games that involve betting on money or goods will be considered a serious infraction and will be punished with a fine of 750.01 to 1,500 euros.
2. The offering of bets that carry a risk of loss beyond what is usual in any game of chance, and, in any case, the "trile" game.

CHAPTER IV.- INADEQUATE USE OF PUBLIC SPACE FOR GAMES

Article 50.- Fundamentals of regulation

1. The regulation contained in this chapter is based on the freedom of movement of people, the protection of pedestrians and the right that all people have to not be disturbed in their exercise and to recreationally enjoy public spaces in accordance with the nature and destination of these, respecting the indications contained in the information signs of the affected space, if they exist, and in any case the legitimate rights of other users.
2. The practice of ball, skateboard or similar games in public spaces is subject to the general principle of respect for others, and, in particular, their safety and tranquility, as well as the fact that they do not involve danger to property, services or facilities, both public and private.
3. Sports events and other events on roads and duly authorized public spaces are excepted.

Article 51.- Rules of conduct

1. The practice of games in public spaces and massive and spontaneous sports competitions that disturb the legitimate rights of residents or other users of public spaces are prohibited.
2. The practice of games with instruments or other objects that may endanger the physical integrity of users of public space, as well as the integrity of goods, services or facilities, both public and private, is especially prohibited.
3. The practice of acrobatics and games of skill with bicycles, skates or skateboards is not permitted outside the areas designated for this purpose, on a stable or temporary basis. The use of pedestrian stairs, elements for accessibility for disabled people, railings, benches, handrails, or any other element of street furniture to perform stunts with roller skates and skateboards is prohibited.



Article 52.- Sanctions regime

1. The agents of the authority in the cases provided for in the previous article will limit themselves to reminding these people that such practices are prohibited by this Ordinance. If the person persists in their attitude, they may be sanctioned in accordance with the following section.
2. Failure to comply with the rules provided for in the previous article will be considered a minor infraction and will be punished with a fine of up to 750 euros, unless the act constitutes a more serious infraction.
3. They will, however, be considered serious infractions, and will be punished with a fine of 750.01 to 1,500 euros: **a)** The practice of games that involve a relevant risk to the safety of people or property, and, in especially, reckless circulation with roller blades or skateboards on sidewalks or places intended for pedestrians. **b)** The use of architectural elements or installations or street furniture for skateboarding, rollerblading or similar when they are in danger of deterioration.

Article 53.- Specific interventions

1. In the case of the infraction consisting of the practice of games in public spaces, the agents of the authority will proceed with the precautionary intervention of the means used.
2. Likewise, in the case of serious infractions provided for in the second section of the previous article, the agents will intervene as a precautionary measure on the game, skateboard, skateboard or similar with which the conduct occurred.

CHAPTER V.-OTHER CONDUCT IN PUBLIC SPACE

Section I.- Occupation of public space by behaviors that adopt forms of begging

Article 54.- Fundamentals of regulation

1. The conduct classified as infractions in this section is intended to safeguard, as specially protected assets, the right of citizens to move through the Municipality of Mijas without being bothered or disturbed at their will, the free movement of people, the protection of minors, as well as the correct use of roads and public spaces.
2. Specifically, this section tends to protect people who are in the Municipality of Mijas against behaviors that take forms of insistent, intrusive or aggressive, as well as organized begging, whether direct or covert in the provision of small unsolicited services, or any other equivalent formula, as well as



against any other form of begging that, directly or indirectly, uses minors as a lure or they accompany the person carrying out that activity.

Article 55.- Rules of conduct

1. Conduct that, under the appearance of begging or under organized forms, represents coercive or harassing attitudes, or intentionally hinders and impedes the free movement of citizens through public spaces, is prohibited.
2. The offering of any good or service to people who are inside private or public vehicles is also prohibited. Among other behaviors, cleaning the windshields of cars stopped at traffic lights or on public roads as well as offering any object will be considered included in this case.
3. Without prejudice to the provisions of article 232 of the Penal Code, begging by minors or begging carried out, directly or indirectly, with minors or people with disabilities, is totally prohibited.
4. It is also prohibited to carry out activities of any kind in public spaces when they obstruct or may obstruct road traffic on public roads, endanger the safety of people or manifestly impede the free movement of people on sidewalks, squares, avenues, passages or boulevards or other public spaces. These behaviors are especially prohibited when they take place on the road, at traffic lights or invading traffic spaces.
5. In those cases of conduct that adopts forms of begging not provided for in the previous sections, and that have social roots, the agents of the authority, and in accordance only with the content of the Social Inclusion Plan established by the Municipality of Mijas, They will contact the social services so that they are the ones who direct those people who practice them to the primary care social services, with the purpose of assisting them, if necessary.

Article 56.- Sanctions regime

1. When the infraction consists of hindering the free movement of citizens through public spaces, the agents of the authority will first inform these people that such practices are prohibited by this Ordinance. If the person persists in his attitude and does not leave the place, the corresponding sanction will be imposed. In any case, these sanctions may be replaced, in accordance with the legislation, by individualized attention sessions with social services or by courses in which affected people will be informed of the possibilities of public and private institutions offering them support. and social assistance, as well as the help that is necessary will be provided to them.



2. Carrying out the conduct described in section 1 of the previous article constitutes a minor infraction, and may be punished with a fine of up to 120 euros, unless the facts may constitute a more serious infraction.

3. The conduct included in section 2 of the previous article will be considered minor infractions and will be punished with a fine of up to 120 euros.

When it comes to cleaning the windshields of cars stopped at traffic lights or on public roads, the infraction will be considered serious, and will be punished with a fine of 750.01 to 1,500 euros. In the latter case, the order to abandon the activity will not be required and the corresponding administrative sanctioning procedure will begin.

4. If begging is carried out by minors, the municipal authorities will immediately provide them with the necessary attention, without prejudice to the adoption of the rest of the measures provided for, where appropriate, by the legal system. In any case, begging carried out, directly or indirectly, accompanied by minors or people with disabilities, will be considered, in any case, a very serious infraction, and will be punished with a fine of 1,500.01 to 3,000 euros, without prejudice to the provisions of the article. 232.1 of the Penal Code.

5. The conduct included in section 4 of the previous article will be considered minor infractions, and will be punishable with a fine of up to 200 euros, except in the case of conduct that the aforementioned section 4 classifies as especially prohibited, the penalty for which may amount to up to 200 euros. the amount of 300 euros.

6. The agents of the authority will first inform these people that such practices are prohibited by this Ordinance. If the person persists in his attitude and does not leave the place, the corresponding sanction will be imposed.

7. In any case, these sanctions may be replaced, in accordance with the legislation, by individualized attention sessions with social services or by courses in which these people will be informed of the possibilities that public and private institutions offer them. social assistance, as well as the necessary help will be provided.

8. The agents of the authority, or, where appropriate, the social services, will inform all people who engage in begging in places of public transit of municipal offices and institutional or private care centers (associations, non-governmental organizations). -NGOs-, etc.) to whom they can turn to receive the support necessary to abandon these practices.

Section II.-Use of public space for the offer and demand of sexual services

Article 57.- Fundamentals of regulation

1. The conduct classified as an infraction in this section seeks to protect minors from the exhibition of practices of offering or requesting sexual services.



on the street, maintain coexistence and avoid traffic problems in public transit places and prevent the exploitation of certain groups.

2. The objective of this regulation is to establish a regulation on the occupation of public space as a consequence of the activities of offering and demanding sexual services, and is dictated taking into account the municipal powers and the protected legal assets contemplated in the previous paragraph. .

Article 58.- Rules of conduct

1. In accordance with the purposes set out in the previous article, it is prohibited to offer, request, negotiate or accept, directly or indirectly, paid sexual services in public spaces when these practices exclude or limit the compatibility of the different uses of public spaces.

2. The offer, request, negotiation or acceptance of paid sexual services in public spaces is especially prohibited by this Ordinance, when these behaviors are carried out in spaces located less than two hundred meters away from teaching or educational centers. in which teachings from the general regime of the educational system are taught 3. Likewise, it is especially prohibited to have sexual relations with remuneration for them in public spaces.

Article 59.- Sanctions regime

1. Agents of the authority or municipal services, in the cases provided for in article 58.1, will limit themselves to reminding these people that such practices are prohibited by this Ordinance. If the person persists in his attitude and does not leave the place, he may be punished for disobedience to authority.

2. Agents of the authority or municipal services, in the cases provided for in article 58.2, will first limit themselves to reminding these people that such practices are prohibited by this Ordinance. If the person persists in his attitude and does not leave the place, the corresponding administrative sanctioning procedure will be initiated.

The behaviors included in section 2 of the previous article will be considered minor, and will be punishable with a fine of up to 750 euros.

3. The conduct included in section 3 of the previous article will be considered very serious, and will be punishable with a fine of 1,500.01 to 3,000 euros.

Article 60.- Specific interventions

1. The Mijas City Council, through the competent social services, will provide information and help to all those people who carry out sex work in the city and want to abandon their practice.



2. The competent municipal services, with the help of authority agents, if applicable, will inform all people who offer paid sexual services in public spaces of municipal offices and institutional or private care centers. (associations, NGOs, etc.) to whom they can turn to receive the support necessary to abandon these practices.

3. The Mijas City Council will collaborate intensely in the persecution and repression of conduct that violates the sexual freedom and indemnity of people that may be committed in public spaces, especially pimping activities or any other form of sexual exploitation, and, especially, with regard to the minors.

CHAPTER VI.- PHYSIOLOGICAL NEEDS

Article 61.- Fundamentals of regulation

The basis of the regulation contained in this chapter is the protection of public health and sanitation, the right to enjoy a clean and non-degraded public space, and respect for the generally accepted guidelines of citizen coexistence and civility.

Article 62.- Rules of conduct

1. It is prohibited to perform physiological needs, such as defecating, urinating, spitting, in any of the spaces defined in article 3 of this Ordinance as its scope of objective application, except for facilities or elements that are especially intended for realization of such needs.

2. The conduct described in the previous section is especially prohibited when carried out in spaces with a large influx of people or frequented by minors, or when carried out in food markets, monuments or listed or protected buildings.

Article 63.- Sanctions regime

1. The conduct described in section 1 of the preceding article will constitute a minor infraction, and will be punished with a fine of up to 300 euros, unless the act constitutes a more serious infraction.

2. The conduct described in section 2 of the preceding article will constitute a serious infraction, punishable by a fine of 750.01 to 1,500 euros.

CHAPTER VII.- CONSUMPTION OF ALCOHOLIC DRINKS



Article 64.- Fundamentals and purpose of the regulation

The regulation contained in this chapter is based on the protection of public health and sanitation, respect for the environment, the protection of minors, the right to rest and tranquility of neighbors, the right to enjoy a space clean and undegraded public, the orderly use of public roads in addition to other goods such as, for example, fair competition within the framework of a market economy and the rights of consumers and users, regulating the use and enjoy the spaces and public roads, avoiding abusive and exclusive use of them that disturbs normal citizen coexistence, guaranteeing public safety.

Article 65.- Rules of conduct

1. According to the current regulatory framework, it is prohibited as a general rule to consume alcoholic beverages and other drugs in public spaces. **a)**

The previous rule will apply except in the case of consumption of alcoholic beverages that takes place in establishments and other spaces expressly reserved for that purpose, including, where appropriate, patron or popular events and festivals that are expressly authorized, in accordance with the specific regulations applicable in each case. **b)** Commercial

establishments, vending machines, street vending, or any other form of delivery are also prohibited from selling alcoholic beverages between 10:00 p.m. and 8:00 a.m., with the applicable opening regime. **c)** The City Council will prohibit and consequently prevent

concentrations of people in which alcoholic beverages are consumed on public roads that disrupt normal citizen coexistence, whenever conduct is carried out that disturbs people's right to a night's rest, including 10:00 p.m. and 8:00 a.m. **d)**

The organizers of any public event of a cultural, recreational, festive, sporting or any other

nature will ensure that the conduct described in the previous sections does not occur during its celebration, with the organizers of the act or event being responsible.

If, as a result of any of these acts, such conduct is carried out, its organizers will immediately notify the agents of the authority, who may opt, if necessary, to suspend the activity. **e)** Without prejudice to the subsidiary civil liability of those legally responsible for the actions of minors who depend on them, they will also be directly and jointly responsible for infractions committed by minors, provided that, for their part, evidence of fraud, fault or negligence. **f)** In any case, and regardless of what is regulated in the environmental and cleaning ordinances, all beverage containers must be deposited in the



corresponding containers and, where appropriate, in the trash cans located in public spaces. It is prohibited to throw beverage containers such as cans, bottles, glasses, or any other object on the ground or place them on public roads. **g)** Establishments selling beverages and food may not cause noise nuisance to neighbors or passers-by and will be governed by the regulations applicable to noise from activities.

Article 66.- Special protection zones

The City Council, by Plenary agreement, may declare certain public spaces as "Special protection zones" when it is considered that the aforementioned alterations have produced or may produce a serious disturbance of citizen coexistence. These areas, once declared, will be duly marked.

It will be considered that an alteration of citizen coexistence occurs when one or some of the following circumstances occur: **a)**

When, as a result of the action of consumption, the tranquility of the environment may deteriorate or cause unhealthy situations in it, the limits are exceeded. acoustic limits or the regulations on noise and environmental pollution are

violated. **b)** When consumption is expressed in a manner that is degrading to pedestrians or other users of public spaces, and when regulations on municipal waste management and street cleaning are repeatedly violated and acts of vandalism occur on street furniture. **c)** When the places in which it is consumed are characterized by the influx of minors, or if the number of people usually concentrated in said spaces is considered high with respect to the density of homes and neighbors of the place or public space of which be treated.

Article 67.- Sanctioning regime

1. Infractions that involve:

a) A disturbance of coexistence that seriously, immediately and directly affects the tranquility or the exercise of legitimate rights of other people or the normal development of activities of all kinds, when this is derived from the concentration of people in the public streets where alcohol is consumed or not, between 10 p.m. and 8

a.m. **b)** Failure to comply with orders, signs, etc. relating to special protection spaces referred to in article 66 or to requirements formulated by the municipal authorities or their agents in direct application of the provisions of this ordinance.



- c)** The impediment of the use of a public space by another person or persons with the right to use it.
- d)** Acts of serious and relevant deterioration of public spaces or any of their facilities and elements, whether movable or immovable, not derived from alterations in public safety.
- e)** The commission of two serious offenses within a period of one year when the first of them was sanctioned by a final administrative resolution.
- 2.** The following constitute serious infractions:
- a)** Concentrations of people on public roads that negatively affect citizen coexistence between 10 p.m. and 8 a.m. and cannot be included in section a) of the previous one.
- b)** The dispatch of alcoholic beverages between 10:00 p.m. and 8:00 a.m. as described in article 65.1.b
- c)** The carrying out of acts that cause destruction or damage to urban furniture or equipment that prevents its normal use, making them unusable for it or when the cost of repair is more than 30% higher than the market value of said furniture or equipment.
- d)** Acts that cause destruction or damage to elements of public ornament, such as statues, in a way that distorts their normal contemplation.
- 3.** The following constitute minor infractions:
- a)** The carrying out of acts that cause destruction or damage to urban furniture or equipment but that do not prevent their use.
- b)** The use of urban furniture for uses other than its purpose.
- c)** Obstruct access to neighborhood gates or the entrance to public or private garages in a way that prevents their normal use.
- d)** Ring indiscriminately at building entrances so as to prevent night rest.
- e)** Kicking waste or solid elements existing on public roads in such a way that they produce a notable acoustic impact.
- f)** Throwing beverage containers, cans, bottles or any other object on the ground or depositing them on public roads.

Article 68.- Criteria for grading the sanction

To determine the sanctions provided for in this Ordinance, the principle of proportionality and, in any case, the following grading criteria will be taken into consideration:

- a)** The intensity of the disturbance caused to the tranquility or peaceful exercise of the rights of other people or activities.
- b)** The intensity of the disturbance caused to public health or ornament.
- c)** The intensity of the disturbance caused in the use of a service or a public space by the people with the right to use them.



- d)** The intensity of the disturbance caused to the normal functioning of a Public Service. **e)** The intensity of the damage caused to the equipment, infrastructure, facilities or elements of a service or a public space. **f)** The commission of two minor offenses within a period of one year when the first of them was sanctioned by a final administrative resolution.

Article 69.- Specific interventions

- 1.** In the cases included in the previous articles, the agents of the authority will remove and intervene as a precautionary measure the drinks, containers or other elements subject to the prohibitions, as well as the materials or means used. Alcoholic beverages and seized food may be destroyed immediately for hygienic-sanitary reasons.
- 2.** In the case of minor offenders, the necessary procedures will be carried out to verify whether the circumstances provided for in section 4 of article 125 are present, in order to also proceed to report them.
- 3.** To guarantee the health of the affected people, as well as to avoid serious inconvenience to citizens, agents of the authority, when appropriate, may accompany people in a state of intoxication to health or social care services. corresponding.

CHAPTER VIII.- UNAUTHORIZED STREET TRADE OF FOOD, DRINKS AND OTHER PRODUCTS

Article 70.- Fundamentals of regulation

The conduct classified as an infraction in this chapter is based on the protection of health, the rational and orderly use of public roads and the safeguarding of public safety, in addition, where appropriate, the protection of industrial and intellectual properties. , fair competition in the market economy and the rights of consumers and users.

Article 71.- Rules of conduct

- 1.** Street sales in public spaces of any type of food, drinks and other products are prohibited, except for specific authorizations. In any case, the license or authorization must be perfectly visible.
- 2.** It is prohibited to collaborate in public spaces with unauthorized street vendors, with actions such as facilitating gender or monitoring and alerting about the presence of authority agents.
- 3.** The purchase or acquisition in public spaces of food, drinks and other products from unauthorized street sales is prohibited.



4. The organizers of public events of a cultural, festive, recreational or sporting nature or of any other nature will ensure that the conduct described in the previous sections does not occur during their celebration. If, as a result of any of these acts, such conduct is carried out, its organizers will immediately notify the agents of the authority.

Article 72.- Sanctions regime

1. Without prejudice to criminal legislation, the prohibited conduct described in the first two sections of the preceding article constitutes a minor infraction, which will be punished with a fine of up to 500 euros.

2. The prohibited conduct described in section 3 of the preceding article constitutes a minor infraction, which will be punishable by a fine of up to 500 euros.

Article 73.- Specific interventions

1. In the cases included in the previous articles, the agents of the authority will remove and intervene as a precautionary measure the genre or elements subject to the prohibitions and the materials or means used. If it is food or consumables, they will be destroyed or given the appropriate destination.

2. When the conduct classified in this chapter may constitute a criminal offense, the agents of the authority will inform the competent judicial authority, without prejudice to the continuation of the sanctioning file, in the terms of article 150 of this Ordinance.

CHAPTER IX.- UNAUTHORIZED ACTIVITIES AND PROVISION OF SERVICES. DEMAND AND CONSUMPTION

Article 74.- Fundamentals of regulation

The regulation contained in this chapter is based on the rational, orderly and proper use of roads and public spaces, the right of people not to be bothered or disturbed in the exercise of their freedom, the health of people, the safeguard of public safety, in addition, where appropriate, to the protection of industrial and intellectual properties, fair competition and the rights of consumers and users.

Article 75.- Rules of conduct

1. The carrying out of activities and the provision of unauthorized services in public spaces is prohibited, such as tarot, clairvoyance, massages or tattoos, vehicle surveillance,



time-share or others that contradict the legislation on the protection of industrial and intellectual properties, unfair competition and the rights of consumers and users and those who need an activity license.

2. The exhibition for sale of vehicles on public roads without municipal authorization is prohibited.

3. It is prohibited to collaborate in public spaces with those who carry out activities or provide unauthorized services, with actions such as monitoring and alerting about the presence of authority agents.

4. The demand, use or consumption in public spaces of unauthorized activities or services referred to in this chapter is prohibited. In any case, the license or authorization must be perfectly visible.

5. The organizers of public events of a cultural, recreational, festive, sporting or any other nature will ensure that the conduct described in the previous sections does not occur during their celebration. If the described conduct is carried out as a result of any of these acts, its organizers must immediately notify the authorities.

Article 76.- Sanctions regime

1. Without prejudice to criminal legislation, the prohibited conduct classified in the first two sections of the preceding article will constitute a minor infraction, which will be punished with a fine of up to 500 euros.

2. The prohibited conduct classified in section 3 of the preceding article constitutes a minor infraction, punishable by a fine of up to 500 euros.

Article 77.- Specific interventions

1. In the cases included in the previous articles, the agents of the authority will remove and intervene as a precautionary measure the genre or elements subject to the prohibitions, and the materials or means used. If it is food or consumables, they will be destroyed or given the appropriate destination.

2. When the conduct classified in this chapter may constitute the criminal offense of fraud, typified in articles 248 to 251 and 623.4 of the Penal Code, the agents of the authority will inform the competent judicial authority, without prejudice to the continuation of the sanctioning file, under the terms of article 151 of this Ordinance.

CHAPTER X.- IMPROPER USE OF PUBLIC SPACE



Article 78.- Fundamentals of regulation

The regulation contained in this chapter is based on the guarantee of rational and orderly use of public space and its elements, in addition, if applicable, the safeguarding of health, the protection of security and municipal heritage.

Article 79.- Rules of conduct

1. It is prohibited to make improper use of public spaces and their elements, in a way that prevents or hinders the use or enjoyment of the rest of the users.

2. The following improper uses of public spaces and their elements are not permitted:
a)

Camping on roads and public spaces, an action that includes stable installation in these public spaces or their elements or furniture installed in them, or in tents, vehicles, motorhomes or caravans, except authorizations for specific places.

b) Sleep day or night in the previous

spaces. **c)** Use benches and public seats for uses

other than those for which they are intended. **d)** Wash or bathe in fountains, ponds or

similar. **e)** Wash clothes in fountains, ponds, showers or similar.

Article 80.- Sanctions regime

Carrying out the conduct described in the preceding article constitutes a minor infraction, which will be punishable by a fine of up to 500 euros.

CHAPTER XI.- VANDALIC ATTITUDES IN THE USE OF URBAN FURNITURE. DETERIORATION OF URBAN SPACE

Article 81.- Fundamentals of regulation

The behaviors classified as infractions in this chapter protect the rational use of public space, respect for people and property, safety, health and physical integrity of people or municipal assets.

Article 82.- Use of urban furniture

1. Any action on municipal property that is contrary to its use or destination or involves its deterioration is prohibited, whether due to breakage, tearing, improper movement, fire, placement of advertising elements, use of materials or substances and any other activity. or manipulation that soils them, degrades or impairs their aesthetics and their normal use and destination.



2. Everyone has the obligation to make good use of street furniture and must use it in such a way that it does not suffer deterioration that prevents its normal conservation and use.

Article 83.- Bins and containers

1. Small volume solid waste such as extinguished cigarette butts, shells, chewing gum, papers, bags, wrappers and similar, must be deposited in the bins and, if they are recyclable materials, the selective collection containers installed on the road will be used. public.

2. It is prohibited:

a) Any manipulation of the bins and containers located on the road and public spaces, moving them, tearing them off, setting them on fire, overturning them or emptying their contents on the ground, making inscriptions or adhering papers or stickers to them and anything that deteriorates their aesthetics or hinder its use. **b)** Deposit firecrackers, cigars, cigarette butts or other lit materials in the trash cans and other containers, regardless of their contents. **c)** It is especially prohibited to move them, tear them out,

set them on fire, overturn them or empty their contents on the ground, make inscriptions or attach papers or stickers to them. **d)** It is prohibited to leave dangerous materials, instruments

or objects in bins, such as animals and animal remains, syringes and tools for the consumption of narcotic substances, materials used in healthcare that may be susceptible to infecting or spreading diseases, as well as all types of toxic drugs, narcotics and chemical, radioactive, pyrotechnic or explosive products, small solid waste or other materials.

3. Violations of these behaviors represent a minor infraction.

Article 84.- Ponds and fountains

1. In public fountains and ponds it is prohibited: **a)** Carry

out any manipulation on the facilities or elements of the ponds and fountains. **b)** Wash objects of any kind.

c) Wash and bathe. **d)** Let animals swim and muddy the

waters. **e)** Water or bathe animals. **f)** Play games, except in fountains and ponds

built and intended especially for this purpose. **g)** Play games or enter decorative fountains, even in special celebrations

if, in the latter case, the required municipal authorization is not available.



2. Violations of these behaviors represent a minor infraction.

Article 85.- Bonfires and bonfires

1. Except in the case of celebrations or popular festivals, promoted by neighborhood groups or associations and with the corresponding municipal authorization in accordance with current regulations, it is prohibited to light bonfires and bonfires on the roads and public spaces of the municipality.

2. In the same way, the lighting of fires in order to proceed with the burning of grass or plant remains on plots or farms may be requested and, where appropriate, authorized by the Municipal Authority and in accordance with current regulations, provided that there are guarantees. that all the control measures required in accordance with current

regulations are adopted 3. Infringements due to due conduct in section 1 represent a minor infraction and in the case of section 2, a serious infraction, without prejudice to the criminal and civil liability that could arise from these actions.

Article 86.- Animals

1. It is prohibited to fish, hunt or mistreat by any means the fish, birds or other animals that may be found in the gardens, parks or facilities covered by this ordinance, without prejudice to the application of the sectoral regulations on hunting. and fishing.

2. Violations of these behaviors represent a minor infraction.

Article 87.- Pets

1. Pets are those that are raised and reproduced with the purpose of living with people, for educational, social or recreational purposes, without profit.

2. These provisions will be applicable to arthropods, amphibians, fish, reptiles, birds and pet mammals.

3. It will especially apply to the subspecies and varieties of dogs and cats.

4. In general, the possession of pets in private homes is authorized, provided that the hygienic accommodation circumstances allow it and that situations of danger or discomfort do not occur for neighbors or other people in general, or for the animal itself.

5. When it is decided by the City Council that the stay of animals in a home or premises is not tolerable, their owners must proceed to evict them.

6. The possession of wild animals is prohibited.

7. In the case of possession of protected species or domestic animals, without the corresponding documents that authorize it, the Municipal Authority may order their confiscation.



8. Animals that have caused injuries to people or other animals, as well as those suspected of suffering from contagious diseases, must be immediately subjected to veterinary control for forty days. Compliance with this precept will fall on both the owner and any person who, in the absence of the above, has knowledge of the facts. The expenses incurred for the control of the animals and possible retention will be paid by their owners. Those animals that suffer from contagious, chronic and incurable diseases to people will be sacrificed according to the procedures and in duly authorized centers.

9. When any person picks up any animal, assuming that it is abandoned or lost, with the intention of giving it shelter, they must notify the Authority, in order to announce the discovery, for public knowledge. If after 15 days from the beginning of the publication there is no owner to claim it, it will be the person who found it who will be able to dispose of the animal as his or her property. If for some special reason the former owner recognizes it and finds the new owner, the latter will have the obligation to hand it over, making effective, in terms of allowances and shelter, what corresponds to it by law.

Article 88.- Prohibitions in relation to pets

1. The following are expressly prohibited: **a)** Entry into publicly owned premises, sporting and cultural events, recreational areas, and entertainment for people. **b)** Circulation or permanence in public swimming pools. **c)** Entry into premises intended for the manufacture, sale, storage, transportation or handling of food. **d)** People who drive pets must prevent them from depositing their excrement on sidewalks, streets, walks, gardens and, in general, any place dedicated to the traffic of people or children's games. Owners or managers of animals are obliged to immediately collect solid excrement that they deposit on public roads. **e)** Mistreating or abandoning animals, keeping them in inappropriate facilities, from a health point of view, and not providing them with necessary food.
2. Failure to comply with the described obligations will be considered minor infractions, with the exception of abuse and abandonment, which will be considered serious infractions.

Article 89.- Presence of animals on public roads

1. Circulation on public roads is prohibited for animals that are not accompanied by trained people or who supervise them, provided with a collar and led by chain or leash. They will be provided with a muzzle when they are classified as potentially dangerous or the temperament of the animal. so advised, and under the



responsibility of the owner.

Dogs may be loose in the areas and places marked by the City Council; In public parks and gardens that do not have a limited area, they may be loose, under the close supervision of their caretaker, from nineteen hours to nine hours in the autumn and winter season, and from twenty-one hours to eight hours in the winter season. spring and summer.

2. The presence of dogs is prohibited in sandpits and children's play areas.
3. The transportation of dogs on public transportation is prohibited, with the exception of those accompanying blind people.
4. In all cases, the driver of the animal is obliged to carry means to collect and remove the excrement immediately and in a hygienic manner, and must clean the part of the road or public places that have been affected, depositing the excrement in the containers. garbage or specific items installed by municipal services placed in a plastic bag.
5. Every owner or possessor of dogs (*Canis familiaris*) has the obligation to identify them according to the appropriate municipal records within three months following the date of birth or one month from their acquisition. The owners will also have the obligation to notify the removal of the animal, in the event of death, loss or theft from the moment it occurs, to the Town Hall where it is registered.
6. The continued permanence of dogs on the terraces of apartments and on plots of land is prohibited. In these cases, owners may be penalized if the dog barks during the night.
7. Violations of these behaviors represent a minor infraction.

Article 90.- Privately owned land, constructions and buildings

The owners of land, constructions and buildings have the duty to maintain them in conditions of safety, health and public ornamentation, being obliged to carry out the works and works necessary for their conservation or rehabilitation in order to maintain the conditions of habitability and decorum, in accordance with the provisions of urban planning legislation.

Likewise, you must proceed to deratize and disinfect them through an authorized company.

Article 91.- Loading and unloading

1. Activities of loading and unloading goods, handling of boxes, containers, construction materials and similar actions are prohibited from 10:00 p.m. to 7:00 a.m.

Exceptions are made to night-time garbage collection and cleaning operations, which will adopt the necessary measures to reduce the level of disturbance to citizen tranquility to a minimum.



2. The City Council may require the adoption of appropriate measures in order to minimize the inconvenience and reduce it to what is strictly necessary, provided that the convenience is justified and is technically and economically viable.
3. Violations of these behaviors represent a minor infraction.

CHAPTER XII.- OTHER CONDUCT THAT DISTURB CITIZEN COEXISTENCE

First section.- Beaches

Article 92.- Rules of conduct

1. Safety on the beaches, and especially in activities at sea, requires observing the instructions given and respecting the signs on bathing conditions and places.
2. The green flag indicates that there is no danger, allowing normal beach activity. With a yellow flag, extreme caution must be taken in the water. The red flag advises against bathing.
3. It is prohibited to use soap or other hygiene items in public showers on beaches.
4. It is prohibited to enter the beach with pets

Article 93.- Sanctions regime

1. Failure to comply with the provisions of the previous article will constitute a minor infraction and will be punished with a fine of up to 500 euros.

Second section.- Noise pollution

Article 94.- Fundamentals of regulation

1. This regulation aims to protect the fundamental rights to life and physical integrity and to privacy and inviolability of the home, in accordance with the provisions of articles 15 and 18 of the Constitution, as well as the constitutional rights to an environment adequate and to the protection of health provided for in articles 43 and 45 of the same constitutional text.
2. In matters of noise pollution, the interested party must be informed of the provisions of article 3 of the Criminal Procedure Law: "the jurisdiction of the courts in charge of criminal justice extends to resolving, for the sole purpose of repression, the preliminary civil and administrative issues proposed due to the facts pursued, when such issues appear so closely linked to the punishable act that their separation is rationally impossible" and the provisions of Article 10 of the Organic Law of the Judiciary in the same terms. , in order that if the



complaint has a special connection with criminal legal matters, LO 10/95, of November 23 of the Penal Code, Title XVI, Chapter II, Crimes related to the protection of the Environment, article 325, action is taken accordingly.

Subsection one.-Acts in public spaces that disturb the rest and tranquility of neighbors and passers-by

Article 95.- Acoustic warning systems for establishments and buildings

1. It is prohibited to sound, without justified cause, any warning system such as alarms, sirens, emergency signaling and similar systems.

2. Tests and trials of acoustic warning devices of the following types will be authorized:

a) For installation: these will be those carried out immediately after installation.

b)

Maintenance: these will be periodic checks of the warning systems.

3. These tests may be carried out between 9:00 and 20:00, having previously notified the Local Police of the day and time. The sound emission may not exceed two minutes.

4. Installation of alarms. The installation of alarms and other audible emergency devices in commercial establishments, homes and other buildings must be communicated to the Local Police, indicating: name and surname, ID, address and contact telephone numbers of at least two people who can be responsible for the establishment or building and cancel noise emissions. The fact that the owner has not given information to the Local Police about himself or the person responsible for the installation will be considered a tacit authorization for the latter to use the necessary means to interrupt the sound of the warning system.

5. In the event that the police cannot locate anyone responsible for the alarm, the agents may use the means at their disposal necessary to stop the nuisance, at the expense of the owner of the establishment or building where it was located.

Article 96.- Noises from vehicles

1. Vehicles parked on public roads or in private spaces are prohibited from producing unnecessary noise with alarm or emergency signaling devices.

2. Vehicles found in this situation may be removed ex officio or upon request, in the second case, to avoid inconvenience to neighbors.



Article 97.- Sound advertising

1.- Sound advertising is understood to mean advertising messages produced directly or by reproduction of the human voice, such as the sound of musical instruments or other mechanical or electronic devices.

2. Sound advertising is prohibited throughout the municipal area, except with prior municipal authorization.

Article 98.- Pyrotechnic devices, firecrackers and rockets

It is prohibited to shoot firecrackers, rockets and all types of pyrotechnic articles that may produce noise or fire on public roads unless expressly authorized or authorized. Local festivals in accordance with the legal regulations that apply in each moment.

Article 99.- Street parties

1. On the occasion of fairs or traditional festivals, the owners or owners of establishments, neighborhood associations, sports, etc., may be authorized, following a report from the municipal technical services, to use the streets and public spaces, in accordance with the conditions. that, taking into account the circumstances, at all times are established in the authorization, which will include the security conditions and, where appropriate, bonds that are set for each of the events.

2. Once the reason for the authorization has ended, it will be the responsibility of the organizers to restore the normal situation in the affected area.

Article 100.- Noises from musical instruments and devices

1. The behavior of citizens on public roads and areas of public attendance, in public service vehicles and in private individuals must remain within the limits of good citizen coexistence. In particular, and unless authorized by the municipality, it is prohibited to disturb the rest and tranquility of residents and pedestrians by:

a) Operation of television, radio, musical or other devices
sonorous

b) Singing, shouting, or any other annoying act.

c) It is prohibited for the musical setting to transcend to the outside. **d)**

The use of public address devices that cause inconvenience to citizens is prohibited. **e)** The carrying

out of any activity that generates nuisance and construction noise. Thus, the night rest period is understood to be between 10:00 p.m. and 8:00 a.m. the following day, except on Saturdays or the eve of holidays, which will be between 12:00 p.m.



8:00 a.m. the next day. Likewise, works and other activities that may disturb the rest of residents and that are being carried out in the municipal area must respect the rest period, unless authorized by the municipality.

2. The following preventions are established:

a) Users of radio receivers, television, music channels and/or any other musical or acoustic instrument in their own home must adjust their volume, or use them in a way that does not exceed the legally established levels, even during daylight hours. will adjust to the limits established for nighttime hours, when any neighbor makes this request because they have sick people in their home, or for any other clearly justified cause (exam time, rest due to night work, etc.) **b)** Musical and instrumental rehearsals **and** meetings or vocal, dance or dance and parties in private homes, will be regulated by what is established in the previous paragraph. **c)** It is prohibited on public roads, in public transport vehicles and in public areas, to operate radio or similar devices and play musical instruments, even from private vehicles, when they exceed the maximum legally established limits.

Article 101.- Noises from shows, leisure, recreational and sporadic activities

Shows, leisure, recreational and sporadic activities carried out on public roads or in private spaces are subject to obtaining municipal authorization. The City Council will determine as conditions of the authorization the noise level as well as the start and end time of the activity.

Second subsection.-Musical performances in the street

Article 102.- Prescriptions

- 1.** That the actions be carried out in public spaces with a width greater than 7 meters, and provided that they do not cause difficulties in traffic or prevent the normal use of public roads.
- 2.** That the actions be carried out between 10 a.m. and 10 p.m. and must not exceed a total time of 2 hours in one day in the same location.
- 3.** That it does not adjoin educational centers, hospitals, clinics or assisted residences or terraces or candle stands.



Article 103.- Background music in the street

1. The broadcast of background music is subject to the same requirements as the previous article.
2. Authorizations will be granted during traditional and commemorative periods or dates or limited to days and times in commercial or similar areas at a collective or individual level.

Article 104.- Music in the street

1. On public roads and other public areas, activities such as singing or shouting cannot be carried out beyond the limits of mutual respect.
2. Acoustic emissions from performances using musical instruments, radio devices, televisions, objects, record players and other similar devices are subject to prior municipal authorization and the conditions that may be established therein.
3. Authorizations will be granted during traditional and commemorative periods or dates or limited to days and times in commercial or similar areas at a collective or individual level.

TITLE IV.-BASIC RULES OF CONDUCT AND CARE OF PUBLIC ROADS, INFRINGEMENTS AND SPECIFIC SANCTIONS

CHAPTER I. BASIC RULES OF CONDUCT AND CARE

Article 105.- Basic Standards

The following activities are prohibited:

- a)** Abandoning or throwing on public roads any type of garbage or waste that, when small, must be thrown into trash cans.
- b)** Exercise trades or jobs; wash vehicles, as well as change oil or other contaminating liquids; carry out repairs or maintenance tasks of any kind on public roads.
- c)** Placing or leaving abandoned on public roads any type of object that poses any type of risk to people, spoils the environment or obstructs pedestrian and/or road traffic.
- d)** Shake clothing or carpets from balconies or windows facing public roads.
- e)** Water on balconies and windows when damage or inconvenience occurs to other neighbors. Otherwise, the schedule for irrigation will be from 6:00 to 8:00 in the morning, and between 11:00 p.m. and 1:00 a.m., at night.
- f)** Smoking or carrying a lit cigarette in public transport vehicles and in public buildings, outside authorized places.



- g) Access public buildings and facilities and in unauthorized areas, or outside their hours of use or opening.

Article 106.- Waste Deposit

1. Household urban waste and similar waste will be deposited in the containers provided by the City Council for that purpose. Waste will only be deposited on the day it is collected. If collection is daily, waste will be deposited starting at 8:00 p.m.

2. The garbage bag should only contain waste that does not have any selective collection system, that is: organic matter: solid food remains, remains of vegetables, fruit, fish, meat, etc.; and non-reusable or recyclable fractions (diapers, cigarette butts, sweepings, etc.). It will be deposited closed in the organic containers, normally green in color.

3. The deposit of containers and fractions that have a selective collection system in the garbage bag is prohibited.

4. Reusable or recyclable fractions of household urban waste, such as: glass or plastic containers, cans, metal containers, brick, paper and cardboard, must be deposited inside specific containers, normally igloo-type and green in color. , yellow and blue. It is advisable to remove the air from plastic and brick containers. Cardboard containers and packaging must be disassembled, folded and placed in the paper and cardboard container.

In the event that their quantity or volume makes it necessary, they must be transferred by the interested parties to another nearby container or to the Municipal Clean Point.

5. Special urban waste will be deposited in the Clean Points designated by the City Council for this infrastructure. Special urban waste includes: batteries (they can also be placed in specific containers on public roads), fluorescent lights, low-consumption light bulbs, household appliances, computers, printers and cartridges, telephones, batteries, containers with traces of solvents or paints, aerosols, vegetable oils, flat glass, clothing, footwear, furniture and belongings, rubble and soil from minor works, pruning, and all those mentioned in the aforementioned Regulation.

6. It is prohibited to deposit in containers on public roads: liquids, debris, dead animals, burning materials, dangerous materials and waste that does not have the character of household urban waste.

7. It is prohibited to deposit waste outside of containers, on public roads, on lots and on public or private land.

8. No natural or legal person may engage in the collection, transportation and/or recovery of urban waste, without prior municipal concession or authorization.

Article 107.- Bulky waste (furniture, household goods and appliances)

1. In general, these types of objects must be delivered to the Clean Point by the interested parties.



2. A street collection service will be provided for bulky waste that, due to its dimensions, volume, weight and other characteristics, cannot be taken to the Clean Point and its handling is not dangerous. A prior telephone request from interested parties is necessary and that the instructions are followed.

3. When the amount of waste to be deposited makes it convenient, according to the assessment made by the municipal services, the deposit must be carried out by the interested parties at the Clean Point, by their own means.

Article 108.- Waste from markets, food galleries, shops and industries

1. In markets, food galleries, supermarkets, bars, restaurants, etc., the removal of waste will be established in a special way, with the owners being obliged to sweep and clean the contribution areas.

2. People and companies that produce or possess industrial waste are obliged to carry out as many management operations as established by current legislation for each type of waste, such as collection, transportation, storage, classification, assessment and/or surveillance.

3. When appropriate due to the volume or type of waste, the property or ownership of businesses and industries will be obliged to manage their urban waste by themselves and at their expense, by express indication of the City Council.

4. When disturbances are caused to the neighborhood, waste or containers may not be placed on public roads before 8:00 p.m., or if a differentiated service is provided, never more than two hours in advance.

5. Producers, holders and third parties who produce, manipulate or transport industrial waste will make available to the City Council information on the origin, characteristics, quantity, pretreatment and definitive treatment system thereof, and will be obliged to facilitate inspection actions, surveillance and control that it carries out.

Article 109.- Land and debris

1. Construction and demolition waste must be managed by producers, in accordance with current regulations.

2. Producers and transporters of demolition and construction waste are required to obtain the corresponding licenses, as well as permits for their production, transportation and disposal.

3. The City Council assumes the reception and management of waste generated by small home repair works carried out by residents, who must transport it to the Clean Point by their own means. This right will not apply to waste from works carried out by companies or professionals.



Article 110.- Abandonment of vehicles

1. The abandonment of vehicles on roads and public places is strictly prohibited.
2. The Municipal Authority may reasonably presume that a vehicle is abandoned in the following cases:
 - a) When more than two months pass since the vehicle has been deposited after its removal from public roads by the competent authority.
 - b) When it remains parked for a period of more than one month in the same place and presents damage that makes it impossible to move by its own means or is missing the registration plates. In this case, it will have the treatment of urban solid waste in accordance with the corresponding regulations.
3. In the case contemplated in section a) and in those vehicles that, despite having signs of abandonment, maintain the registration plate or have any visible sign or mark that allows the identification of its owner, the latter will be required to provide once the corresponding deadlines have elapsed, so that within a maximum of fifteen days you can remove the vehicle from the deposit, with the warning that, otherwise, it will be treated as solid urban waste.

Article 111.- Parking of vehicles on public roads for sale and rental

It is prohibited to park vehicles on public roads for sale or rental or for primarily advertising purposes, as long as it is carried out by companies or represents intensive use of public space.

Article 112.- Dead animals

The abandonment of animal corpses on public roads or in public places is prohibited, as well as throwing them into waste containers, incinerating them or burying them in any place outside the legally established procedure.

Article 113.- Other waste

1. Waste generated in the municipal area, which is not considered urban or municipal, must be managed by those responsible, in accordance with the legal regulations that correspond in each case.
2. In these cases, the City Council will be responsible for carrying out the appropriate inspections and reporting any infractions that are observed.

Article 114.- Kiosks, terraces and other leisure activities

1. Those in charge of kiosks or authorized positions on public roads are obliged to keep the space in which they carry out their activity and their facilities clean.



nearby, during the entire time in which they carry out the activity, leaving it clean once it is finished.

2. The same obligation corresponds to the owners of cafes, bars, in terms of the surface occupied with tables, chairs, etc., including the sidewalk corresponding to the entire length of the façade.

3. The owners of the establishments must install, at their own expense and expense, the necessary bins to facilitate the collection of waste generated by their respective activities.

Article 115.- Cleaning and care of buildings

The owners of the properties, homes and establishments are obliged to keep the façade and the different parts of the buildings that are visible from the public street clean.

Article 116.- Cleaning of shop windows and other elements

1. When cleaning shop windows, doors, canopies, etc. of commercial establishments, due precautions will be taken to avoid causing inconvenience to passers-by, nor dirtying public roads, removing the resulting waste.

2. The same precautions should be taken for cleaning balconies and terraces.

Article 117.- Organization and authorization of public events

1. Organizers of events held in public spaces must guarantee the safety of people and property. For these purposes, they must comply with the general security and self-protection conditions established in each case by the competent body.

The City Council may require the organizers to deposit a deposit or take out an insurance policy to respond for any damages that may be caused.

2. The organizers of public events, in accordance with the principles of collaboration, trust and co-responsibility with the municipal authority, must ensure that the public spaces used do not become dirty and their urban or architectural elements do not deteriorate, and are obliged, in their case, to the corresponding repair, replacement and/or cleaning.

3. The City Council will not grant authorization for the celebration of festive, musical, cultural, sporting or similar events in the public spaces in which they are intended to take place when, due to the expectations of the attending public, the characteristics of the public space itself or other duly accredited and motivated circumstances in the file, such events may endanger security, coexistence or civility. In these cases, whenever possible, the City Council will propose to the organizers alternative spaces in which the event can be held.



4. When it comes to the exercise of the fundamental right of assembly and demonstration, recognized in article 21 of the Constitution, and in accordance with the provisions of article 9.2 of Organic Law 9/1983, of July 15, the City Council will issue mandatory reasoned report in which the circumstances and objective causes that, if applicable, may advise against holding the act or event in the public space provided by its organizers, will be collected, so that the competent government authority can adopt the corresponding decision.

TITLE V.-COMMON PROVISIONS ON SANCTIONING REGIME AND LIABILITY

CHAPTER ONE.-GENERAL PROVISIONS

Article 118- Function of the Local Police related to compliance with this Ordinance

In its capacity as administrative police, the Local Police of the Mijas City Council is responsible for ensuring compliance with this Ordinance, for reporting, when appropriate, conduct that is contrary to it and for adopting, where appropriate, the rest. application measures.

Article 119.- Duty of citizen collaboration in compliance with the Ordinance

1. All people who are in Mijas have the duty to collaborate with the municipal authorities or their agents to preserve relations of citizen coexistence and civility in public spaces.
2. For the purposes of what is established in the previous section, the Mijas City Council will provide the necessary means to facilitate that, in compliance with its duty of collaboration, any person can inform the municipal authorities of the facts that they have known that are contrary to citizen coexistence or civility.
3. In accordance with current legislation on the protection of minors, all citizens have the duty to communicate to the nearest authorities or agents any situation they detect involving the risk or helplessness of a minor. Likewise, all citizens who are aware that a minor is not attending school or does not attend school on a regular basis must inform the closest agents or the competent authority, so that the pertinent measures can be adopted.



Article 120.- Obstructionist behavior in the areas of coexistence and civility

1. In the areas of citizen coexistence and civility and safeguarding all the rights provided for in the legal system, the following behaviors are not permitted: **a)** Refusal or resistance to the inspection or control tasks of the City Council. **b)** The refusal or resistance to provide data or facilitate the information required by officials acting in the performance of their duties. **c)** Provide the acting officials, in compliance with their inspection, control or sanction tasks, with false, inaccurate, incomplete or misleading information or documentation, explicitly or implicitly. **d)** Failure to comply with orders or specific requirements formulated by municipal authorities or their agents.

2. Without prejudice to criminal and sectoral legislation, the conduct described in the previous section constitutes a very serious infraction punishable by a fine of €1,500.01 to €3,000.

Article 121.- Evidence of authority agents

1. In the sanctioning procedures carried out in application of this Ordinance, the facts reported by the Agents of the Authority have probative value, in accordance with the regulations applicable to this purpose, without prejudice to other evidence that the interested parties may provide.

2. In the sanctioning files that are instructed and with the corresponding requirements in accordance with current legislation, images of the reported events may be incorporated, whether in photography, digital filming or other technological means, which allow proving the facts collected in the complaint formulated in accordance with the applicable regulations.

3. In any case, the use of video cameras will require, if applicable, the authorizations provided for in the applicable legislation, as well as their use in accordance with the principle of proportionality.

Article 122.- Citizen complaints

1. Without prejudice to the existence of other interested parties apart from the alleged offender, any person may file complaints to inform the City Council of the existence of a certain fact that may constitute a violation of the provisions of this Ordinance.

2. Complaints must express the identity of the person or persons who present them, the account of the facts that could constitute an infringement, the date of their commission and, when possible, the identification of the persons allegedly responsible.



3. When the complaint is accompanied by a request to initiate the sanctioning procedure, the City Council must inform the complainant whether or not the aforementioned procedure has been initiated and, where appropriate, the resolution that is issued.
4. The City Council must compensate the complainants for the expenses that the filing of a complaint may have entailed, provided that both the commission of the reported administrative infraction and the need and amount of the alleged expenses are effectively proven in the file. for those.
5. After weighing the risk due to the nature of the reported infraction, the instructor may declare the personal data of the complainant confidential, guaranteeing the anonymity of the complainant during the processing of the administrative file. This confidentiality will be declared when requested by the complainant.
6. When a person reports relevant members of the organized networks for whose benefit they carry out an illegal activity, it will be considered that the reporting person has not committed the infraction, as long as this reported circumstance is duly accredited. The same treatment will be given to the person who reports violations of this Ordinance committed by groups of minors. In these cases, they will be ordered not to carry out this illegal activity again.
7. When the complainant is a foreign person, the City Council may carry out the appropriate procedures before the competent authorities so that the complainant is recognized or granted the benefits and advantages provided for these cases in the current legislation on foreigners.

Article 123.- Social measures

1. When the person allegedly responsible for non-compliance with the Ordinance is indigent or has other deficiencies or needs for social assistance or special or urgent medical care, the agents of the authority who intervene will inform him or her of the possibility of going to social or medical services. corresponding and the specific place where you can do it.
2. In especially serious or urgent cases, and with the sole objective that the person can effectively receive the required social or medical care as soon as possible, agents of the authority or other competent services may accompany them to the aforementioned services.
3. Likewise, whenever possible, municipal services will try to contact the family of the affected person to inform them of the situation and circumstances in which they have been found in public spaces.
4. Immediately after having carried out these procedures, in the event that they have been carried out by agents of the authority, they will inform the corresponding municipal services about them, so that they can adopt the appropriate measures and, if appropriate, follow up or, where appropriate, bring the matter to the attention of the competent authority or administration.



Article 124.- Measures applicable to offenders who are not residents of the municipal area

1. Offending persons who are not residents of the municipal area who recognize their responsibility may immediately make the fine sanctions effective for the minimum amount established in this Ordinance. When the Ordinance does not establish the minimum amount of the corresponding penalty, the reduction will be seventy-five percent of its maximum amount.
2. The reported persons who are not residents of the municipal area must communicate and accredit the agent of the reporting authority, for the purposes of notification, their personal identification and habitual address, and, if applicable, the place and address where they are staying in the city. The authorities' agents will be able to check at any time whether the address provided by the offending person is correct.
3. In the event that this identification is not possible or the location provided is not correct, the agents of the authority, for this purpose, may require the offending person to accompany them to nearby facilities, under the terms and circumstances provided. .
4. When the offender does not prove his habitual residence in Spanish territory, the agent who files the complaint will offer him the possibility of immediately making the sanction effective, in the terms provided in section 1. If the sanction is not satisfied, the body competent authority, by means of a reasoned agreement, will immediately adopt as a precautionary measure the payment of an economic amount that represents the minimum of the economic sanction provided and, when the Ordinance does not set the minimum amount of the same, the minimum amount that will be applied in these cases will be seventy-five percent of its maximum. This provisional measure will be notified urgently to the address where that person is staying in the city or corresponding town. In the event that this amount is not deposited, you will be warned, if applicable, that you could incur criminal liability.
5. In the event that the reported persons who are not residents of the municipality of Mijas are foreigners and do not satisfy the sanction in the terms described in the previous section, once the procedure has been completed by resolution, the embassy or corresponding consulate and to the Government Delegation the infraction, the identity of the offending person and the sanction that is imposed, for the appropriate purposes.
6. The City Council will propose to the competent authorities those modifications to the current regulations aimed at facilitating and improving the effectiveness of the sanctions imposed on non-residents in the city.
7. In accordance with articles 106.3 of Law 7/1985, of April 2, Regulating the Bases of Local Regime, and 8.3 of Royal Legislative Decree 2/2004, of March 5, of the Revised Text of the Regulatory Law of the Local Treasury, the actions regarding executive collection of public law income from the sanctions provided for in this Ordinance, and that have to be carried out outside the



municipal term will be governed by the agreements signed on this matter or by other agreements that may be signed with the rest of the public administrations.

Article 125.- Responsibility for conduct contrary to the Ordinance committed by minors

1. In accordance with the provisions of the United Nations Convention on the Rights of the Child, all sanctioning measures by municipal authorities that may affect minors in this case will primarily serve their best interests. Likewise, depending on their age and maturity, the right of minors to be heard in all matters that affect them and to have their opinions taken into account will be guaranteed.

2. When the offenders are minors, and in order to protect the rights of the child or adolescent, their development and training, pecuniary sanctions may be replaced by corrective measures, such as attendance at training sessions, work for the community or any other type of civic activity. These measures will be adopted in a motivated manner depending on the type of infraction, and will be proportionate to the sanction received for the offending conduct. For this purpose, the opinion of the parents or guardians or guardians will be requested, which will be binding.

3. Fathers and mothers or guardians or custodians will be subsidiary civilly liable for damages caused by infractions committed by minors who depend on them.

4. In those cases in which it is expressly provided for in this Ordinance, fathers and mothers or guardians or custodians will also be directly and jointly responsible for infractions committed by minors, provided that, for their part, it is stated fraud, fault or negligence, including simple non-compliance.

5. Likewise, in accordance with the provisions of Royal Decree 1774/2004, of July 30, which approves the Regulation of Organic Law 5/2000, of January 12, regulating the criminal responsibility of minors The way in which it is carried out according to article 5 of the aforementioned legal body will be taken into account, if applicable, for the purposes of the extrajudicial solution.

Article 126.- Assistance to educational centers

1. Attendance at educational centers during compulsory basic education (primary and secondary education) is a right and a duty of minors from the age of six to sixteen.

2. The Local Police and the State Security Forces and Bodies will intervene in those cases in which minors transit or remain in public spaces during school hours. To this end, the Local Police will request your identification, find out the circumstances and reasons why you are not at the school, and will take you to your home or to the school where you are.



who is registered, informing in all cases his or her parents or guardians or custodians and the competent educational authority that the minor has been found outside the educational center during school hours.

3. Without prejudice to the fact that, in accordance with the provisions of this Ordinance, mediation formulas may be used to resolve these behaviors, the fathers and mothers or guardians or guardians will be responsible for the permanence of the minors in the public roads and their non-attendance at educational centers. In these cases, when fault or negligence occurs, the fathers and mothers or guardians or custodians will incur a minor infraction, and may be sanctioned with a fine from 100 to 500 euros, or, where appropriate, accept the measures provided for in the section 5 of this article.

4. In any case, any complaint, initiation of a disciplinary proceeding or eventual imposition of a sanction on a minor will also be notified to his or her parents or guardians or guardians.

5. Fathers and mothers or guardians or guardians must attend the individualized attention sessions or training courses that, where appropriate, are imposed as an alternative to the financial penalty for infractions committed by minors who depend on them.

Article 127.- Protection of minors

1. In accordance with current legislation on the protection of minors, all citizens have the duty to communicate to the nearest authorities or agents any situation they detect involving risk or helplessness of a minor.

2. Likewise, all citizens who are aware that a minor is not enrolled in school or does not attend school on a regular basis must inform the closest agents or the competent authority, so that appropriate measures can be taken. the relevant measures.

Article 128.- Mediation

1. The City Council will especially promote mediation and alternative conflict resolution as a basic tool for a less litigious and more cohesive society.

2. In cases in which the infractions are committed by minors, and with the aim of protecting the best interests of the boy or girl, a mediation system will be established by the City Council, which will act on a voluntary basis regarding the procedure. administrative sanctioning system, with specialized personnel to whom the minors who are alleged to have committed offenders, their fathers and mothers or guardians or custodians will be called to appear, as well as, if applicable, the possible victims or people affected by the conduct classified as an infraction in the this Ordinance.



3. The City Council, from among its specialized personnel, will proceed to appoint mediators who, as neutral third parties, will resolve conflicts of citizen coexistence provided that the fathers and mothers or guardians or guardians of the minor accept that the minor is subject to a consensual solution between the minor, his or her parents or guardians or custodians, as well as, if applicable, the victims of the infraction.

4. The purpose of mediation will be to make the minor offender aware of the damage caused to the community and will pursue, after negotiation between the parties, an agreement on the reparation measures that must be adopted in each case.

5. The body competent to resolve the sanctioning file may, by reasoned agreement, and upon request of the offending person or the municipal social services, redirect the sanctioning procedure to a mediation system, provided that the remunerative dimension of the offending conduct is more effective through this route.

Article 129.- Inspection and Sanctioning Power

1. The Mijas City Council is responsible for monitoring compliance with the provisions of this Ordinance, inspection and sanctioning power, where appropriate, as well as adopting precautionary measures when appropriate, without prejudice to reporting to other administrations. the behaviors and infractions whose inspection and sanction have been attributed legally or by regulation.

2. In accordance with the functions legally attributed to them, the inspection and surveillance tasks will be carried out by: the Local Police, the technicians, inspectors and the duly authorized personnel of the City Council, all of them being considered in the exercise of these functions as agents of authority, with the powers and prerogatives inherent to this condition, especially that of accessing premises and facilities where activities related to this Ordinance are carried out.

Article 130.- Primacy of the Criminal Jurisdictional Order

1. Administrative and criminal sanctions may not be imposed for the same facts.

2. When the facts classified in this Regulation as infractions have criminal relevance, the actions will be sent to the Public Prosecutor's Office, suspending the administrative procedure.

3. The administrative procedure may continue or be resumed when the criminal process ends with an acquittal or another resolution that ends without a declaration of criminal responsibility, provided that it is not based on the non-existence of the fact.

CHAPTER II.- SANCTIONING REGIME



Article 131.- General provisions

1. Actions or omissions that violate the provisions of this Ordinance will generate liability of an administrative nature, without prejudice to liability enforceable through criminal or civil proceedings.
2. Violations of this Ordinance will be considered very serious, serious or minor.

Section one.-Infringements

Article 132.- Very serious infractions

1. The following are very serious infractions: **a)** Disturbing citizen coexistence in a way that seriously, immediately and directly affects the tranquility and the exercise of legitimate rights of other people, in the normal development of activities of all kinds in accordance with the applicable regulations. and in public health or ornament, provided that it involves conduct not classified in the legislation on the protection of citizen security. **b)** Breaking, setting fire to, tearing out or seriously and significantly damaging equipment, elements, infrastructure or facilities of public services as well as street furniture. **c)** Prevent the normal functioning of public services. **d)** The impediment of the use of a public service by another person or persons with the right to use it. **e)** Acts of serious and relevant deterioration of equipment, infrastructure, facilities or elements of a public service. **f)** The impediment of the use of a public space by another person or persons with the right to use it. **g)** Place objects on public roads that seriously obstruct pedestrian and road traffic and without prejudice to the application, where applicable, of road safety regulations. **h)** Carry out the collection, transportation and/or recovery of urban waste, without prior municipal concession or authorization. **i)** Abandon vehicles on roads and public places. **j)** Abandoning animal corpses on roads or public places, as well as throwing them into containers intended for the reception of waste, incinerating them or burying them in places not expressly authorized. **k)** Deposit burning materials in waste containers. **l)** Deposit toxic, dangerous or special urban waste in containers. **m)** Producers or holders of industrial waste do not carry out the management operations required by current legislation for each type of waste.



waste, such as collection, transportation, storage, classification, evaluation and/or

surveillance. **n)** Deposit containers for debris or construction material on roads or public places, without the required municipal authorization. **o)** Place flower pots or other objects that could pose a risk to passers-by on window sills or balconies, when these lack adequate protection.

p) Break, tear off or make graffiti on public signage that prevents or makes it difficult to see. **q)** Set fire to garbage,

rubble or waste. **r)** Set fire to items included in the scope of application of this Ordinance. **u)** Killing and mistreating animals, when it does not involve a criminal offense and is done outside of what is regulated by the Hunting, Fishing and Animal Protection Laws. **v)** Deliberately impede normal pedestrian or vehicle traffic along the walks and on the sidewalks and roads of public roads. **w)**

Carry out acts provided for in this Ordinance that seriously endanger the integrity of people. **x)**

The fraudulent use of hydrants or irrigation hydrants for private or other purposes not permitted by current legislation. **y)** Failure to comply with the irrigation and pool filling restrictions established by the City Council in periods of drought or in

situations of scarcity. **z)** Recurrence of serious offenses that have been sanctioned in a procedure that has gained finality through administrative or jurisdictional means.

Article 133.- Serious infractions

1. The following constitute serious

infractions: **a)** Disturbing citizen coexistence through acts that affect the tranquility and the exercise of legitimate rights of other people, the normal development of activities of all kinds in accordance with the applicable regulations and health or ornament. public, as long as it involves conduct not classified in the legislation on the protection of citizen safety or in the regulations on noise. **b)**

Obstruct the normal functioning of public services. **c)** Deteriorate equipment, infrastructure, facilities or elements of public services as well as urban furniture and public fountains. **d)** Throwing garbage or waste onto public roads that hinders traffic or creates risks of unhealthiness. **e)**

Deposit household or urban waste outside the places, containers and containers provided by the City Council. **f)** Deposit liquid waste, debris, belongings and those that, due to their characteristics, danger or toxicity, must be delivered to the Clean Point in the containers on public roads.



g) Deposit furniture and useless objects in public spaces, outside the places, dates and times authorized by the City Council. **h)** Evacuate any type of unauthorized waste through the sewage network. **i)** Do not collect excrement

deposited in public places by animals,

No

put them in a plastic bag or throw them in an unsuitable place. **j)** Carry lit fuses, shoot or explode firecrackers, rockets or other pyrotechnic articles without municipal authorization. **k)** Other acts of

deterioration of geological and geomorphological elements. **l)** Deliberately hinder normal pedestrian or vehicle traffic along the promenades and on the sidewalks and roads of public roads. **m)** Failure to repeatedly comply with the cleaning obligations of the part of the road or area that corresponds to them, established for the ownership of buildings, premises and plots and for the holders of licenses to occupy public roads: kiosks, stalls, terraces, nightstands, etc. **n)**

Carry out practices that involve incorrect or excessive use of water, in particular negligence in the immediate repair of leaks in connections, lack of control, maintenance or incorrect use of hydrants and irrigation systems or any other activity that results in the uncontrolled discharge of water onto public roads or onto land. **o)** Alter or

damage the irrigation programmers and other mechanisms or systems used for irrigation, modify the orientation of the sprinklers, manipulate the valves, as well as any other action that has a negative impact on the correct functioning, in particular, in what is refers to its efficiency in the use of water. **p)** Recidivism in minor

offenses that have been sanctioned in a procedure that has gained finality through administrative or jurisdictional means. **q)** Leave remains of clearing, pruning, mowing, etc. on public roads or in containers. high volume.

Article 134.- Minor infractions

Other violations of the rules provided for in this Title are minor, as well as depositing glass and light containers (plastic, metal, brick, etc.), paper and cotton in organic waste containers.

Article 135.- Sanctions

1. MINOR:

- Fine (maximum amount of 750 euros).

2. BASS:



- Fine (from 750.01 to 1,500 euros).
- Total or partial suspension of the activity license for a period not exceeding two years.

3. VERY SERIOUS

- Fine (from 1,500.01 to 3,000 euros).
- Closure of the establishment, activity or facility, or suspension of the total or partial activity license for a period not exceeding three years.
- Definitive, total or partial closure of the establishment, activity or facility.

Article 136.- Graduation of sanctions

1. The imposition of the sanctions provided for in this Ordinance will be guided by the application of the principle of proportionality and, in any case, the following grading criteria will be taken into account:

- a) The severity **and** nature of the infraction and the damage caused . **b)** Social significance of the event. **c)** Social alarm produced. **d)** The existence of intention of the offender. **e)** The nature of the damages caused. **f)** Recidivism. **g)** Repetition of infractions. **h)** The economic capacity of the offending person. **i)** The nature of the goods or products offered in unauthorized street commerce. **j)** The risk of damage to people's health. **k)** The economic benefit derived from the infringing activity. **l)** The commission of the infraction in protected areas. **m)** The obstruction of inspection work, as well as the degree of non-compliance with self-control measures. **n)** When the events involve obstacles, obstacles or impediments that limit or hinder the freedom of movement, access, stay and circulation of people in situations of limitation or reduced mobility.

2. The spontaneous adoption, by the perpetrator of the infraction, of corrective measures prior to the initiation of the sanctioning file will be considered a mitigating circumstance of responsibility.

3. It is understood that there is recidivism when more than one violation of this Ordinance has been committed within one year and has been declared by a final resolution. There is reiteration when the person responsible has already been sanctioned for violations of this Ordinance or when other sanctioning procedures are being instituted for violations of this Ordinance.

4. When setting the fine sanctions, it will be taken into account that, in any case, compliance with the sanction is not more beneficial for the violating person than compliance with the violated rules.



5. When, as provided for in this Ordinance, non-pecuniary sanctions are imposed, whether alternative or mandatory, the determination of their content and duration will also be made taking into account the principle of proportionality and the criteria set forth in paragraphs previous.

Article 137.- Responsibility for infractions

1. The material authors will be directly responsible for violations of this Ordinance, except in cases in which they are minors or there is a legal cause of non-imputability, in which case the parents, guardians or those who have custody will be responsible for them. legal.
2. The natural or legal persons who have the legal duty to prevent administrative infractions that others may incur will be jointly and severally liable for damages. commit.
3. In the event that, once the appropriate investigative measures have been carried out aimed at identifying the offending person or persons, it is not possible to determine the degree of participation of the various subjects who have intervened in the commission of the infraction, the liability will be joint.

Article 138.- Competition and sanctioning procedure

1. The power to initiate the sanctioning procedures subject to this Ordinance, and to impose sanctions and other requirements compatible with sanctions, corresponds to the Local Government Board.
2. The processing and resolution of the sanctioning procedure will comply with the provisions of the general legislation on the exercise of sanctioning power.

Article 139.- Concurrence of sanctions

1. Once a sanctioning procedure has been initiated for two or more infractions between which there is a cause-and-effect relationship, only the highest sanction will be imposed.
2. When the cause-and-effect relationship referred to in the previous section does not exist, those responsible for two or more infractions will be subject to the sanctions corresponding to each of the infractions committed, unless the identity of the subjects is established. , facts and foundations. In this last case, the regime that sanctions with greater intensity, seriousness or severity will be applied the conduct of which be treated.



Article 140.- Destination of the fines imposed

The amount of the City Council's income under the sanctions imposed will be used to improve, in its various forms and through various programs, the urban space as a place of meeting and coexistence.

Article 141.- Reduction of the penalty for immediate payment

1. The reported persons may assume their responsibility by paying the fine sanctions, with a reduction of the sanction to its minimum amount if the payment is made before the start of the sanctioning procedure. When the Ordinance does not establish the minimum amount of the corresponding penalty, the reduction will be seventy-five percent of its maximum amount.
2. Alleged offenders may acknowledge their responsibility by paying the fine sanctions with a reduction of thirty percent of the amount of the sanction that appears in the statement of objections or, in cases of abbreviated procedures, in the proposed resolution. . In ordinary procedures, the reduction will be twenty percent of the amount of the sanction that appears in the proposed resolution.
3. Payment of the amount of the fine will imply the termination of the procedure, without prejudice to presenting the appropriate appeals.
4. The City Council will implement a system of early and immediate collection of fines and provisional measures with the pertinent discounts through an automated system or specific devices, without prejudice to the fact that, in any case, payment can be made effective through the previously arranged financial entities.

Article 142.- Substitution of fines and repair of damages for works for the benefit of the community

1. The City Council may replace the fine with training sessions, participation in civic activities or other types of work for the community.
2. Training sessions on citizen coexistence and civility, whether individual or collective, will replace pecuniary sanctions in cases where this is provided for in this Ordinance. In case of non-attendance at the training sessions, the corresponding sanction will be imposed, depending on the classification of the infraction committed.
3. Participation in training sessions, in civic activities or in carrying out work for the benefit of the community will be adopted with the prior consent of the interested party as an alternative to financial sanctions, unless the law imposes its mandatory nature. The City Council may also replace, in the resolution or subsequently, the financial reparation of damages and losses caused to municipal public property with other equivalent reparations in kind consisting of attendance at training sessions, participation in civic activities or other types of jobs for the community, as long as there is



prior consent of the interested parties, unless the law imposes its mandatory nature. In the event that this substitution occurs, the City Council must repair the damage caused unless the work carried out by the sanctioned person consists precisely of repairing the damage caused.

4. When, in accordance with the provisions of this Ordinance, mediation is adopted as an alternative to the sanctioning procedure, the reparation agreements will mainly have as their object the alternative measures provided for in this article.

Article 143.- Conventional termination

1. In order to repair, to the extent possible, the damage caused as a result of uncivil conduct, the offender, prior to the adoption of the appropriate sanctioning resolution, may request the replacement of the sanction that could be imposed and, if applicable, the amount of compensation owed to the City Council for carrying out work or tasks for the community, of an appropriate nature and scope and proportionate to the seriousness of the infraction.

2. The request of the file will interrupt the period to resolve the file.

3. If the Municipal Administration accepts the request of the file, the sanctioning file will be finalized by conventional termination, without the performance of the work established being considered a sanction or implying any employment relationship with the City Council.

4. The content of the Conventional Termination will not apply, as long as the works or tasks for the community, their nature and scope are not approved, determined and valued by agreement in this sense.

Article 144.- Sanctioning procedure

1. In the case of minor infractions committed by non-resident foreigners that affect citizen coexistence in the terms of this Ordinance, and provided that there is no specific procedure in the applicable sectoral legislation, the complaint by the agent of the authority will imply the initiation of the sanctioning procedure and the person reported will be notified immediately. This complaint will contain the facts, the corresponding infractions and sanctions, the identity of the instructor, the competent sanctioning authority and the rule that attributes this competence. The complaint will also indicate that, within a period of two days, it must formulate, if appropriate, allegations and present the relevant means of proof for its defence. Once the period of two days has elapsed or the corresponding test has been carried out, the instructor will submit the file to the competent body to resolve within a maximum period of one day and the offending person will be notified of the corresponding sanction.

2. With the exceptions included in this Ordinance, the processing and resolution of the sanctioning procedure will comply with the provisions of the general legislation on the exercise of sanctioning power.

3. When the proposed resolution of the sanctioning procedure processed by the



Administration of the City Council contains a sanction that, due to the amount of the fine or its nature, does not fall under municipal jurisdiction, the Mayor will submit the file to the corresponding body of the Administration that is competent to impose the proposed sanction, of compliance with applicable sector legislation.

4. The Mayor may delegate or deconcentrate his or her powers regarding sanctioning powers in the manner established in the specific regulations.

Article 145- Appreciation of crime or misdemeanor

1. When the conduct referred to in this Ordinance could constitute a criminal offense, the necessary background information on the actions carried out will be sent to the Public Prosecutor's Office or the corresponding judicial authority.

2. In the case of identity of the subject, fact and basis of the illicit conduct, the initiation of a criminal proceeding will not prevent the processing of sanctioning files for the same facts, but the final resolution of the file may only occur when the resolution is final. relapse in the criminal sphere, the limitation period being interrupted until then. The facts declared proven in court will bind the competent authority to impose the administrative sanction.

3. The criminal conviction or acquittal of the facts will not prevent the administrative sanction, if a diversity of grounds is appreciated.

4. The provisional measures adopted within the administrative sanctioning procedure before judicial intervention may remain in force as long as there is no express ruling on the matter from the judicial authorities, without prejudice to the remedies that the alleged offender may file regarding the establishment or validity of said provisional measures.

Article 146.- Criminal liability

1. The City Council will take the appropriate criminal actions or bring the facts to the attention of the Public Prosecutor's Office when it considers that they may constitute a crime or misdemeanor.

2. The initiation of the criminal procedure will suspend the processing of the administrative procedure until it has concluded. However, the City Council may adopt urgent precautionary measures to ensure the conservation of the affected property and its replacement to the previous state of the infraction.

Article 147.- Of the prescription of infractions and sanctions

1. The action to sanction infractions expires one year from the day on which the acts were committed.



2. The limitation period for the sanction will be two years from the day following the day on which the resolution imposing it becomes final, when the sanction is greater than 600.00 euros. In the rest of the cases, the term is one year.
3. The prescription is interrupted by any action of the Administration of which the interested party is aware or that is aimed at finding out his or her identity or address.

Article 148.- Prescription and expiration

The prescription and expiration will be governed by the general administrative sanctioning legislation, without prejudice to the provisions of the sectoral legislation.

TITLE VI.-COMMON PROVISIONS ON POLICE AND OTHER IMPLEMENTATION MEASURES

CHAPTER I.-REPAIR OF DAMAGES

Article 149.- Damage repair

1. The imposition of the corresponding sanctions for non-compliance with this Ordinance does not exonerate the violating person from the obligation to repair the damages or losses caused, unless this is replaced by work for the benefit of the community previously provided for in this Ordinance.
2. For the purposes of what is established in the previous section, when appropriate, the municipal Administration will process the corresponding compensation obligation through subsidiary execution.
3. The imposition of the corresponding sanctions provided for in this Ordinance will be compatible with the requirement that the offender restore the situation altered by him to its original state as well as with compensation for the damages caused, the resolution of which will be immediately enforceable. .
4. When said damages occur in municipally owned property, the City Council, after appraisal by the competent technical services, will determine the amount of the repair, which will be communicated to the offender or to whoever must be responsible for it for payment within the deadline. to be established.
5. The cleaning of plots and other privately owned land located on urban land will be the responsibility of the property, without prejudice to compliance with other urban planning obligations.

CHAPTER II.-ADMINISTRATIVE POLICE MEASURES



Article 150.- Singular orders of the Mayor for the application of the Ordinance

1. The Mayor may issue individual or nominative orders and special provisions regarding conduct on public roads or the behavior of citizens, in order to enforce the regulations regarding citizen coexistence and civility.
2. Without prejudice to the imposition of the sanction that may apply, the Mayor may also require the people who are found responsible for any of the conduct described in this Ordinance to refrain from carrying out similar actions in the future. within the municipal area.
3. Failure to comply with the orders, provisions or requirements mentioned in sections 1 and 2 of this article will be sanctioned in the terms provided for in this Ordinance, without prejudice to the possibility of initiating criminal proceedings due to disobedience.

CHAPTER III.- DIRECT ADMINISTRATIVE POLICE MEASURES

Article 151.- Direct administrative police measures

1. The agents of the authority will demand at all times immediate compliance with the provisions set forth in this Ordinance, and, without prejudice to proceeding to report illegal conduct, they may verbally require people who do not respect the rules to desist from their actions. attitude or behavior, warning them that in case of resistance they may incur criminal liability for disobedience.
2. When the violation committed causes, in addition to a disturbance of citizen coexistence and civility, a deterioration of public space, the perpetrator will be required to proceed with its immediate repair, restoration or cleaning, when possible.
3. In case of resistance to these requirements, and without prejudice to what is provided in section 1 of this article, the violating persons may be evicted, complying in all cases with the principle of proportionality.
4. In order to be able to initiate the corresponding sanctioning procedure, the agents of the authority will require the person allegedly responsible to identify themselves.
5. If the identification of the person who has committed an infraction is not achieved by any means, the agents of the authority may require it so that, in order to initiate the sanctioning file for the infraction committed, they are accompanied to nearby offices that have the means appropriate to carry out the identification procedures, for these sole purposes and for the essential time, informing the offending person of the reasons for the request for accompaniment.
6. In any case, and regardless of the sanction that may be imposed for the violation of the rules that has caused the intervention or request of the agents of the



authority, obstructionist conduct that constitutes an independent infraction and that, due to its nature, may constitute criminal liability, the blame will be passed to the Public Prosecutor's Office.

CHAPTER IV.- PRECAUTIONARY MEASURES

Article 152.- Precautionary measures

1. The body competent to initiate the sanctioning procedure may adopt, by means of a reasoned resolution, the provisional precautionary measures 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 interests general.

In this sense, it may agree to the suspension of activities carried out without a license and the withdrawal of goods, objects, materials or products that were generating or had generated the infringement.

2. In order for the instructor to be able to adopt these measures at the time, the Local Police agents may put an end to the activity carried out without a license, as well as intervene and make available to the instructor the objects, materials or products that he or she makes. reference the previous paragraph.

3. In the same way, when the action taken, until the moment of having verified the non-compliance or lack of authorization, poses an objective risk to the physical integrity of citizens, by the agents of the competent authority, measures may be taken. the necessary measures to proceed to the cessation of the activity, disassembly of the facilities or demolition of the works, without any prior requirement to the owner other than the "on-site" communication of these circumstances by the acting agents, running in this case the necessary expenses for the fulfillment of these actions by those responsible for the loss of security.

Article 153.- Provisional measures

1. Once the sanctioning file has been initiated, by means of a reasoned agreement, the provisional measures essential for the normal development of the procedure may be adopted, to avoid the commission of new infractions or to ensure compliance with the sanction that may be imposed. These measures may consist of any of those provided for in the general and sectoral regulations applicable in each case, and must be proportionate to the nature and severity of the infraction.

2. When the law so provides, provisional measures may also be adopted prior to the initiation of the sanctioning file.

3. Regarding provisional measures in cases of infractions committed by non-residents in the municipality of Mijas, who recognize their responsibility may



immediately make the fine sanctions effective. The agent who files the complaint will offer you the possibility of immediately making the sanction effective for the minimum amount provided by the Ordinance, and if there is no minimum amount for 75% of its maximum amount. Those reported must communicate and prove to the reporting agent their identification and usual address for notification purposes.

4. Regarding provisional measures in cases of infractions committed by foreigners not resident in Spanish territory, the special procedural provisions must be taken into account.

Article 154.- Confiscations

1. In addition to the cases in which this Ordinance is expressly provided for, the agents of the authority may, in any case, confiscate the utensils and goods that are the object of the infraction or that served, directly or indirectly, for the commission of that infraction. , as well as the money, fruits or products obtained with the infringing activity, which will remain in municipal custody as long as it is necessary for the processing of the sanctioning procedure or, in the absence of this, as long as the circumstances that motivated the confiscation persist.

2. The expenses caused by the confiscation will be borne by the person responsible for the circumstances that determined it.

3. If these are consumable goods, they will be destroyed or given the appropriate destination. The confiscated objects will be deposited at the disposal of the competent sanctioning body for the resolution of the file. Once a final resolution has been issued and two months have passed without the owner having recovered the object, it will be destroyed or delivered free of charge to non-profit entities with social purposes.

CHAPTER V.-FORCE EXECUTION MEASURES

Article 155.- Coercive fines

For the forced execution of the resolutions, the City Council may impose coercive fines, in accordance with the provisions of the sectoral legislation.

ADDITIONAL PROVISION

1. The provisions of this Ordinance will not prevent the application of the sanctioning regime provided for in the sectoral provisions that classify as an infraction the actions or omissions contemplated therein.

2. In any case, acts that have been sanctioned criminally or administratively cannot be sanctioned in cases where the identity of the subject, fact and basis is established.



TRANSITIONAL PROVISION

Files initiated for infractions committed before the entry into force of this Ordinance will be governed, insofar as they do not harm the accused person, by the sanctioning regime in force at the time the infraction was committed.

REPEALING PROVISION

1. As of the entry into force of this Ordinance, all municipal provisions that oppose it are repealed.
2. All municipal provisions remain in force in everything that does not expressly contradict what is established in this Ordinance.

FINAL PROVISIONS

First.- Dissemination of the Ordinance

1. At the time this Ordinance is approved, the City Council will make an edition of it specially prepared to be widely distributed in different parts of the city, such as Citizen Service Offices, civic centers, educational centers, bus stations, metro and railway, port and airport, beaches, squares and markets, tourism and information offices, hotels, guest houses and public establishments, neighborhood associations and citizen entities, among others.

2. Likewise, within three months from the entry into force of this Ordinance, a guide on civility and citizen coexistence will be edited and distributed in the Municipality of Mijas. This guide will identify illegal behaviors and the sanctions corresponding to each of them, according to the different municipal ordinances in force.

Second.- Review of the Ordinance

Every two years, the conduct and provisions contained in this Ordinance will be reviewed and updated in case it is necessary to incorporate any new conduct or additional provision, or modify or delete any of the existing ones.

Third.- Entry into force

This Ordinance will come into force within a period of fifteen days, once its text has been published in its entirety in the Official Gazette of the Province of Malaga and the period provided for in article 65.2 of Law 7/1985, of 2 April, regulating the Bases of the Local Regime, as indicated in article 70.2 of the same legal body.