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MUNICIPAL BY-LAW ON THE REGULATION OF PUBLICITY AND ATTRACTION OF CLIENTS ON THE PUBLIC STREETS BY TIMESHARE COMPANIES.

ARTICLE ONE. - This Municipal Bylaw regulates the way of making publicity and the winning of clients for timeshare accommodation on the public street.

ARTICLE TWO. - 1. The publicity for this type of tourist activity may not be given by using aggressive means, nor the use of methods for the winning of clients which disturb the peace and freedom of the persons it is addressed to.

2. Aggressive ways are considered means that involve being disrespectful, offending or provoking and in general, which limit the personal freedom.

3. For the expressed purposes and whenever the feeling of harassment is given, the following methods are considered aggressive:

a) acting in a group
b) the use of bicycles, motorcycles or cars

ARTICLE THREE. - 1. In the publicity material it has to be stated expressly that there is a right of rescission from the contract during a period of at least ten calendar days, and by no means less.

2. Also the following sentence will have to be included in the publicity material: "Information for the acquisition of timeshare accommodation".

3. It also has to be indicated that documentation will be made available which, apart from the general description' of the building, includes the following information:

a) Identification and address of the parties, with a precise indication of the legal status of the vendor at the moment of the conclusion of the contract, as well as the identification and address of the owner.

b) Principles of how the maintenance, the services, and the administration and management of the building are arranged.

c) Price which the purchaser has to pay for the right of use which is the purpose of the contract, plus an estimate of the amounts to be paid for the use of installations and common services, as well as the expenses involved in the accommodation plus legal and administration costs.

d) Information about the right of rescission of the contract and identification of the person to whom the communication has to be addressed and how this should be done, an exact indication of the expenses to be paid by the person who withdraws from the contract.

e) Communal Services (street lighting, water supply, maintenance, waste collection, etc.) which he may use and the conditions for such use.

f) Communal facilities (pool, sauna, sports facilities etc.) to which he will be allowed access and the conditions for such access.

g) Precise indication of the period he is entitled to use his right and as of which date he may use this right.

h) Possibility to participate in an exchange system, and the eventual expenses.

i) Information that no other expenses are involved except for the ones mentioned in the agreement, constitution or internal regulations.

j) If it concerns a building under construction, the current stage of construction, and the estimated date of completion and guarantees for the completion.

ARTICLE FOUR. - A copy of the publicity material must be deposited at the Town Hall of Fuengirola at the Council of Internal Organisation. This Body will be in charge to make sure that the contents complies with this Municipal Bylaw and that the correct information is given, avoiding any erroneous or misleading publicity, or suggesting a higher quality than the real service offered.

ARTICLE FIVE. - The activity of winning clients for this type of tourist accommodation will be subject to the following regulations:

a) People must be perfectly able to identify any staff employed for the attraction of customers on the street, in public places or establishments by means of an identification document or badge, according to the model authorised by the Fuengirola Town Hall mentioning their personal details, such as name, surname, number of identity card DNI or working and residency permit, photograph, identification of the company which employs him/her.

b) For the information of potential clients they may only use and hand over the publicity material mentioned in this Municipal Bylaw.

c) The staff referred to in this article may not act in a group. A group means two or more persons.

d) The work of attracting customers may only take place in public space which is especially reserved for this purpose and under no circumstances in:

- churches and buildings assigned to religious worship of any kind
- Beaches and public swimming pools
- Access areas to travel agencies, to the Municipal Office for Tourism and to buildings intended for tourist accommodation such as hotels, tourist apartments, time-share accommodation or camping.

An area with a minimum radius of 25 meters around the entrance to such tourist companies is considered as access area. The Fuengirola Town hall may determine and interpret the restrictive area according to the characteristics of the buildings respecting the minimum established area.

ARTICLE SIX. - The companies, which employ staff for the duties described in this municipal bylaw, will control that this staff carry out their activities in accordance with this regulation, without prejudice of the responsibilities in which they may incur in agreement with article eleven of this municipal bylaw.

ARTICLE SEVEN. - The companies which wish to avail of staff for the attraction of customers on the public street are obliged to apply for the corresponding licence at the Fuengirola Town hall.

ARTICLE EIGHT. - In order to obtain the necessary licence the companies may request such license by means of the official form to which the following documents must be attached:

- If corporate bodies are concerned, a copy of the Deed of Constitution and the Articles of Association of the company
- Copy of the fiscal identification number CIF
- Copy of the registration of the employer at the social security
- Proof of payment of the amounts involved for the licence in agreement with the regulations of the corresponding Fiscal Bylaw.
- Complete list of names of the employees for which the licence has been applied for plus copies of their Identity Card DNI or if foreigners are concerned, copies of their valid working and residency permits.
- Two photographs, passport size, for each one of the employees for which the licence is requested.

ARTICLE NINE. - The licences will be issued in the name of the employees and they may not be transferred, and they expire after three months. In order to renew the licences before the expiry date, it will be necessary to present the corresponding form foreseen in article eight of this Municipal Bylaw.

ARTICLE TEN. - A Joint Committee consisting of representatives of the different companies and of the Fuengirola Town hall will study the applications. Nevertheless it will be the Fuengirola Town hall, which decides about granting or rejecting the application for the licences.

ARTICLE ELEVEN. - The non-fulfilment of this Municipal Bylaw for the regulation for publicity and attraction of clients is considered as a slight offence and will be penalised with Ptas. 50.000.

A serious offence is the reiteration of three slight offences and it will be penalised with 65.000 pesetas.

A very serious offence is the reiteration of three serious offences and will be penalised with a fine of 75.000 pesetas.

FINAL PROVISION. - This Municipal Bylaw will enter into force on the date of publication in the Provincial Gazette of the Province of Malaga.

MUNICIPAL BYLAW ON THE REGULATION OF THE TAX FOR MAKING PUBLICITY AND ATTRACTION OF CLIENTS ON THE PUBLIC STREETS BY TIMESHARE COMPANIES.

ARTICLE ONE.- REASONS AND NATURE

The Fuengirola Town hall, using its powers given in articles 133.2 and 142 of the Constitution, and article 106 of Law 7/1985 of 2nd of April, Regulating the Basis of Local Government, and in agreement with articles 15 and 19 of Law 39/1988, of 28th December, regulating the Local Taxes, a tax is established for making publicity and attraction of customers on the public street by timeshare companies, according to this Fiscal Bylaw, which regulations are foreseen in article 58 of the above mentioned Law 39/1988.

ARTICLE TWO.- THE OBLIGATION OF PAYMENT

Is caused by the activity of making publicity and the attraction of clients on the public streets on behalf of timeshare companies.

ARTICLE THREE.- TAXPAYER

The timeshare companies which avail of staff for publicity and attraction of clients for those companies are obliged to pay the taxes.

ARTICLE FOUR.- OBJECT OF THE TAXES

Is the activity of making publicity and attracting clients on the public street on behalf of timeshare companies.

ARTICLE FIVE. – RATE

The amount will be Ptas 1.500 per day per employee.

ARTICLE SIX.- AMOUNTS DUE

The tax will be calculated per quarter and must be paid in advance at the moment the licence is applied for.

ARTICLE SEVEN.- INFRINGEMENTS AND PENALTIES

With respect to the qualification of the infringements and the penalties the regulations of article 77 and following of the General Tax Law will be applied.

FINAL PROVISION.- This Municipal Bylaw will enter into force on the date of publication in the Provincial Gazette of the Province of Malaga.