



**GOVERNMENT OF LEBANON
MINISTRY OF INTERIOR AND MUNICIPALITIES**

MUNICIPAL ACT

Decree-law no. 118
Dated 30/6/1977 & its amendments

[2009]

NOTE:

The translation of the Municipal Act was prepared on the basis of the provisions of the Decree-law no. 118, dated 30/6/1977 and the subsequent amendments that were introduced until 2008. The Law shall be periodically updated.

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Decree-law no. 118

Dated 30/6/1977

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Municipal Act

The President of the Republic

On the basis of the Constitution,

According to Law no. 76/2 dated 30/12/1976 (giving the Government the right to issue decree-laws),

Upon consultation with the State Council,

At the proposal of the Minister of Interior,

Upon the approval of the Council of Ministers dated 27/6/1977,

Decrees as follows:

TITLE ONE MUNICIPALITIES - DEFINITION - CREATION

Article 1 – The municipality is a local administration exercising, within the scope of its work, the powers entrusted thereto by the law.

The municipality shall hereby enjoy legal personality as well as financial and administrative independence.

Article 2 – A municipality is established in each town, village or group of villages mentioned in table no.1 attached to Decree-law no. 11 dated December 29, 1954 and its amendments, in accordance with the provisions of this law.

Article 3 – Abrogated by virtue of Article 45 of Law no.665 dated December 30, 1997 and implicitly replaced by the provisions mentioned in Article 41 of the said law.

Article 4 – Abrogated by virtue of Article 45 of Law no.665 dated December 30, 1997 and implicitly replaced by the provisions mentioned in Article 41 of the said law.

Article 5 – Abrogated by virtue of Article 45 of Law no.665 dated December 30, 1997 and implicitly replaced by the provisions mentioned in Article 41 of the said law.

Article 41 of Law no.665/97:

The Ministry of Interior shall be entitled to ask for the assistance of the Directorate of Geographical Affairs in the Army, the Engineering Department in the Internal Security Forces, the Cadastre Department, the Urban Planning Department in all regions, and private engineering offices, in addition to the necessary recruits in the military service, and instruct them to organize the maps that delimit the new neighborhoods or the municipal area of the recent municipalities or those which could be merged or separated in the light of the inter-connected technical, geographic, demographic and economic factors, provided that such operations be carried out at least two months prior to the date of the Municipal and Mayoral elections, in order to be able to delimit the recent

towns, villages and neighborhoods that will be called for the elections by virtue of a decision made by the Ministry of Interior addressed to the Electoral Commissions.

The Ministry of Interior shall coordinate the work between the technical, security, military bodies and the private engineering offices, and notify them by virtue of a written mandate concerning the type of works required to be carry out as well as the execution time limits. The concerned ministries and administrations having the directorates, services, departments and technicians mentioned in this article under their control shall meet the request of the Ministry of Interior as a top priority, in order to perform the required tasks within the time limit specified in the mandate, and, thus, enable the Ministry of Interior to hold the Municipal and Mayoral elections in the said towns, villages and neighborhoods on the set dates.

Article 6 - The delimitation of the municipal area is an administrative measure having no relation whatsoever with the entries in the cadastral register. The maps delimitating the municipal area shall be attached to the municipality establishment file; the topographic works shall be exempt from any fees.

TITLE TWO MUNICIPAL BODY

Article 7 - The municipal body shall consist of a decision-making authority and an executive authority.

Chapter I The Decision-making Authority

Section 1: Municipal Council: Number of Members, Mandate and Election

Article 8 - The Municipal Council shall hold the decision-making authority.

Article 9 - Abrogated by virtue of Article 45 of Law no.665 dated December 30, 1997 and implicitly replaced by the provisions mentioned in Article 24 of the said Law:

The Municipal Council shall comprise members determined as follows:

- 1- 9 members for the municipality whose registered residents are less than 2000 people.
- 2- 12 members for the municipality whose registered residents are between 2001 and 4000 people.
- 3- 15 members for the municipality whose registered residents are between 4001 and 12000 people.
- 4- 18 members for the municipality whose registered residents are between 12001 and 24000 people.
- 5- 21 members for the municipality whose registered residents exceed 24000 people, except for what is mentioned in the "f" clause of this article.
- 6- 24 members for the municipalities of Beirut and Tripoli.

Article 10 - The mandate of the municipal council is for six years.

Article 11 - Abrogated by virtue of Article 45 of Law no.665/97 and implicitly replaced by the provisions mentioned in Article 21 of the Law no.665 dated 30/12/1997:

- 1- The members of the Municipal Council shall be elected on the basis of general and direct vote according to the procedure determined in the Parliamentary elections law and in this law.
- 2- The Municipality shall form one single constituency.
- 3- The Municipal Council shall elect among its members, a President and a Vice-president by secret ballot and by absolute majority for the term period of the Municipal Council, during its first session, on the date and place set by the Governor *Mohafez* or District Commissioner *Kaemakam*, within a period of one month as of the date of announcement of election results. The session is presided over by the oldest members. In the event of equality of votes between two members, the oldest wins. If they are of the same age, they shall be selected by casting lots.
- 4- The President and the Vice-president of the Municipality shall be considered among the members of the Municipal Council and among the number determined for each municipality.
- 5- After three years of the President's and his Vice-president's election, the Municipal Council shall be entitled, during its first session, to withdraw confidence from one or both of them, by absolute majority of its total members, according to a petition signed by the quarter of the said members. In this case, the Municipal Council shall immediately hold a session in order to fill the vacant post.

Article 12 - Abrogated by virtue of Article 45 of Law no.665 dated December 30, 1997.

Article 13 - Shall only participate in the voting, the voter whose name is included in the voter's roll or is decided to be listed by the registration committee.

Article 14 - The Municipal Electoral Commissions shall be called upon a decision issued by the Minister of Interior within two months prior to the end of the term of the Municipal Councils. The said decision should mention the polling stations, provided that a time limit of at least 30 days separates the promulgation thereof from the meeting of the Electoral Commission.

Article 15 - Abrogated by virtue of Article 45 of Law no.665/97 and implicitly replaced by the provisions mentioned in Article 23 of Law number 665 dated December 30, 1997:

The Minister of Interior is entitled to set a date for the elections to take place in one single day for all the municipalities, or to set separate dates for each municipality or group of municipalities if necessary in order to preserve the safety of the election processes, provided that the elections shall be held in all municipalities within the time limits specified in Article 14 of the Municipal Act.

The municipal elections shall be held in all Lebanese regions in accordance with the legal procedure specified in this law, except for the towns and villages falling under the Israeli occupation, in which the Governor Mohafez and the District Commissioner Kaemakam shall continue to perform the tasks of the municipal councils.

Section added by virtue of Law no.316 dated 20/4/2001:

The Government shall call for the municipal elections to be held in the said towns and villages prior to September 30, 2001.

Furthermore, the towns and villages located in the displaced regions where neither reconciliation nor settlement has been achieved shall be identified by a decree adopted by the Council of Ministers, upon the suggestion of the Minister of Interior and Municipalities, and the Minister of Displaced Affairs. The Government shall call for municipal elections to be held in such towns and villages, whenever it proves necessary, by virtue of a decision issued by the Council of Ministers, within a three-month period as of the date of the said decision.

Article 16 - The provisions of the Parliamentary elections law shall apply to the municipal elections in conformity with all the provisions of this law.

Article 17 - The Municipal Councils shall adopt the same Voter's roll as the Parliamentary elections law.

Article 18 - Abrogated by virtue of Article 45 of Law no.665 and implicitly replaced by the provisions mentioned in Article 25 of Law no.665 dated 30/12/1997:

- 1- Each candidate running for municipal elections shall submit to the District Centre *Kaemakamiya* or Governorate *Mohafaza* in the Mohafaza centers, at least ten days prior to the date of the elections, a notarized declaration including his name and the name of the municipality in which he runs for elections. The Notary Public shall collect a lump sum of ten thousand Lebanese pounds for each declaration.
- 2- Shall only be accepted the candidacy of the candidate being a voter whose name is listed in the voter roll related to the municipality in the Council of which he is willing to become a member, having paid a deposit of five hundred thousand Lebanese pounds and having met the eligibility requirements related to the membership to Municipal Councils provided for in Decree-law no.118/77 (Municipal Act).
- 3- The District commissioner *Kaemakam* or Governor *Mohafez* shall give a receipt proving the candidacy application. The latter shall, within three days of the candidacy application, issue a decision justifying the approval or refusal of the application; his silence shall be otherwise considered, after the expiration of this period, an implicit decision of approval. The decision of approval or refusal of the candidacy application shall be posted, when issued, on the door of the *Kaemakamiya* or *Mohafaza*; the minutes shall be drawn up and signed by the competent employee.
- 4- The candidate may, within one week as of the date of the issuance of the candidacy refusal decision, to review the Sate Council with a petition free of charge or any other formalities. The Council shall deliberate and decide on his petition within five days as of its registration date in the Clerk's office; otherwise it shall be deemed accepted.
- 5- The names of the candidates whose candidacy applications have been accepted shall be published, without any delay, on the municipality's door in which they run for elections.
- 6- The deposit should be refunded to the concerned candidate if he ever withdraws his candidacy by virtue of a certified declaration by the Notary Public to be submitted to the *Kaemakamiya* or *Mohafaza*, at least five days prior to the date of the elections.

Article 19 - Abrogated by virtue of Article 45 of Law no.665/97 and implicitly replaced by the provisions mentioned in Articles 26 and 45 of Law no.665 dated December 30, 1997):

- 1- The Ministry of Interior shall determine, by virtue of a decision calling for voters the number of members to be elected in each municipality as well as the number of members in each village in the event that a municipality consists of several villages, according to the number of residents therein. Candidacy shall be filed on this basis.
- 2- Shall win the elections the candidate who obtains the highest vote count. In the event of equality of votes, the older is the winner. In the event of equality of ages, the voter's registration committee shall resort to casting lots as provided for in Article 7 of this law.
- 3- If the number of candidates is equal to the number required of members to be elected and the candidacy period is expired, such candidates shall be deemed uncontested winners upon a decision issued by the Governor *Mohafez* and the District Commissioner *Kaemakam*. In case the number of candidates is not equal to the number required of members to be elected by the candidacy closing date, or in the event that this is due to

the withdrawal of candidacy by any candidate, new candidacies shall be accepted provided they are submitted three days prior to the Election Day.

- 4- The deposit shall be refunded to the candidate if he wins the election or if he gets at least 25% of the votes in the election.

Article 20

- 1- The validity of the elections may be challenged before the State Council within fifteen days following the declaration of poll.
- 2- The provisions of Articles 329 to 334 of the Criminal Code shall be applied to the acts committed to ruin the elections.

Article 21 - In the event of vacancy of at least quarter of the posts in the Municipal Council, members for the vacant posts shall be elected for the remaining period within two months from the date of the vacancy of the last post, provided that the fraction of the number is rounded off to one.

Section 2: Dissolution and reelection of the Municipal Council

Article 22 - The Municipal Council may be dissolved by virtue of a justified decree adopted by the Council of Ministers upon the suggestion of the Minister of Interior if any recurrent grave violations are committed causing serious damage to the municipality's interests.

Article 23 - The Municipal Council shall be duly considered dissolved in the event of loss of at least half of its members or its election is annulled. The Minister of Interior shall declare the dissolution by issuing a decision no later than one week as of the date of the notification of the Ministry of Interior; his silence shall be otherwise considered an implicit decision of approval.

Article 24 - Shall the Municipal Council be dissolved or be deemed dissolved, a new council shall be elected within a period of two months from the date of the dissolution decree or of the dissolution declaration decision.

The District Commissioner *Kaemakam* or the principal Head of department in the Caza and the Governor *Mohafez* or the Secretary General in the *Mohafaza* shall take charge of the works of the Municipal Council until the election of a new council upon a decision issued by the Minister of Interior.

Article 25 - The Municipal Council shall not be renewed, in whole or in part, during the six months before the end of the Municipal Council mandate.

Chapter II

Regulations of the Municipal Council Members

Section 1: Impediment and Loss of Capacity

Article 26 - Abrogated by virtue of Article 45 of Law no.665/97 and implicitly replaced by the provisions mentioned in Article 22 and 45 of Law no.665 dated December 30, 1997 and clause "d" of Law no.25 dated October 8, 2008:

It is inadmissible to combine presidency or membership of the Municipality with:

- 1- Membership of Parliament or Minister
- 2- Mayor or Member of the Mayoral Council
- 3- Judicial system
- 4- Civil service, independent agencies, public institutions and municipalities
- 5- Presidency or Membership of Board of directors of independent agencies or public institutions
- 6- Holder of a privilege or its functions in the municipal area
- 7- Membership or posts in committees in charge of management of public utility projects in the scope of the municipality.

From Law no.25 dated October 8, 2008:

- 1- The below mentioned persons may not run as candidates for parliamentary elections while still exercising their jobs, and within the periods that follow their end of service or their resignation acceptance date:

d- Presidents or vice-presidents of Municipal Councils in the Governorates *Muhafazat*, District centers *Kaemmakamiya* and Municipal Unions, unless they submit their resignation and effectively stop the practice of their functions at least two years before the expiry of the Parliament's mandate, and six months at least before that date for the rest of Municipal Councils' presidents and vice-presidents.

Article 27 - Shall be prevented from membership in the Municipal Council:

- 1- Illiterate people
- 2- Persons deprived or dispossessed by legal sentence of their civil rights
- 3- Persons convicted of felonies or major offences as stated in clause 3 of Article 10 of the parliamentary elections law or of the felonies stated in Articles 329 to 334 of the Criminal Code
- 4- Persons convicted of belonging to secret organizations
- 5- Persons interdicted by court order for madness or insanity
- 6- Persons declared bankrupt until their rehabilitation.

Article 28 - A person cannot be a member of several municipal councils. Furthermore, it is not allowed to have in the same municipality, a father and one of his children, a mother and one of her children, a husband and his wife, a father-in-law and the husband of the daughter or the wife of the son, a mother-in-law and the wife of the son or the husband of the daughter, brothers and sisters, an uncle and his nephew, the (maternal) uncle and his nephew, and the husband of the sister and the wife of the brother, as members of the same Municipal Council. In case two of the above mentioned relatives are elected and none of them resigns, the District Commissioner *Kaemakam* shall discharge the younger. In the event of equality of votes, one of them is discharged by casting lots in the first meeting held by the Municipal Council.

Article 29 - In the event of election of any of the persons mentioned in Article 26 of this law as a municipal member, he shall choose, within the period of two weeks, between his membership and his function, otherwise he shall be duly considered dismissed from the membership of the municipality, by virtue of a decision issued by the Governor *Mohafez*. If any of the Municipal Council members falls under one of the cases mentioned in Article 27 of this law, he shall be considered duly resigned from the membership of the municipality by virtue of a decision issued by the Governor *Mohafez*.

Section 2: Resignation and suspension of work

Article 30 - The resignation of the President, Vice-president or municipal member shall be submitted to the Governor *Mohafez* through the District Commissioner *Kaemakam* and shall be deemed final as of the date of the approval decision issued by the Governor *Mohafez*. If the approval is not decided, the resignation shall be deemed final after one month as of the date of submission of a second resignation to be sent by registered mail.

After the expiration of fifteen days as of the approval of the President or Vice-president's resignation, or of the resignation being deemed final, the Municipal Council shall meet in accordance with the provisions of Article 71 of this law.

The resignation could be withdrawn before the approval decision is issued or before it is deemed final.

Article 31 - If any member of the Municipal Council fails to attend the meeting four times in a row without any legitimate excuse, the President of the Municipal Council shall call for an extraordinary session to be held for this purpose.

The Municipal Council shall consider the reasons for the absence of the member, and shall take a decision by which he deems the member resigned.

The Municipal Council decision by which it deems the member resigned shall be approved by the Minister of Interior.

The member deemed resigned shall be entitled to challenge the decision before the State Council, within a period of ten days as of the notification date.

Chapter III

Work Progress in the Municipal Council

Section 1: Convening the Municipal Council Meetings

Article 32 - The Municipal Council shall meet at least once a month upon the calling of a meeting from its President and when the need be. The President shall set the agenda of the meeting in his summons.

The President shall call for the Municipal Council meeting upon the request of the Governor *Mohafez*, the District Commissioner *Kaemakam* or the majority of the Municipal Council members, provided that the reasons for the meeting as well as the agenda shall be stated in the request and in the summons.

Article 33 - The summons should be written and sent, at least three days prior to the session, to the domicile of the member or to his elected domicile. This period could be reduced if necessary. The Municipal Council shall consider the reduction of the time limit and decide whether to keep the meeting on the same date or to postpone it to another date. The member residing outside the municipal area shall select a domicile within the municipal area; otherwise, he will be considered duly notified in the municipality hall.

Section 2: Quorum and Debates

Article 34 - The debate of the Municipal Council shall not be considered legal unless more than half of the members of the Council attend, on the date of the meeting when the debate takes place. If the said quorum is not reached, the meeting shall be postponed and the members are

called for another meeting that should be set twenty-four hours later at least. The meeting shall not be considered legal unless at least third of the members attend, provided that the second summons consists of an explicit conclusion of the provisions of this article.

The second summons could be spared and the session shall be legal, if proved that the failure to attend the meeting results from a personal interest of the absent members or of a person of whom they are managing the work.

Article 35 - The Municipal Council sessions are held in secrecy. The Governor *Mohafez* and the District Commissioner *Kaemakam* shall be entitled to attend the said sessions upon their own request but are not entitled to vote.

The President of the Municipality shall be entitled to convene any employee or person to the sessions of the Municipal Council and to listen to him.

Article 36 - The President of the Municipality shall preside over the sessions of the Municipal Council. In the event of his absence, the Vice-president shall stand in for him; otherwise, the oldest member will preside.

Article 37 - The president of the session shall maintain the good order of the meeting. If any felony or offence is committed, he shall take the minutes, send immediately a record of the acts mentioned to the competent judiciary and notify the District Commissioner *Kaemakam* a copy thereof.

Article 38 - The Vice-president shall preside over the sessions in which the accounts of the municipality management entrusted to the President are discussed. The oldest member shall preside over such sessions if the Vice-president is involved in the management of the municipality's finances. The President of the Municipality shall attend the discussions of the administrative accounts, provided that he leaves the session before the vote is being proceeded.

Article 39 - The President of the Municipality shall be entitled to ask, by himself or upon the request of the District Commissioner *Kaemakam* or the Governor *Mohafez*, the Municipal Council to discuss, exceptionally, before anything else, an issue requiring an urgent examination. He shall also be entitled to prevent the discussion of a topic irrelevant to the agenda.

Section 3: Voting on the Resolutions

Article 40 - The Municipal Council shall exercise its powers, by virtue of decisions issued thereby during the sessions held for this purpose.

Article 41 - The voting shall be carried out by open ballot and cannot be by proxy. It shall be resorted to secret ballot upon the request of the President or the majority of the present members or if the voting is related to any election.

Article 42 - The resolutions of the Municipal Council shall be taken by majority of votes of the present members. In the event of equality of votes, the vote of the President shall prevail.

Article 43 - Shall not be allowed to participate in the debate and the voting any member who might have a personal interest.

Article 44 - The decisions of the Municipal Council shall be written down under serial numbers according to their dates on a paginated register signed by the District Commissioner *Kaemakam* or his representative.

No blank space shall be left in the register. No mark or writing is allowed in the margin. When necessary, two lines are written in blank, provided that the President and the clerk sign on the crossing out or on the writing in the margin and that each violation is mentioned at the end of the decision.

Failing to mention the decision in the register ad hoc does not implicate its cancelation or the cancelation of the works by virtue of which they have been carried out, provided that the Administrative Control Authority warns the municipal council against such negligence and adopts measures to prevent any recurrence and to write down the neglected decision.

The pages of the Register of decisions shall include a margin and four columns. In the margin and in parallel with the decision's text, shall be noted all the data pertaining, if the need be, to the authentication, approval and cancelation thereof. In the first column, shall be written down the serial number; in the second, its promulgation date or notification; in the third, the date of its submission to the Administrative Control Authority; and in the fourth, the text of the decision.

Article 45 - Each candidate in the municipal department or any stakeholder shall be entitled to request a copy of the Municipal Council's decisions, on his own expenses, authenticated by the competent civil servant.

Section 4: Minutes of meetings

Article 46 - Minutes are taken for each of the Municipal Council's sessions in a special paginated register and marked by the District Commissioner *Kaemakam* or his substitute. At the end of the session, the minutes shall be read and signed by all the present members; their reservations should be mentioned upon their request.

Shall be mentioned in the minutes, in particular, the invitation, the agenda, the text of the decisions taken by the Council, the names of the present members, the name of the persons engaged in the discussions, the conclusion of their observations, the names of the persons who casted their vote in the open ballot and the determination of their vote.

Chapter IV ***Municipal Council's Competence***

Section 1: Scope

Article 47 - Each work of public character or interest, in the municipal area, falls within the scope of the Municipal Council's competence. The Municipal Council shall be entitled to express its recommendations and wishes in all subjects of municipal interest. It shall also mention its observations and suggestions related to the public needs in the municipal area. The President of the Council or his substitute shall notify the competent authorities in accordance to the procedures.

Article 48 - The rules promulgated by the Municipal Council regarding the issues falling within its competence shall be compulsory within the municipal area.

Article 49 - The Municipal Council shall be in charge, without limitation, of the following:

- 1- The municipal budget, including transferring and opening credits
- 2- Cutting off budget accounts

- 3- Different types of loans for carrying out specific projects that have been studied.
- 4- Assigning some of the municipal present and future returns to the borrower or the State in return for its guarantee of the debt and mentioning the annual due installments in the consecutive municipal budgets throughout the period of the said debt
- 5- Determining the rates of the municipal taxes according to the law
- 6- Specifications for deals regarding the supplies, works and services
- 7- Specifications for selling the municipal properties
- 8- Reconciliation
- 9- Approval and rejection of donations and ordered funds
- 10- Public programs for works, aesthetics, cleaning, health affairs, water projects and lighting
- 11- Naming the streets in the municipal area
- 12- Planning, improving and expanding the streets, establishing gardens and public places and executing designs related to municipality as well as the Master Plan in cooperation with the Directorate General for Urban Planning with the observance of the provisions of the expropriation law, provided that the approval of both the Urban Planning Directorate and the competent municipality be bound to approve the project. In case of contradiction between the municipality and the Urban Planning Directorate, the Council of Ministers shall definitely decide on the subject
- 13- Establishing shops, parks, racing places, playgrounds, toilets, museums, hospitals, dispensaries, shelters, libraries, popular residences, wash houses, sewers, waste drainage and others
- 14- Contributing to the tuition fees related to the public schools pursuant to the provisions of these schools.
- 15- Contributing to the fees of projects of public interest
- 16- Transferring municipal public property to private municipal property
- 17- Regulating transportation of all types, determining its fees if necessary within the municipal area, with observance of the provisions of the laws in force
- 18- Rescuing the needy and disabled people and assisting clubs, associations and other health, social, sports and cultural activities
- 19- Organizing the systems related to the municipality servants and workers and determining the scale of wages and salaries
- 20- Enjoying the right to enter into contracts to conclude agreements with municipalities
- 21- Controlling educational activities and work progress in public and private schools as well as drawing up reports to the competent educational references.
- 22- Supervising public utilities and drawing up reports regarding the work progress thereof to the concerned administrations
- 23- Approving the consideration according to which the streets resulting from a subdivision project, out of which more than six real estate belonging to different owners benefit fall within the scope of municipal public properties; the municipality shall be, therefore, entitled to carry out works
- 24- Ordering the beneficiaries of a construction project of which the study has been carried out to contribute to the fees of the said project in the event of the approval of the majority of at least the three quarters of the beneficiaries.

Article 50 - The Municipal Council shall be entitled, within its area, to establish or manage directly or indirectly, or contribute to or to help in the execution of the following works and projects:

- 1- Public schools, nurseries and technical schools
- 2- Popular residences, toilets, public wash houses and swimming pools
- 3- Public hospitals, sanitariums, dispensaries and other health establishments and institutions

- 4- Museums, public libraries, theaters, cinemas, amusement centers, clubs, playgrounds and other public and sports shops as well as social, cultural and artistic institutions
- 5- Local means of public transportation
- 6- Public shops for buying food, refrigerators for keeping them and threshing floors.

Article 51 - The Municipal Council shall give its consent to the following:

- 1- Changing the name of the village
- 2- Changing the boundaries of the village
- 3- Organizing traffic and public transportation
- 4- Carrying out projects for improving and delimitating highways in addition to general master designs in the municipal area
- 5- Creating and transferring or closing public schools, governmental hospitals and dispensaries
- 6- Measures related to public emergency
- 7- Creating charitable institutions and offices
- 8- Applications of exploitation permit for classified shops, restaurants, swimming pools, coffee shops, amusement centers and hotels.

The Municipal Council shall take a decision regarding the mentioned subjects, within a period of one month as of the date of its notification of the papers related thereto; otherwise it shall be considered that it has given a tacit approval of the same.

In the event that the Municipal Council does not give its approval of this issue and the concerned authority insists on taking a contradictory measure, the subject is referred to the Council of Ministers through the competent minister in order to definitely decide the same.

Article 52 - The Municipal Council shall control the Executive Authority works, ensure the smooth functioning in the municipality and thus, draw up reports to be submitted to the Control Authority.

Article 53 - The Municipal Council shall elect among its members, in the beginning of each year, two principal members and two substitute members, in order to constitute with the President of the Municipality and the Vice-president a Tender Committee responsible of awarding municipal transactions and fees that the Municipal Council decides to adjudicate to the highest bidder.

The Municipal Council shall be also entitled to elect committees among its members in order to study the issues falling within its scope. He may call for the help of other committees that he shall appoint from other than its members.

Article 54 - The Municipal Council decisions are effective, except for the decisions that have been expressly subjected to the validation of the Administrative Control Authority by virtue of this decree-law; they shall be effective as of the date of the validation thereof.

Article 55 - The effective public decisions issued by the Municipal Council shall be posted on the door of the municipality center; minutes shall be taken and signed by the competent civil servant, while the other effective decisions shall be notified to the concerned persons.

Section 2: Administrative Control over Municipal Council's Decisions

Article 56 -

- 1- The following authorities shall exercise administrative control over the Municipal Council's decisions:
 - a. The District Commissioner *Kaemakam*
 - b. The Governor *Mohafez*

- c. The Minister of Interior
- 2- The Administrative control over the decisions of Beirut Municipal Council shall be solely exercised by the Minister of Interior.

Article 57 - The Minister of Interior shall be entitled to entrust the Director General of the Ministry of Interior, in whole or in part, with the powers granted thereto by virtue of the provisions of this law.

Article 58 - The President of the Municipality shall send the Municipal Council's decisions to the competent Administrative Control Authority, directly within eight days of the promulgation date, provided that a copy thereof shall be notified to the hierarchical authorities.

Article 59 As amended by virtue of the law dated on April 25, 1999:

The following Municipal Council's decisions shall not be subject to the authentication of the Administrative Control Authority, including, without limitation:

- 1- Leasing contracts of which the annual rent exceeds twenty million Lebanese pounds in the municipalities being subject to the pre-audit control of the Court of Audit and ten million Lebanese pounds in the other municipalities
- 2- Insuring the municipal buildings as well as their equipment and machines with insurance companies, for the contracts of which the insurance value does not exceed twelve million Lebanese pounds in the municipalities being subject to the pre-audit control of the Court of Audit and six million Lebanese pounds in the other municipalities
- 3- Approval and rejection of donations and ordered funds not being related to any charges
- 4- Helping the disabled and supporting the educational, cultural, sports and social activities when the total of donations does not exceed ten million Lebanese pounds per year
- 5- Fixing the transportation rate for all types of vehicles and public vehicles within the municipal area
- 6- Collecting the municipal taxes and seizing the taxpayers' goods who abstain from paying taxes.

Article 60 As amended by virtue of Law dated April 25, 1999:

The following decisions shall be authenticated by the District Commissioner *Kaemakam*:

- 1- Municipal budget, transferring and opening accounts
- 2- Statement of activity
- 3- Fixing the municipal taxes rates according to the Municipal Tax Law
- 4- Buying or selling real estates of which the value does not exceed one hundred million Lebanese pounds, as well as the special specifications related thereto
- 5- Lease contracts of which the annual rent exceeds twenty million Lebanese pounds in the municipalities being subject to the pre-audit control of the Court of Audit and ten million Lebanese pounds in the other municipalities. In both cases, it shall not exceed forty million Lebanese pounds
- 6- Helping the disabled and supporting clubs, association and other cultural, social, sports, health activities when the total of donations exceeds ten million Lebanese pounds per year
- 7- Authorizing transactions regarding the supplies, works and services when their value is between thirty million and eighty million Lebanese pounds and validating the special specifications related thereto
- 8- Authorizing works held in trust and requiring invoices when buying supplies if their value is between twenty million and fifty million Lebanese pounds
- 9- Settling disputes and reconciliations with the observance of the provisions of Article 66 of this decree-law

10- Approval or rejection of donations and ordered funds being related to charges.

Article 61 As amended by virtue of Law dated April 25, 1999:

The following decisions shall be subject to the authentication of the Governor *Mohafez*:

- 1- Authorizing transactions regarding the supplies, works and services when their value exceeds eighty million Lebanese pounds and validating the special specifications related thereto.
- 2- Authorizing works held in trust and buying supplies through invoices if their value exceeds fifty million Lebanese pounds.
- 3- Buying or selling real estates of which the value does not exceed one hundred million Lebanese pounds, as well as the special specifications related thereto.
- 4- Transferring public municipal property to a certain profit, when this property has been allocated to a public benefit purpose.
- 5- Lease contracts of which the annual rent exceeds forty million Lebanese pounds.
- 6- Establishing markets, racing places, museums, hospitals, popular residences, waste disposal and others.

The President of the Municipality authorizes supplies' and works' fees by virtue of a statement or an invoice, and orders their payments when their value does not exceed three million Lebanese pounds.

This clause has been added by virtue of Law no.212 dated May 26, 2000:

The municipalities shall be entitled by virtue of a decision issued by the Municipal Council to conclude transactions by virtue of a statement or an invoice, if their value is between three million and twenty million Lebanese pounds; without observance of any texts that may be in contradiction to the provisions of this article.

Article 62 - The following decisions shall be subject to the authentication of the Minister of Interior:

- 1- Decisions by virtue of which a public system is established
- 2- Loans
- 3- Naming public streets, squares and buildings as well as setting up monuments and statues
- 4- Creating municipal units, organizing them, determining their cadre and competence as well as the scale of salaries and wages
- 5- Creating Unions consisting of many Municipal Councils in order to carry out common tasks of public interest
- 6- Compensations for the President and Vice-president of the Municipality
- 7- Transferring public municipal property to private municipal property, provided that the streets and sections located in the municipal area are considered municipal properties, except for the international roads
- 8- General specifications regarding the supplies, works and services
- 9- General specifications for buying the municipal properties
- 10- Ordering the beneficiaries of a construction project for which the study has been made to contribute to the fees of the said project
- 11- Assigning some of the municipal present and future returns to the borrower or to the State.

Article 63 - The decisions mentioned in the previous articles are deemed implicitly certified if the competent Administrative Authority does not take a decision in this respect, within one month as of the date of the decision's registration in the competent unit of the concerned Administrative Control Authority.

In such case, the President of the Municipality shall inform the competent Administrative Authority that the said decision has become validated.

The said time limit shall not be applicable to the decisions related to planning, budgeting, opening and transferring accounts and loans. As for the decisions subject to the pre-audit control of the Court of Audit, the mentioned period shall be applied thereto, as of the date on which the Administrative Control Authority is notified of the approval decision issued by the Court of Audit.

Article 64 - The validation of the Administrative Control Authority must be in writing; it may be subject to challenge before the State Council.

Article 65 - The District Commissioner *Kaemakam*, the Governor *Mohafez* or the Minister of Interior shall be entitled to postpone temporarily the execution of the Municipal Council's decision, at any time, for security purposes, by virtue of a justified decision that may be challenged before the State Council.

Article 66 - Reconciliations shall be subject to the approval of the Legal Affairs Commission at the Ministry of Justice concerning the pending cases before the Courts, and to the approval of the Legislation and Consultation Commission at the Ministry of Justice regarding the cases that have not yet been submitted to Courts.

TITLE III EXECUTIVE AUTHORITY

Chapter 1 Definition and Election

Article 67 - The executive authority in the municipality shall vest in the President of the Municipal Council, and in Beirut municipality it shall vest in the Governor *Mohafez*. The provisions of clause (2) of Article 14 of Decree-Law no.112 dated June 12, 1959 shall not be applied to the holder of the executive authority.

Article 68 - Abrogated by virtue of Article 45 of Law no. 665 dated December 30, 1997 and replaced by the provisions of new Article 11 of this Law.

Article 69 - The provisions of Articles 26, 27, 28 and 29 pertaining to the competence of the Members of the Municipal Council shall be applied to the competence of the President and Vice-president of the Municipality.

Article 70 - The provisions of Articles no.13, 14, 15, 16, 17, 18, 19 and 20 related to the election of the Municipal Council Members apply to the election of the President and Vice-president of the Municipality. However, the candidate shall only be entitled to file his candidacy to one single municipality center; otherwise, the District Commissioner *Kaemakam* shall have the right to refuse all his candidacy applications.

Article 71 - Abrogated by virtue of Article 45 of Law no.665 dated December 30, 1997 and replaced by the provisions mentioned in Article 27 of the said law:

Shall the position of the President of the Municipality be definitely vacant, for any reason, at least six months prior to the end of the Municipal Council's term, the

Municipal Council shall meet upon request by the District Commissioner *Kaemakam* or the Governor *Mohafez* to elect a new president among its members, no later than one month as of the date of the vacancy.

However, no successor to the office of the President of the Municipality shall be elected if the vacancy occurs within a period of less than six months.

In this case, the Vice-president shall take charge of the presidency affairs until the end of the Municipal Council's term.

Article 72 - In the event of any temporary vacancy in the position of the President of the Municipality for seven consecutive working days, the Vice-president shall temporarily take charge of the presidential tasks by virtue of a decision issued by the Municipal Council; the Administrative Control Authority shall be notified of the same.

Article 73 - The President and the Vice-president of the Municipality have the right to earn representation and transportation fees to be determined by the Municipal Council, according to the efforts made by each one of them in carrying out municipal tasks.

Chapter 2 **Competence of the Head of the Executive Authority**

Article 74 - The Head of the Executive Authority shall take charge, including without limitation, the following tasks:

- 1- Executing the decisions of the Municipal Council
- 2- Making municipal budget forecasts
- 3- Managing and supervising municipality departments
- 4- Managing the funds and real estates of the municipality and thereafter carrying out all the required works in order to preserve its rights
- 5- Managing the revenues of the municipality and overseeing its accounts
- 6- Ordering the payment of the municipal budget, settling and controlling the charges and giving notices of payment
- 7- Concluding contracts of rent, division and barter, accepting donations and ordered goods, purchases and transactions after having authorized such works according to the provisions of this law
- 8- Acting the same regarding the purchases, agreements, transactions, undertakings as well as supervising and receiving the works that are carried out on behalf of the municipality
- 9- Representing the municipality before the Courts according to the terms provided for in this law
- 10- Authorizing fees by virtue of a statement or an invoice
- 11- Issuing orders to take local measures regarding the issues entrusted to him and to his power according to the rules and regulations
- 12- Taking measures to fight against alcoholism, epidemic or infectious diseases, and animal diseases
- 13- Demolishing insecure buildings and repairing them on the expenses of their owners, according to the provisions of the law on construction
- 14- Receiving donations and funds ordered to the municipality, if they are likely to be damaged or lost and keeping them until a decision is taken with respect thereto
- 15- Taking measures to restrain begging
- 16- Taking the appropriate measures regarding the insane people who may threaten ethics or people's safety and goods
- 17- Taking all the appropriate measures to prevent or avoid any accidents that might result from the escape of wild or dangerous animals

- 18- Ensuring the distribution of the necessary donations to help the victims of epidemics and disasters such as fires, floods, epidemic or infectious diseases, *etc.*
- 19- Maintaining public health, safety and security, provided that this does not interfere with the powers granted by the rules and regulations to the State security departments
- 20- Organizing and facilitating traffic and circulation in the public streets, squares and roads as well as ensuring cleaning, lighting and litter and debris removal
- 21- Avoiding or preventing anything that might trouble public health, safety and security
- 22- Transporting the dead, organizing funeral and burial ceremonies, digging graves and maintaining the good order and inviolability of the cemeteries
- 23- Protecting individual and public health such as ensuring the health control of the meeting places, the hotels, the inns, the brothels, the coffee shops, the restaurants, the bakeries, the slaughterhouses, the groceries, the barbershops, *etc.*, and in general, all the places in which food or beverages are manufactured and sold, and all the persons related in any kind to these shops
- 24- Taking preventive measures against fires, explosions, and floods such as organizing the fire extinguishing department, controlling the places where flammable and explosive materials as well as fuel are stored, fixing the quantity of such materials that it is allowed to be stored in these places and ordering to take the necessary preventive measures
- 25- Imposing the necessary measures regarding the cleaning, the comfort, the safety and the security of public transportation means
- 26- Ensuring ethics and public decency
- 27- Taking the appropriate measures to ensure the purity and safety of the food materials to be sold
- 28- Taking all the required measures to ensure the accuracy of quantities, volumes and measurements
- 29- Protecting all that relates to the environment, landscapes and monuments, maintaining trees and forested areas as well as preventing pollution
- 30- Granting construction permits, housing permits, certificates of completion for the routing of water, electricity and telephone, after the approval of the competent technical departments
- 31- Applying the provisions of the law to settle the violations against building regulations
- 32- Suspending the construction, upon the request of the prejudiced people, in return for a guarantee to be estimated by the President of the Municipality for a maximum period of fifteen days in order to enable the prejudiced people to review the competent Courts
- 33- Authorizing the excavation of public streets in order to lay water, electricity, telephone and wastewater pipes and others, in return for a guarantee for the return of the premises to their previous state, on the expenses of the license applicant; the public institutions, the independent services and the State administrations are not being excluded from the said authorization
- 34- Authorizing for extending sewer within the municipal area, after having collected the fees related thereto, even if the project has been carried out by the Council of the Union or any other entity and it crosses in several municipalities areas
- 35- Controlling the selling and pricing of food products, provided that it shall not be in contradiction with the measures and decisions issued by the Ministry of Economy and Trade
- 36- Appointing municipal civil servants in accordance with the regulations of the municipality and its cadres, ending their service, appointing daily workers within the limit of the amounts allocated to them in the budget. However, shall not be employed in the same municipality a father and one of his children, a mother and one of her children, a husband and his wife or the wife of his son and brothers and sisters. If any of the above-mentioned cases is applied, the President of the Municipality has the right to dismiss one of the two civil servants, by virtue of an administrative decision enforceable of itself,

provided that the latter receives his compensation according to the provisions of the law on employees

- 37- Authorizing advertisements
- 38- Ensuring security through the municipal police in its capacity as Judicial Police. He shall ask for the support of the Internal Security Forces in the event of any crime or any disturbance of the public security and proceed with the required investigations
- 39- Taking the appropriate administrative and regulatory measures in order to maintain the smooth progress of the municipal work and to ensure municipal revenues, according to the provisions of the law on municipal taxes
- 40- Carrying out some tasks and urgent procedures related to public health and safety, transportation means, vehicles, protocols and receptions, provided that they may be subject thereafter to the approval of the Municipal Council.

Article 75 - The Head of the Executive Authority shall be entitled to authorize temporary works as well as the deposit of merchandises in the streets and public places or to expose them on the sides of the roads and public places. He shall also be entitled to authorize the owners of restaurants and coffee shops to put tables, seats as well as chairs on the sides of the roads and of the said places.

Article 76 - The Head of the Executive Authority shall issue municipal regulations concerning the matters falling within its competence. Such regulations should be binding within the municipal area as it is the case for the State rules and regulations.

The decisions of public character issued by the Head of the Executive Authority shall be posted on the door of the municipal center and minutes shall be taken and signed by the competent civil servant, provided that the other decisions are notified to the concerned persons.

Article 77-

- 1- The Head of the Executive Authority shall preside over the municipal units and ensure their smooth work and the coordination between them in his capacity as the Head of the municipal civil servants following the order of succession.
- 2- The Head of the Executive Authority shall be entitled to delegate some of his powers to the Vice-president. He shall also be entitled to delegate some of his powers to the heads of the municipal units, except for the right to issue texts of public character.

The delegation shall be executed by virtue of a decision to be notified to the Minister of Interior and published in the official gazette.

Article 78 - An ad hoc register is kept in order to write down all the decisions issued by the Head of the Executive Authority and to mention if the said decision is published or notified.

Article 79

- 1- All the decisions issued by the Head of the Executive Authority shall be sent for information to the District Commissioner *Kaemakam*. In the municipality of Beirut, they shall be notified to the Minister of Interior.
- 2- The Head of the Executive Authority shall directly contact the public administrations regarding all the ordinary municipal affairs.

TITLE IV
MISCELLANEOUS PROVISIONS

Chapter 1
Administrative Organization

Article 80 - The municipalities of the *Mohafazats* centers shall be subject to the control of the Civil Service Board. Shall remain subject to the control of the Civil Service Board the municipalities that have been subject to the control of the Civil Service Board by virtue of a decree. The other municipalities subject to the control of the Civil Service Board shall be determined by virtue of a decree issued by the Council Of Ministers upon the Minister of Interior' suggestion.

Article 81 - Each municipality shall set up statutes and a framework for its civil servants, as well as statutes for its workers.

Article 82 - Shall apply to the municipalities subject to the control of the Civil Service Board the following provisions:

- Articles 13, 61, 62, 97 and 100 of the Decree-law no.112 dated June 12, 1959 and its amendments.
- Articles 40, 41, 42, 43, 44, 45, 46, 47, 48, 59, 60 and 61 of the Decree-law no.113 dated June 12, 1959 and its amendments.

Article 83 - The municipality shall be entitled to establish as it needs of administrative, financial and technical units, in addition to the police, guards, firemen and rescuers. Common units, police, guards, firemen and rescuers may also be created for two or more municipalities and common civil servants may also be appointed between them.

- 1- The common units, police, guards, firemen and rescuers shall be created upon a decision issued by the Minister of Interior.
- 2- The Minister of Interior shall set up unified statutes for the common civil servants while preserving the right for the municipalities with common units to establish its own statutes, provided that these statutes shall be approved by the Minister of Interior.
- 3- The fees of the said civil servants are divided by virtue of a decision made by the Minister of Interior between the concerned municipalities, on the basis of percentage rates.
- 4- The decisions of the Minister of Interior in this respect shall be issued upon the suggestion of the Governor *Mohafez* and the opinion of the concerned municipalities.

Article 84 - The Municipal Councils of the municipalities being subject to the control of the Civil Service Board shall be entitled, upon the approval of the Minister of Interior, to conclude contracts with persons meeting the general conditions of municipal servants in order to carry out some tasks in specified time limits and under special conditions to be stated in the contract. The municipalities of which the annual account is less than fifty thousand Lebanese pounds may appoint members of the Municipal Council for free, to carry out the tasks of the clerk, and appoint the policeman to handle the functions of the health controller and tax collector.

Article 85 - Shall be entitled to report for breach of law and rules the municipal civil servants who are assigned to apply or to control the execution of the laws and regulations related to public health and hygiene, construction and circulation in the streets and the public places.

Chapter 2

Municipal Finances

Article 86 - The municipal finances shall consist of the following:

- 1- Fees collected directly by tax payers
- 2- Fees collected by the State, the independent services or the public institutions on behalf of the municipalities and distributed directly to each municipality
- 3- Fees collected by the State on behalf of all municipalities
- 4- Financial aids and loans
- 5- Revenues of municipal properties, including the total revenues of public domains related to the municipality
- 6- Fines
- 7- Donations and wills.

Article 87 - The revenues of the common allowances of all municipalities shall be deposited in trust in an independent municipal fund at the Ministry of Interior.

Article 88- The procedures and rules for distribution of funds of the independent municipal fund are defined by application texts after consultation of the State Council.

Article 89 - The rules and procedures of accounting in the municipalities are defined by virtue of a decree issued by the Council of Ministers upon the suggestion of the Minister of Interior.

Article 90 - The municipality of Beirut shall be subject to the audit control of the Court of Audit, as well as the municipalities currently subject to the same control. The other municipalities subject to the audit control of the Court of Audit are defined by virtue of a decree issued by the Council of Ministers upon the suggestion of the Minister of Interior.

Chapter 3

Municipal Orientation

Article 91 - The Ministry of Interior shall be responsible of training the municipalities in order to assume their duties.

Article 92 - The Minister of Interior shall entrust a number of civil servants the task for guiding the municipalities to the methods which enable them to develop, raise their level, increase their efficiency, improve their organization, simplify their work methods and procedures and reach their goals.

Article 93 - The civil servants mentioned in the previous article shall be selected among the civil servants of the State and the municipalities, provided that they meet the necessary requirements in terms of knowledge and competence in the municipal field. The status of “delegate” and the provisions of delegation provided for in Decree-law no.112 dated June 12, 1959, shall be applied to the said civil servants of whom the number will be set, according to need, by virtue of a decision issued by the Minister of Interior.

Article 94 - Training sessions are conducted for the municipalities, the unions and their bodies, according to a program determined by the Minister of Interior.

Chapter 4

General Controller

Article 95 - The financial works in the municipality of Beirut and in other municipalities and municipality unions, determined by virtue of a decree issued by the Council of Ministers upon the suggestion of the Minister of Interior, shall be subject to the authority of the financial observer called the General Controller.

The authority of the General Controller may cover more than one municipality or union.

Article 96 - The General Controller shall be appointed and dismissed by virtue of a decree issued by the Council of Ministers upon the suggestion of the Minister of Interior.

The compensations of the General Controller shall be determined in the decree of his appointment.

The General Controller shall meet the following requirements:

- 1- Civil Servant of the third category at least, in the cadres of the State or the equivalent in the cadres of municipalities; holder of a bachelor's degree or graduated from the National Institute of Administration and Development and has been responsible of financial works or financial control for at least five years.
- 2- Or civil servant of the third category at least, in the cadres of the State or the equivalent in the cadres of the municipalities subject to the rules and regulations of the law on public accounting and has been responsible of financial works or financial control for at least ten years.
- 3- Concerning the municipality of Beirut, the General Controller shall be a civil servant of the second category at least, in the cadres of the State or the equivalent in the cadres of the municipalities subject to the rules and regulations of the law on public accounting and has been responsible of financial works or financial control for at least ten years.

Article 97 - The powers entrusted to the General Controller as well as his office shall be determined by virtue of a decree issued by the Council of Ministers upon the suggestion of the Minister of Interior.

With the exception of the powers and compensations allocated to him, the General Controller in the municipality or in the union shall neither be entrusted with any task or work nor benefit from any compensation or bonus.

Article 98 - The General Controller shall profit from the benefits and services offered to the civil servants in his original cadre, of any kind which they are paid thereto in addition to his salary, compensations and allocations from the budget of the municipality or the union.

Article 99 - The General Controller shall be administratively connected to the Ministry of Interior for all the period of his office.

Chapter 5

Lawsuits

Article 100 - The Municipal Council shall debate the lawsuits and the criminal proceedings that are filed on behalf of the municipality and authorize by virtue of its decision the Head of the Executive Authority to review the Courts in all the stages of the legal proceedings.

The Head of the Executive Authority shall be entitled to act in emergency matters and preventive procedures, before the Municipal Council takes the above-mentioned decision.

Article 101 - The lawsuits filed against the municipality before the Judicial Court shall be exempted from presenting a preliminary note. As for the lawsuits filed against the municipality before the Administrative Court, they shall be subject to the procedures in force with the said Court.

Article 102 - Shall be applicable to municipalities the procedures in force as for the execution of judgments rendered against the State.

Chapter 6 ***Disciplinary and Criminal Proceedings***

Article 103 - The President of the Municipal Council, his Vice-president or the member in charge of the work of the Executive Authority shall be held responsible, in terms of disciplinary, and shall be subject to disciplinary sanctions if he fails to meet the obligations imposed thereon by the rules and regulations, despite being warned, and leading to damage the municipality's interests.

The disciplinary proceedings shall not prevent judicial proceedings before the competent Civil and Criminal Courts if necessary.

Article 104 - The disciplinary sanctions consist of two categories:

1- First category:

- Warning
- Reprimand

2- Second category:

- Suspension of work for a period not exceeding one year
- Dismissal

Article 105 - The sanctions of the first category shall be imposed by virtue of a decision issued by the Minister of Interior. The sanctions of the second category shall be imposed by virtue of a decision issued by the Special Disciplinary Commission. The Special Disciplinary Commission shall be entitled to impose any sanction from the first category if it appears that the sanctioned person does not deserve a more severe sanction.

Article 106 - The Special Disciplinary Commission shall consist of the following:

- The President of the General Disciplinary Council of civil servants, President.
- A civil servant in the Ministry of Interior of the second category at least, member.
- A President of the Municipality, member.
- The Government Commissioner at the General Disciplinary Council of civil servants occupies the position of Government Commissioner, and a civil servant of the fourth category at least of the Department of Municipal and Rural Affairs in the Ministry of Interior occupies the office of Secretary General of the Commission.

The Government Commissioner as well as the Secretary of the Disciplinary Commissioner shall not be entitled to participate in the debate and the rendering of judgments.

Article 107 - The Special Disciplinary Commission shall be appointed by virtue of a decree upon the suggestion of the Minister of Interior. A president and additional members shall be appointed by this decree in order to substitute the President and the principal members in case of absence, sickness or failure to participate to the Commission's work for a legal reason.

Article 108 - Shall be referred to the Special Disciplinary Commission the President and Vice-president of the Municipal Council or the member who is responsible of the Executive Authority work, by virtue of a decision issued by the Minister of Interior after an investigation is conducted by the Ministry of Interior.

Article 109 - Shall be applied before the Special Disciplinary Commission the adopted procedures before the General Disciplinary Council of civil servants.

Article 110 - The decisions of the Special Disciplinary Commission may be challenged before the State Council for misuse of authority according to the adopted procedures before the State Council.

The recourse to the State Council shall not stop the execution as long as the Council has not decided to stop the execution of the challenged judgment

The State Council shall decide on the stay of execution request within three days following the ten days as of the notification of the State; otherwise the request shall be duly considered approved until the final judgment is rendered.

Article 111 - The President, the Vice-president or the Municipal member may not be prosecuted for an offence related to their duties unless upon the written approval of the Governor *Mohafez*.

Article 112 - If an interlocutory judgment or a judgment of first instance is rendered against the President, the Vice-president or any of the members, he shall be relieved of his duties by virtue of a decision issued by the Governor *Mohafez*, until the final judgment is rendered.

If any of them is accused of an offence or suspected of a major offence, he shall be relieved of his duties by virtue of a decision issued by the Governor *Mohafez*, until the end of the lawsuit.

If a judgment is rendered against any of them for an offence or a major offence, he shall be duly deemed dismissed by virtue of a decision issued by the Governor *Mohafez*.

If a warrant for arrest in absentia or in presentia is issued against any of them, for an offence or a major offence, he shall be deemed duly dismissed of his duties as of the date of the warrant.

If the warrant for arrest is withdrawn or any of them is set free, he shall resume his duties if he has not been arrested for an offence or a major offence.

Article 113 - The Public Prosecution shall have the right to qualify the offence of which the President, the Vice-president or any of the members is accused and if this offence results from the municipal function or not.

Chapter 7 **The Unions of Municipalities**

Section 1- Definition – Creation –Mandate

Article 114 - The Union of Municipalities shall consist of several municipalities, enjoy legal personality as well as financial independence and exercise the powers entrusted thereto by this law.

Article 115 -

1- The Union of Municipalities shall be created by virtue of a decree issued by the Council of Ministers upon the suggestion of the Minister of Interior, upon:

- a. the initiative of the Minister
- b. the request of the municipalities

- 2- Other municipalities may be joined to the Union by virtue of a decree upon the suggestion of the Minister of Interior and upon the initiative or upon the request of the municipalities.
- 3- The Union of Municipalities is dissolved according to the same procedures of its creation. The dissolution decree should set the conditions of the Municipalities Union's dissolution without prejudice to third parties rights.

Article 116 - The name and office of the Union of Municipalities shall be determined in the decree of creation of the Union of Municipalities.

Article 117 - The mandate of the Union of Municipalities shall end on the expiry date of the mandate of the Municipal Councils of which it is constituted.

Section 2- The Body of the Union of Municipalities

Article 118 - The Body of the Union of Municipalities shall consist of a decision-making authority called the Council of the Union and of an executive authority headed by the President of the Council of the Union.

Article 119 - The Council of the Union shall consist of the Presidents of the municipalities of which the Union is constituted. The Municipal Council may be represented by any of its members for the duration of the mandate of the Union upon the suggestion of the President. If a member of the Union's position becomes permanently vacant due to death or resignation or dismissal, the member appointed by the concerned Municipal Council shall fill the vacancy.

Article 120 - The Council of the Union shall meet within a period of two weeks as of its creation upon the summons of the *Kaemakam* or the *Mohafez*, for the election of the President and the Vice-president. Shall not participate in the elections the District Commissioner *Kaemakam* neither the Governor *Mohafez* who is in charge of the work of the municipalities.

Article 121 - The Head of the Executive Authority shall be assisted, in the management of the Union affairs, by a group of staff presided over by a manager and comprises an engineering and health body, an administrative and financial body and the Police body. The Council of the Union shall be responsible of establishing systems and frameworks for Union civil servants in place. The President of the Council of the Union shall appoint the civil servants according to the systems and the frameworks in force.

Article 122 - The Engineering Body in the Union shall be in charge of the following tasks on behalf of the municipalities' members:

- 1- Analyzing the applications of construction permits, organizing technical inspection and submitting the entire file to the President of the concerned municipality in order to get his approval
- 2- Preparing the specifications of the supplies, the works and the services
- 3- Preparing the required technical studies and consultations
- 4- Setting the plans
- 5- Preparing the expropriation lists and the detailed statements and in order to transfer them to the competent evaluation committees
- 6- Analyzing housing permits and makes the notice
- 7- Health control
- 8- Draw up reports to be submitted by the President of the Council of the Union to the President of the concerned municipality, regarding the violations against construction,

health and other violations that fall within the competence of the body and within the municipal area

- 9- The Engineering and Health Body shall be also in charge of all the common technical issues requested by the President of the Council of the Union.

Article 123 -

The Administrative and Financial Body shall be in charge of the following issues:

- 1- The administrative and financial affairs of the small municipalities of which the budget does not allow to hire civil servants in order to perform the required work
- 2- Assisting the bodies of the member municipalities to improve their administrative and financial work. Any of the tax collectors in the Union may be in charge of assisting the member municipalities in collecting taxes from the tax payers
- 3- Administrative and financial affairs in the Union.

Article 124 - The Police shall be in charge of the following:

- 1- Raising the citizens' awareness about the respect of the rules and regulations in force
- 2- Draw up reports to be submitted by the President of the Council of the Union to the President of the concerned municipality, regarding the violations committed within the municipal area that is related to the Union
- 3- Conducting preliminary investigations in the crimes committed in flagrante delicto and the ones that may threat public safety until the arrival of the Judicial Police
- 4- Assuming the role of the Municipal Police in the municipalities of which the budget does not allow to appoint their own police
- 5- The Police of the Union shall be in charge of these missions by virtue of a decision issued by the President of the Council of the Union upon the request of the President of the concerned municipality; the said police shall be acting under the orders of the President of the municipality in which they are appointed.

Article 125 - The member municipalities shall be entitled to temporarily transfer all or some of their policemen in order to work within the area of another municipality in the Union, provided that they are replaced with a number of policemen of other municipalities

The transfer and placement shall be made by virtue of a decision issued by the President of the Municipality upon the approval of the President of the Council of the Union.

The Police shall continue to collect their salaries from the municipalities in which they are appointed and to receive their transportation fees from the municipality to which they are transferred.

Section 3- Competence of the Council of the Union

Article 126 - The Council of the Union shall discuss and decide the following issues:

- 1- Public projects of common interest from which all or some of the member municipalities shall benefit, or that cover more than the area of one single Union, whether these projects are existing or will be carried out in the future, such as roads, sewers, garbage, slaughterhouses, firefighters, organization of transportation, cooperatives, popular markets and others
- 2- Planning, expropriation and specifications and everything required to execute projects.
- 3- Coordinating between member municipalities and decide on the conflicts arising between them
- 4- Ratifying the budget of the Union
- 5- Approving the statement of activity
- 6- Approving the system and the framework for the civil servants of the Union
- 7- Managing the public domains located within the area of the municipalities of the Union, of which the administration is not part of a specific municipality and that are currently

managed by ad hoc public domain committees; and disposing of the entire revenues of the domains in order to carry out the projects of the Union. Shall be transferred to the Council of the Union upon its creation the goods and assets held by the ad hoc public domains committees which shall become duly dissolved

- 8- Approving the development plan that falls within the area of the Union and within its competence
- 9- Ordering the beneficiaries of a construction project, of which the study has been carried out, to contribute to the fees of the said project in the event of the approval of the majority of at least the three quarters of the beneficiaries
- 10- Different types of loans for carrying out specific projects that have been studied
- 11- Assigning some of the municipal present and future returns to the borrower or the State represented by the Minister of Finances in return for its guarantee of the debt and mentioning the annual due payments in the consecutive municipal budgets for the period of the said debt.

Article 127 - In the event of disagreement between the Councils of the Union about any common projects or refusal of one of them to discuss, the issue shall be transferred to the Minister of Interior who decides on the conflict by virtue of a justified legally binding decision to the concerned Unions.

Article 128 - All the decisions issued by the Council of the Union falling within its competence shall be legally binding to the member municipalities.

If any of the member municipalities abstain from executing the decisions of the Council of the Union, the District Commissioner *Kaemakam* or the Governor *Mohafez*, whether ex-officio or upon the request of the President of the Council of the Union, shall submit to the concerned municipality a written injunction of the obligation of the execution within a period of ten days; otherwise he shall substitute the Municipal Council or the President of the Municipality in the decision that guarantees the good execution of the decision of the Council of the Union.

The decision of the District Commissioner *Kaemakam* or the Governor *Mohafez* shall be registered in the Ad hoc Register of Decisions in the concerned municipality.

Article 129 - The Council of the Municipalities Union shall adopt the same regulations and procedures set forth in the present law for the execution of the work in the Municipal Councils.

Section 4 - Presidency of the Council of the Union

Article 130 - Shall be in charge of the Executive Authority the President of the Council of the Union who enjoys including without limitation, the following powers:

- 1- Convening the Council and setting its agenda
- 2- Presiding and managing the sessions of the Council of the Union
- 3- Making municipal budget forecasts, the statement of activity and the annual report
- 4- Supervising the finances of the Union and controlling its revenues
- 5- Authorizing fees and ordering the payment of the budget
- 6- Appointing civil servants in accordance with the approved provisions of the system and cadres
- 7- Managing the affairs of the Council in his capacity as the Head of the municipal civil servants following the order of succession
- 8- Executing the decisions of the Council of the Union
- 9- Representing the Union before the Courts and third parties.

Article 131 - The President and the Vice-president of the Council of the Union have the right to receive allowances for representation and transportation from the budget of the Union to be determined by the Council, according to the efforts made by each one of them in carrying out municipal tasks.

Article 132 - The Vice-president shall enjoy the powers of the President in his absence, or the suspension of his work or in the event of the vacancy of the office of the President for any reason whatsoever. In case of absence of the President or the Vice-president, or the vacancy of the office of any of them, the oldest member in the Council of the Union shall temporarily stand in for the President.

Section 5- The Union's Finances

Article 133 - The finances of the Union shall consist of:

- 1- Ten percent of the actual revenues of the member municipalities, as fixed in the statement of activity of the previous year. Shall not be included in the revenues they brought forward account for held in trust, liquidity, loans and financial aids
- 2- An additional percentage of the budget of the member municipalities benefiting from a specific project of common interest, determined by the Council of the Union in the light of the project fees, provided that this percentage is subject to the approval of the Minister of Interior
- 3- Financial aids, loans, all the revenues of the public domains falling within the competence of the Council of the Union
- 4- The amount allocated to the Union from the revenues of the independent municipal funds
- 5- The State contribution to the budget of the Union provided that the allocated amounts for this purpose are mentioned annually in the public budget
- 6- The funds are distributed between the Unions by virtue of a decision of the Minister of Interior and are allocated in order to put forward studies, execute common projects that have been studied and in order to develop especially rural regions
- 7- Donations and wills.

Article 134 - The decisions of the Council of the Union shall be subject to the Administrative Control Authority according to the provisions, rules and procedures applicable to municipalities.

Section 8- Miscellaneous provisions

Article 135 - If the Municipal Council or its President abstains from carrying out the work imposed by the rules and regulations, the District Commissioner *Kaemakam* shall address to the Municipal Council or its President a written injunction of the obligation of execution within a time limit to be specified therein. If the deadline is reached without any execution of the work, the District Commissioner *Kaemakam* shall be entitled to execute by himself this obligation by virtue of a justified decision upon the approval of the Governor *Mohafez*.

The decision of the District Commissioner *Kaemakam* shall be registered in the Register of Decisions provided for in Article 44 of this decree-law and subject to the authentication of the Administrative Control Authority when the need be.

Article 136 - The municipalities shall be entitled to use the municipal public properties in order to execute their public projects, carry out excavation and installation works for lighting, sewers

and water projects. However, the municipality shall not be entitled, in any case whatsoever, to exercise its power outside its municipal area or to collect fees from another municipality or from the tax payers related to the said municipality.

Article 137 - Contrary to any other text, the work of the making-decision authority and the executive authority in the municipalities are not subject to the control of the central inspection.

Article 138 - Except for the municipalities of Beirut and Tripoli and in the places where there are neither Unions nor Engineering Bodies, all the technical engineering formalities related to municipalities shall be carried out in the technical offices of the departments of the Urban Planning in the *cazas*.

As for the technical formalities that require the promulgation of decrees in order to be effective, they shall be carried out in the Directorate General of the Urban Planning.

Article 139 Shall be deemed null the Municipal Act no.29 dated May 29, 1963 and all the provisions opposing the provisions of this decree law or conflicting with its content.

Article 140 - This Decree-law shall enter into force immediately after its publication in the official gazette.

Baabda, June 30, 1977

Signature: Elias Sarkis

Promulgated by the President of the Republic

The President of the Council of Ministers

Signature: Salim Hoss

Minister of Finance

Signature: Farid Raphael

Minister of Interior

Signature: Salah Salman