

LAW OF

MUNICIPALITIES

16 JADI 1336

## CHAPTER ONE: MUNICIPAL ORGANIZATION

### ARTICLE 1: Definition of a Municipality

A municipality is an institution, having independent status, which is required to meet local needs and provides for the needs of the people living in the area of the municipality.

### ARTICLE 2: Establishment of Municipalities

A municipality can be formed in the capital of provinces, first ranked woleswalies and other woleswalies which have more than 500 houses in a region of three kilometers, or in any community which because of its important situation, needs to have municipal offices.

Remarks: In the first rank woleswali if the municipality income would not be enough for the municipality's expenditures, the formation of a small municipality is temporarily avoided.

### ARTICLE 3: Municipality Members

The most important and active members of a municipality are: the municipal assembly, the municipal council, and the mayor and deputy mayor.

### ARTICLE 4: Limitation of Area

If there is a disagreement about an area between two municipal regions, a mixed delegation having members from both municipalities is formed and the problem is discussed by them and ways of negotiation are found. If they cannot solve the problem, the problem is referred to the advisory assembly of the province or the first rank woleswali.

### ARTICLE 5: Changing the Name of a City

Proposals for changing the name of a city are submitted to the Council of Ministers by the governor of the province and the final decision is made by them.

### ARTICLE 6: Formation, Combination, and Division of Municipalities

- a) Formation of a new municipality and determination of the area, boundary, real estate and other properties is done by the Council of Ministers.
- b) If it is necessary to combine two or more municipalities, the proposal of unification should be submitted by them jointly to the Ministry of Interior and approved by that Ministry. If the proposal is not submitted jointly, it is rejected and can only be approved by the Council of Ministers.
- c) Division of a municipality into two or more parts is done by the proposal of the municipal assembly and the final decision is made by the Council of Ministers. The determination of the boundaries of each new municipality is also made by the Council of Ministers.

Two or more neighboring villages having fewer than 500 houses in a region of three kilometers can get together and form a municipality, but the number of houses of all of them together should be more than the amount required in Article (2).

Villages that want to form a municipality on the above basis should submit their proposal to their governor and the final decision is made by the Council of Ministers.

**ARTICLE 8: Results of Combination and Separation**

In the case of combination or separation, the municipal assembly is dissolved and new direct elections should be held.

**CHAPTER TWO: MUNICIPAL DUTIES**

**ARTICLE 9: The following are the duties of each municipality:**

1. Supervision, guarding, and securing the cleanliness of public places, hotels, restaurants, dining rooms, tea rooms, baths, cinemas, etc., which are used by the public. Also guarding the sanitation of food and drink which are used by public and maintenance of water wells and springs according to health regulations.
2. Helping governmental personnel in enforcement of their program of the prevention of communicable diseases of humans and animals.
3. Examination of the health and technical ability of workers, servants and occupations such as baker, servant, nurse, cleaners, drivers, buggy riders, porters, milk sellers and all other food sellers and other occupations. Municipalities give permission to work only to those persons who have certificates of health and technical ability.
4. Examination of all kinds of transportation equipment and refusing permission to those that are not in compliance with health regulations.
5. Within the municipality, providing for the movement of vehicles in roads and streets according to international regulations.
6. Giving permission for construction, improvement and maintenance of buildings and demolition of houses which are dilapidated.
7. Giving permission for temporary occupation of parts of roads, fields, bazaars, bridges, etc., which can be done without any problems for the public and prohibiting any occupation without permission of the municipality.
8. Construction of new mosques in new places according to approval of the Council of Ministers in the capital and with the approval of advisory boards in provinces and first rank tertiaryes and cleaning and maintenance of all mosques within the municipality.

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9. Determination of locations for bazaars, gasoline stations, factories, etc., which will not cause any problem to public health.
10. Maintenance of forests, gardens, meadows, etc., enlarging of forests, and tree planting in lands which cannot be used for agricultural purposes.
11. Controlling weights and measures.
12. Sprinkling and snow removal in public places such as dirt roads, fields, bridges, bazaars, passages, etc.
13. Construction of public toilets in public places of the city as needed.
14. Providing and keeping available vehicles and equipment needed for fire extinguishing.
15. Supplying drinking water in the municipality and distribution by pipes and covered subterranean canals and distribution of water within the municipality for irrigation purposes.
16. Establishment of fields and determination of places for bazaars.
17. Establishment of tree nurseries.
18. Planning for the future of the city and making cadastral surveys of land within the city.
19. Prohibiting the covering of streets and alleys and refusing permission for the repair or reconstruction of such coverings.
20. Lighting streets and alleys.
21. Apartments, shops and other construction which are situated on avenues and side streets and which are dilapidated must be repaired in a period of one month after the municipality has given notice. In the case of people who are not able to bear the cost of repairs or painting, the work should be done by the municipality and the cost should be taken periodically from the owners. If the municipality determines that the owner intentionally failed to obey the notice, then the municipality must take the cost plus a fifty percent fine.
22. Recording births, deaths and marriages in a special ledger and making a complete report monthly to the statistics offices.
23. Determination and control of the price of food articles and wages is the duty of the municipality and the municipal officers must control them regularly.
24. Requiring the residents to bury the bodies of their relatives in cemeteries outside the city, prohibition of burials in local cemeteries within the city, and maintenance and cleaning of cemeteries.

ARTICLE 10: Duties of Municipalities That Have More Income

Municipalities that have more income than required to perform the duties listed in Article 9 shall have the following extra duties:

1. Improvement and control of orphanages, asylums (infirmary) and obstetrical hospitals and sterilization of the public baths.
2. Administration and control of the slaughtering places.
3. Establishment of hospitals, proportionate to the need of the municipality, the plan and location of the same to be approved by the Ministry of Health.
5. Establishment and administration of theaters, cinemas, reading rooms, municipal printing houses, etc.
4. Establishment and administration of horse racing fields, stadiums, or other sports fields and resorts.
6. In the cities that do not have markets, establishment and administration of bazaars and food storage.
7. Establishment and control of ice-making factories, snow-keeping refrigerators, municipal dairy institutions, etc.
8. Establishment of gardens and zoos.
9. Establishment of showrooms for the country's products and textiles after getting the permission of the relevant ministries.
10. Improvement and establishment of depots for fuel such as charcoal, wood, etc.
11. Establishment and administration of auction rooms.
12. Improvement and administration of flour mills, bakeries, and the city's water supply.
13. Building of low cost houses and renting them at low cost, purchase of lands in areas that are well located for future development and selling it at a decent price to people for home construction.
14. Improvement of houses according to the needs of the people and health regulations.
15. Establishment and administration of municipal banks and establishment of savings accounts and pension accounts for officials
16. Establishment and administration of mutual assistance funds for poor people.
17. Establishment and administration of employment offices for the unemployed and giving permission for the establishment of employment offices according to the regulations of the municipality.
18. Establishment of the transportation (such as tramway or autobus) within the area of the municipality or, after negotiations, between two or more municipalities.

19. Establishment of municipal museums.
20. Maintenance and protection of holy places, historical places, historical buildings, and antiques, and if needed, repair of the above mentioned locations.
21. Rents for shops or serais cannot be raised without the permission of the municipality and an owner cannot evict a person from his property without the permission of the municipality. The municipality will follow the regulations in the above cases.
22. When selling land, the cost of the land which is used for the street plus ten percent tax is taken from the citizen.

ARTICLE 11: The duties of a municipality are not limited to the subarticles of Article (10). A municipality can take any step to enforce the law and within its financial capacity can do anything which is for the benefit of the people.

### CHAPTER THREE: MUNICIPAL ASSEMBLY

ARTICLE 12: Numbers of Assembly Members

In municipalities having less than 1,000 houses there shall be five members. A member is added for each additional 200 houses or fraction thereof. For example, if there are five members for 1,000 houses, a sixth member is added from 1,001 to 1,200 and a seventh member from 1,201 to 1,400. If the number of houses is increased the number of members is increased proportionally. The assembly cannot have more than 20 members.

Remark: In the places that have more than four thousand houses, the city is divided into election districts and the representatives are elected according to the election districts.

ARTICLE 13: Determination of the Number of New Houses

The decision to count the number of new houses is submitted to advisory board of the province or first rank tertiary and subsequently to the Council of Ministers. The counting of the houses is done after the approval of the Council of Ministers.

Remark: Except Kabul municipality which is done by the Ministry of Interior.

ARTICLE 14: Voters

Voters must have the following qualifications:

1. They must be citizens of Afghanistan.
2. Their age must not be less than 18.
3. They must be residents of the city and/or have lived for at least one year in the district of the election.
4. A person cannot cast more than two votes in his district.

**ARTICLE 15:** People Disqualified from Voting

The following people do not have the right to vote:

1. Persons who are supported by public or private relief funds.
2. Persons who are prohibited from public service.
3. People who are known to be criminal or treasonable.

**ARTICLE 16:** Conditions of Candidates

Candidates for municipal assembly, in addition to having the qualifications of Articles 14 and 15, must not be younger than 30 or older than 70. They should record their candidacy ten days ahead of time in the municipality. The following individuals cannot be elected:

1. Soldiers, police, gendarmes, governmental personnel, and all municipal officials and employees.
2. Individuals having responsibility for working for the municipality directly or indirectly (acting for someone and/or as partner in a contract).
3. Close relatives according to remark (d) of Article 8 of official regulations. (The purpose of this is that two close relatives cannot be elected in the same district).
4. The qualifications of candidates are studied by a commission and compared with the regulations. Before a person can be a candidate, at least 50 people must approve that he has a good background and he must record his candidacy ten days ahead of time.
5. Candidates must be literate.
6. Members of the House of representatives, Advisory Boards, and governmental councils cannot be elected. The term of municipal assembly members is four years.
7. Members of the assembly can be re-elected.

CHAPTER FOUR: ELECTION OF ASSEMBLY MEMBERS

**ARTICLE 17:** Election Section

In order to simplify the election process, elections are divided into districts. The number of sections and the number of members each section must elect is determined by the municipal assembly. Any decrease or increase in the number of sections that will elect new members is discussed in the last meeting of each municipal assembly.

Remark: The first election is conducted by the governmental advisory board of the relevant municipality.

ARTICLE 18: Election Committee

In each section a committee is formed one month ahead of time to watch and administer the election process. The mayor chooses a representative of each election section. The mayor and the representative of the election request the representative of a section or district to send a list of names of ten or more voters, preferably who can read and write, ten days before the election.

In the central section, the mayor himself or the representative of the election section invites those representatives at a specific time for gathering. At most, fifteen and at least eight individuals are chosen from the meeting by lot. From those chosen by lot, at most ten and at least five are chosen by the mayor or election officer representative as main members of the election committee. The rest are alternates. In the central election committee, the mayor and in the other sections, the section representative, acts as chairman. If there is no representative, the committee elects one member as chairman.

The decisions of the committee are made in the presence of all or a majority of the members. If one or more members are missing alternate members shall take their places. A record book is available in each election committee, the pages and serial numbers of which are certified and approved by the local court. All the processes and regulations having the signature of the President and members of the committee are recorded in this book. For secretarial purposes, each committee can by a majority vote choose one or two persons from among the voters. These clerks do not have the right of voting.

In the primary elections, the election committee is formed one month ahead of election time to prepare the list of names of the candidates.

ARTICLE 19: Voters Offices

The names and identification of voters of a municipality and/or election section are recorded by the election committee through responsible personnel and employees in a book. A number is recorded in front of the name of each voter and on the identification card given to the voter which simplifies finding the names of the voters. This book with the list of names is available at least one month for examination by voters and municipal officers.

ARTICLE 20: Advertisement of the Election Process

The day and hour of the election, the time it takes, the location of the ballot box, and the time the voters who are not on the list should return to the election officer must be announced at least 15 days before the election day to the public by the election officer by any available means.

ARTICLE 21: Voters Objection

Any individual has the right of objection to the election committee up to two days before the election for the following causes:

2. If the name of a person not having the qualification of a voter is written.

These objections are either rejected or accepted by the committee. The decision by the committee is final.

ARTICLE 22: Time that Voting Takes

If a municipality or election officer is sure that an election cannot be finished during one day, this fact must be announced at least three days before the election and the exact day and hour it ends must be announced according to Article 20 by the election committee.

Remark: The election period according to the determination of the National House of Representatives is from one to two days.

ARTICLE 23: Examining and Sealing the Ballot Box

The president of the election council and the members that are present seal the ballot box after making sure it is empty before the election begins. The president keeps one of the keys himself and the other key is kept with the oldest member of the committee. There is a hole in the top of the box for putting ballots in the box. In the process of voting, each evening the hole is sealed with a blank paper which is signed and stamped by the president and other members. In the morning, the hole is opened in front of the members and the public.

ARTICLE 24: Condition of Ballots in the Ballot Box

Each voter places his ballot in the ballot box himself. Placing the ballot of someone else is absolutely prohibited. Anyone doing so must be punished. The voter, having his identification in his hand, approaches the election council and signs or puts his finger print in front of his name which is already written on the list. Then he receives the ballot from the election council and writes down the name of the nominees whom he wants to be elected. If the voter is illiterate, then the ballot is filled in by a trusted man under the control of the council.

ARTICLE 25: Opening the Ballot Box and Ballot Counting

At the end of the election, the ballot box is opened in the presence of at least three members of the election committee and three voters.

1. The ballots are opened and the number compared to the number of names of voters.
2. The ballots that are illegible or do not agree with the name and identification of the candidates are put aside.
3. Names of the ballots for persons who are not candidates are not counted. If more than the required number of names are listed, the list is counted from the end and the additional names are eliminated.

4. After the completion of the counting and the examination of the ballots according to the above requirements, the number of votes given to each candidate is written in front of his name.
5. In the case of a tie between two or more candidates, one is chosen by lot.
6. Twice the number of authorized candidates are from the arranged list, one part is taken as alternate.
7. After the completion of the process and the official document required by Article 26, the ballots and the list of the votes that are not counted is put in an envelope. Each envelope is signed and stamped by the president and members of the election committee and kept in the municipality.

ARTICLE 26: As required by Article 25, an official document is prepared and submitted to high rank government officials:

1. Starting and ending date of the election.
2. A statement of when the ballot box was opened and in the presence of whom.
3. The number of people who participated in the election.
4. The number of ballots that were not counted and the reason.
5. The number of votes given to each candidate in increasing or decreasing order.
6. Information and objections of voters about the election and their reasons therefore.

ARTICLE 27: Announcing the Membership

During the week after the arrival of the election document, a high ranking government official shall announce the election of the successful candidates for the municipal assembly before the municipal assembly meets.

ARTICLE 28: Abolition of the Municipal Assembly

If during the month following the election, reasons and evidence showing that the election was held improperly or illegally is received from the government or reported by a voter, the matter is examined by government inspectors and if they find out that the information and evidence are correct, they submit the results to the Ministry of Interior in the Capital and to the Governor in the provinces and to other high-ranking officials in the tertiaryes. The document is examined by the Ministry of Interior or Advisory Board and the decision is made in two months.

If it is decided that the assembly should be abolished, the assembly is abolished and according to the Articles of this regulation, the election is held again and a new municipal assembly is formed to carry out its duties.

CHAPTER FIVE: PUNISHMENT FOR THOSE ILLEGALLY INVOLVED IN THE ELECTION

ARTICLE 29: Punishment for Illegal Registration

People who are not qualified to vote but who exercise deceit in getting their names on the voting list are to be imprisoned from one week to one month.

ARTICLE 30: Punishment for Coercion of Voters

People who attempt to coerce a voter to vote for them or for someone else shall be imprisoned from one week to ~~one~~ month and, in addition, shall be fined from fifty to five hundred Afs.

ARTICLE 31: Punishment for Illegal Interference with an Election

People who illegally open a ballot box or steal voting papers or advertisements or delay the election from the time set by the election committee shall be imprisoned from one to six months and fined from 500 to 1,000 Afs. in addition.

ARTICLE 32: Punishment of Members of the Election Committee for Interference with the Freedom of Election or Causing the Election to be Invalid

If one or more of the election committee members interfere with the freedom of an election, they shall be imprisoned from six to twelve months and in addition fined 500 to 1,000 Afs.

ARTICLE 33: Mis-Use of Official Power in the Election

Any government official who uses his power to threaten or entice a voter shall be imprisoned or punished according to the court regulations for government officials.

ARTICLE 34: The public shall have the right to bring objections for a period of one month.

CHAPTER SIX: SESSIONS OF THE MUNICIPAL ASSEMBLY

ARTICLE 35: The Municipal Assembly has one session each year and this session is held on the first day of Hoot. The session lasts about ten days and determines, approves and accepts the budget for the coming year. (In the appraisal of the new year's budget the previous year's budget is used as a base.) The length of the session may be extended by a majority of the members. The Municipal Assembly can hold extraordinary meetings at the request of the mayor, the municipal council or one-third of the members of the Municipal Assembly. In the ordinary session, affairs that are within the authority of the Municipal Assembly are discussed but in the extraordinary meetings, discussions are limited to those items that are placed on the agenda by the mayor.

ARTICLE 36: Requirement for Notifying Relevant Government of Sessions of Municipal Assembly

In the ordinary and extraordinary sessions, the mayor shall invite the members at least three days before the session. A summary of decisions made in the municipal ordinary and extraordinary sessions is submitted by the mayor to the Minister of Interior in the Capital and Governor and territories in the provinces.

ARTICLE 37: Quorum Needed for Discussion

The Municipal Assembly can hold discussions only in presence of an absolute majority. Decisions are made by the majority. In the case of a tie vote, the mayor's vote shall decide. If a member does not participate in three successive meetings without a legitimate excuse, he is discharged from membership and an alternate member is appointed in his place.

ARTICLE 38: Chairman of the Municipal Assembly Sessions

The mayor is the chairman of the municipal assembly sessions. If he is absent, the deputy mayor shall replace him and if the deputy mayor is absent, the member who received the most votes shall replace him. The chairman shall determine the attendance and see if a quorum is present as required by Article 37. If he finds a quorum to be present, he announces the beginning of the discussion. It is the duty of the mayor to preside over the meeting, announce the decisions, make other announcements and adjourn the meeting. The mayor shall turn over his chair to his deputy while presenting the annual report.

ARTICLE 39: Open Meetings

The meetings of the Municipal Assembly are held openly, but can be held secretly by the request of the mayor or one-fourth of the members present. In this case, the mayor shall notify the appropriate governmental civil officer before and after the meeting. The officer can participate in the meeting himself or send a representative to observe the meeting.

ARTICLE 40: Subjects of the Discussion and Rights of Members to Make Proposals

Subjects of discussions are submitted and explained by the mayor to the assembly. Any member has the right to make proposals and to discuss any matters that are related to the municipal duties. Proposals are recorded in the daily discussion book.

ARTICLE 41: Committees

For examining the duties that relate to the municipality, the assembly can establish committees in any of its sessions. The committees express their views to the assembly during the session.

ARTICLE 42: Audit Committee

The Municipal Assembly can form an audit committee by electing two or more members from the assembly. They can use the experience of non-members in inspecting accounts and accounting transactions. The committee reports the result of the audit with the approval of the mayor to the assembly at the start of the next session.

ARTICLE 43: Interpellation

The mayor is responsible for giving information and answers to the assembly members. The mayor may require one of the municipal officers to answer the members' questions. If the members are not satisfied with the answers of these officers, they may ask the mayor himself to participate in the meeting to answer their questions.

ARTICLE 44: Preserving Order in the Meeting

The chairman of the meeting is required to preserve the order of the meeting. He enforces the punishment regulations of the law on any persons guilty of misconduct. Members who cause trouble in the meeting may be removed from the meeting by the municipal police.

ARTICLE 45: Members Precluded from Discussion

No member may participate in any discussion or vote concerning any matter which is of personal benefit to himself or to any member of his family.

ARTICLE 46: Signing the Statement of the Meeting

Regulations are recorded by the secretary in a special book the serial numbers of which have been approved by the municipal office. A statement of the decisions taken is signed by the chairman and secretary at the end of the meeting. If the discussion is recorded incorrectly, the members can object at the next meeting. In such a case, the decision of the majority is final.

ARTICLE 47: Matters Before the Assembly

The municipal assembly may discuss and make decisions on any of the following matters:

1. Budget
2. Final Account
3. Organization of programs and facilitating the administration of municipal affairs.
4. Allotments, budget revisions, and transfers from one minor code to another.

5. Payment of advances in the current year.
6. Borrowing funds and incurring debts the period of which is not more than twenty-five years and which must be approved by the government.
7. Preparation of taxes and municipal excise tariffs according to the law.
8. Levying of taxes and excises needed for local services in addition to the tariffs listed in Article 7, provided it is done according to the law.
9. Plans about future organization of the municipality and construction programs for drains, water, gas, electricity and lighting establishments.
10. Contracts for renting to someone or from someone, the period of which is more than three years and the rental amount of which is more than five per cent of municipal revenue.
11. Allocation of the municipal fixed property for the benefit of the public for a specific service or renting the same.
12. Acceptance of gifts and donations.
13. Settlement of disputes not exceeding 20,000 Afs. which are related to the municipal affairs.
14. Granting in the name of the municipality, concessionary contracts for public services.
15. Examination and approval of instructions concerning the municipal administration according to the spirit of the law.
16. Other matters which are included within the duties and powers of the municipality. The mayor, for a discussion of these matters should be confirmed by at least two members.

ARTICLE 48: Need for Approval of Decisions be the Ministry of Interior and/or Advisory Board

Decisions to borrow funds for a period which is more than 25 years shall be submitted by the Ministry of Interior in the capital or the advisory board in the provinces to the Council of Ministers. The decision is effective after approval by the Council of Ministers.

ARTICLE 49: Invalidation of Contracts that are not Essential

Decisions of the Municipal Assembly that are made contrary to the regulations of the regular and extraordinary sessions or against the spirit of the governmental laws and regulations are submitted for examination to the board of Ministers by the advisory board in the provinces or the Minister of Interior in the capital. Such decisions can be made invalid after examination but according to the Articles of this law and other laws, the municipalities are recognized as independent in all municipal affairs.

ARTICLE 50: Views and Request by the Assembly

The municipal assembly is required to express their views on affairs when requested by an appropriate governmental body. the municipal assembly can submit requests to the government on matters that are of benefit to the municipality.

CHAPTER SEVEN: MAYOR, DEPUTY MAYOR, SECRETARY AND THEIR ELECTION

ARTICLE 51: Each municipality has a mayor and a secretary, and if necessary, a deputy mayor. The mayor is elected for a four year term by the municipal assembly, and he should be a member of the assembly. The deputy and the secretary are elected for a one year term in the meeting of the first day of Hoot by proposal of the mayor and the approval of the municipal meeting. If the mayor cannot get approval of the majority of the assembly in the first session, approval may be obtained from the majority in the second meeting, which should be held at least three days later. If two or more candidates get equal votes, one is chosen by lot. The secretary is elected from the members of the assembly. In the municipal meetings, other clerks can be chosen from outside the meeting but they can neither vote nor speak during the discussions. A new mayor can be elected only at the conclusion of one term. During the mayor's election, the oldest member of the assembly shall act as chairman of the meeting. Administrative board members and other members of the assembly are required to take an oath to fulfill their duties.

ARTICLE 52: Allotment for Mayor, Deputy Mayor and Secretary of the Municipal Meeting

The salaries of the mayor, deputy mayor and municipal assembly secretary are established according to the importance of the municipality's situation, population of the area and revenue of the area by the responsible officers. Membership in the municipal assembly is honorary but they may receive payment for each session of an amount of money to be determined.

ARTICLE 53: Municipal Competence Officer

The mayor usually is responsible for making presentations to the government or the courts with respect to the welfare of the municipality, but if he is busy, he can delegate his deputy or choose a member of assembly to represent him.

ARTICLE 54: Permanent and Temporary Vacancy in the Office of the Mayor

In the case of a vacancy in the office of the mayor because of death, resignation, discharge, delay and or other cause, his deputy (or, if the municipality doesn't have a deputy, a member of the assembly is chosen for this purpose) shall invite the members of the assembly to convene for electing a mayor. The Prime Minister in the Capital and the government in the provinces should be previously informed of the situation.

ARTICLE 55: Annual Report of the Municipality

The mayor shall present a report at the beginning of the session about the enforcement of regulations and the financial condition of the Municipality to the municipal meeting. If the assembly is not satisfied with the report of the mayor an interpellation meeting having the majority of the assembly is formed and if the mayor's answers are not satisfactory the matter is announced to the Prime Ministry in the Capital or to the Governor or First Rank Tertiaries in the provinces by the deputy mayor or other member whose name is first on the list. If the Prime Minister, Governor or first rank tertiary, after seeing reports of the interpellation approves the decision of the municipal meeting, the mayor is discharged from his duty and a new mayor is elected according to this law.

CHAPTER EIGHT: MUNICIPAL OFFICERS

ARTICLE 56: First of all the mayor is required to enforce the laws and constitution of the government in municipal affairs. Therefore the mayor is required to publish and announce the laws and constitution of the government to the fullest extent. Secondly, he should properly discharge the responsibilities which are given to him by the law. Third, since the mayor is the highest officer in the local affairs of the municipality, he is required to (1) enforce the orders of the government in administrative control of the municipality, (2) he is required to put into effect the decisions of the municipal assembly, municipal council and the government, (3) he should take necessary steps in the improvement of the financial status of the municipality, (4) the mayor acts for the municipality and has the following administrative responsibility:

1. Preparation and presentation of the municipal budget.
2. Controlling the municipal properties.
3. Safeguarding and collecting of income.
4. Concluding settlements of disputes, accepting donations and executing contracts in the name of the municipality.
5. Representing the municipality in court in person or through an attorney.
6. Approving expenditures and allotments and giving orders of payment.
7. Transferring allotments from one article of budget to another.

ARTICLE 57: Duties of Deputy Mayor

Since the mayor is responsible for carrying on all municipal affairs, he can authorize his deputy to carry out part of his duties.

ARTICLE 58: Punishment of Mayor and Other Municipal Personnel for Misconduct

The mayor and all other municipal officers and employees, in case of municipal misconduct during their duty, shall be punished according to laws which apply to all government offices.

CHAPTER NINE: PUBLIC ORDER WITHIN THE MUNICIPALITY

ARTICLE 59: Mayor's Responsibility for Public Order

The mayor is responsible for the maintenance of public order within the municipality, and he is required to carry out all governmental measures to assure public order.

ARTICLE 60: Public Order Within the Municipality

The main concern of municipal public order is to provide safety and facilities for the public and the health of residents. The following are especially important:

1. Security of passersby in the streets, roads, fields, and bridges, and cleanliness and lighting of the above mentioned public areas.
2. Repair or demolition of delapidated buildings, walls and roofs over alleys which are dangerous to the public.
3. Prohibition against placing flower pots on window sills or throwing anything from windows which might cause trouble to pedestrians.
4. Prohibition of all activities which cause trouble to the public such as fighting and talking loudly in the night.
5. Prohibition of crowds which cause problems to passersby.
6. Making decisions for combating disease and preventing the spread of communicable disease.
7. Making decisions for coping with dangers such as fire, earthquake, storms, etc., and informing competent officials of such dangers.
8. Supervision and safeguarding the sanitation of all food and drink brought to the bazaar for sale.

The responsibilities of Article 60 are not limited to these subarticles.

Remark: Traffic police in addition to having responsibility for all their duties to the Ministry of Interior, are responsible for arrangement of traffic and getting traffic information for and from the municipality.

ARTICLE 61: Other undertakings which are similar to those contained in Article 60 can be performed according to the order of this law and other municipal laws and regulations.

ARTICLE 62: Punishment by the Municipality

The mayor shall have the power to enforce the authority given to the municipality according to laws and regulations by imprisonment and the imposition of cash fines.

ARTICLE 63: The Mayor supervises the carrying out of regulations of marriage, conduct of passion plays, and circumcision.

CHAPTER TEN: MUNICIPAL COUNCIL

ARTICLE 64: Composition of the Municipal Council

The Municipal Council which is elected by the Municipal Assembly for a one-year term is composed of at least two and at most six members of the Assembly and administrative and technical officers of the municipality. In addition, in the provinces, representatives of the Ministries of Education, Public Works, and Health can be invited. The mayor presides over the council. Membership of the council is honorary, but the Municipal Assembly can authorize payment of a fixed amount to the members for each session. Police officers and municipal inspectors cannot be members of the Municipal Council.

ARTICLE 65: Municipal Council Sessions

The Municipal Council convenes at the request of the mayor or his representative if a majority of the members are present. Decisions are made by a majority. If meeting days are determined in advance, no invitation is needed. Municipal Affairs that are referred to the Council must be discussed and decision should be made in one week.

ARTICLE 66: Audit

The council chooses one or more of its members to audit the accounts. The delegation is required to examine the accounts monthly and prepare a report to be submitted in ten days.

ARTICLE 67: Prohibition against Council Members' Participation in Discussion

Members of the council cannot participate in any discussion of a matter in which they have a personal interest.

ARTICLE 68: Responsibility of the Mayor and Council Members

The mayor for municipal affairs and the council members for their duties are responsible to the Municipal Assembly.

ARTICLE 69: Formation of Committees

The Council can create committees from among its members to facilitate its examination of matters before it.

ARTICLE 70: The Municipal Council Duties

The Municipal Council duties are as follows:

1. Initial examination of the budget which is prepared by the municipality.
2. Looking after the monthly accounts, examination and certification of contracts, auctions, decisions concerning sales and purchases, expressing their views on final accounts, auditing accounts and submitting the report of their audit to the Municipal Assembly, and also preparing reports of their findings as to whether or not their audit has disclosed any wrongdoing.

3. Expressing views concerning the lands owned by the municipality.
4. Determination of the amount and purpose of expenditures from reserve funds.
5. Transfer of the budget appropriations from one minor code to another minor code.
6. Issuing instructions for the performance of duties.
7. Determination of the charges for transportation vehicles and prices for other needed articles.
8. Recommendation for selling municipal movable property belonging at auction.
9. Determination of municipal punishment penalties according to separate regulations.
10. Making decisions, based on the proposal of the municipality, for the appointment, promotion, punishment, reward, discharge, and pension of municipal personnel according to the general laws of government for officials.
11. In addition to the above duties, the Municipal Council shall take over the duties of the Municipal Assembly in the periods between meetings.

**ARTICLE 71: Dismissal Because of Absence**

If a member is absent for three successive sessions without having a legal excuse, he shall lose his council membership.

**ARTICLE 72: Municipal Final Account**

The mayor shall present to the Municipal Assembly the final accounting report of the municipality according to the decision of the Municipal Council before the examination and approval of the budget for the new year.

**ARTICLE 73: Objection of the Mayor to Council Decisions**

If, in the opinion of the mayor, a decision of the council is contrary to regulations or to the public interest, he shall delay its execution and refer the matter to a high ranking official of the civil government. The final decision shall be made by the government.

CHAPTER ELEVEN: MUNICIPAL BUDGET

**ARTICLE 74: Income of Municipalities in General**

The Assessment of taxes and revenues according to articles of this law and other general laws concerning municipalities is the right of municipalities and they form the general income of municipalities.

ARTICLE 75: Description of Municipal Income

Taxes and revenues of Article (7A) are as follows:

1. The municipal percentage taken from the taxes and revenues of the national government in the city.
2. Rent of properties and other land of the municipality.
3. Fees from any kind of permits issued by the municipality.
4. Fees for technical health reports and others which are given to individuals by the offices and establishments of municipalities.
5. Taxes and revenues which municipalities receive as charges for public services such as lighting, water supply, cleaning, and others.
6. The municipality may make assessments on home owners paid in proportion to the cost of the house for any kind of construction, road, water supply, electricity, and other local needs requested by two-thirds of the population of a place or summer resort.
7. All cash received according to the law.
8. A ten per cent cash penalty imposed upon those who fail to pay their installments on time.
9. Cash fines which are ordered by the courts according to this law and other laws about municipal affairs.
10. A twenty per cent fine imposed on those who evade municipal taxes.
11. The price of confiscated materials.
12. Income from any kind of municipal resort such as sport fields, horse racing fields, stadia and other entertainments.
13. Fees for signs which identify the businesses and services.
14. Fees for advertisements which are published by municipalities.

ARTICLE 76: Municipal Expenditures

Municipal expenditures are as follows:

1. Construction of municipal buildings and expenses for furnishing.
2. Expenses of collecting municipal revenues.
3. Salaries and wages of municipal personnel and contract employees and laborers.
4. Expense of the police and fire services.
5. Maintenance of buildings, roads, fields, and bridges.

6. Expenses of water supply and carrying out other municipal programs.
7. Municipal lighting expenses.
8. Contribution expenses.
9. Expense of activities which the municipality is required by law to perform.
10. Repayment of debt and debt installments.
11. Payment of installments for the purchase of goods and properties for the municipality.
12. Taxes that the municipality is legally required to pay.
13. Expenses for establishments and improvements that are made necessary by the growth of the city.
14. Expenses of activities which the municipality is required to perform according to Article (10).
15. Expenditure for construction, maintenance, and repair of mosques and their salaries and expenses.

**ARTICLE 77: Limitation of General Salary Payments and Allotments**

Total salaries, payments and allotments of a municipality cannot exceed 40 per cent of that year's income. If more money is required, the amount can be increased with the approval of the Prime Ministry.

**ARTICLE 78: Presentation, Certification, Approval, Enforcement and Administration of the Annual Municipal Budget**

The municipal budget includes the yearly income and expenditure of the municipality and permits that in any one year, income may be collected and used for services and expenses. The fiscal year starts with the first of Mizan and continues to the end of Sunbola.

**ARTICLE 79: Budget Presentation**

The municipal budget, after arranging and preparation, is submitted by the mayor two months before the beginning of the fiscal year to the municipal council. The municipal council is required to scrutinize the budget before they submit it to the municipal meeting.

**ARTICLE 80: Budget Discussion in the Meeting**

The municipal meeting considers the text of the budget articles by article, and tables of income chapter by chapter, and approves it, after revision if needed, and then sends it to the Ministry of Finance.

**ARTICLE 81: In Kabul, an approved copy of the budget is submitted by the mayor to the Ministry of Finance for confirmation.**

In the provinces, it is sent to the tertiaries and first rank tertiaries and after examination by the Mustofiat, is submitted to the governor.

ARTICLE 82: Budget Confirmation

The budget is confirmed by the competent officer in ten days after its arrival. At the time of confirmation the following articles can be revised:

1. If the original budget or the statements of its text do not comply with the law and constitution.
2. Elimination of income which is not within the authority of the municipality and reduction of income estimates accordingly.
3. Elimination of services which are not included in the duties of the municipality and reduction of expenditures accordingly.
4. Budget enforcement according to the approval of municipal meeting and agreement of the government.

ARTICLE 83: Prohibition of Budget Changes

The officer responsible for budget approval cannot change the budget except as stated in Article (82).

ARTICLE 84: Expenditures Not Included in the Budget

If any official or employee spends more than the municipal budget, he is to be punished according to orders of the courts.

ARTICLE 85: Budget Granting Officer

The mayor is responsible for authorizing expenditures according to the municipal budget, and he can delegate this responsibility to his deputy.

ARTICLE 86: Responsible Accountants

Accountants and municipal accounting directors are responsible for budget accounting and they must obey the rules and procedures which are already established for governmental accounting.

ARTICLE 87: Administrative Account and Final Account

According to Article (81) of this law, a final accounting report is prepared by the administrative accountants each year and submitted to the municipal council three months after the end of the fiscal year. Two months after submission it is scrutinized and approved by the municipal meeting.

ARTICLE 88: Continuation of Previous Year Budget

If the budget of a new fiscal year is not completed in the required time, the previous year's budget is valid until the completion of the new budget.

CHAPTER TWELVE: ALLIANCE OF TWO OR MORE MUNICIPALITIES

ARTICLE 89: Organization of the Alliance

Municipalities can jointly undertake tasks that are common to them both. Regulations prepared by the combined members are approved by the Advisory Boards in the provinces and the Minister of Interior in the Capital.

ARTICLE 90: Executive Board of the Alliance

Each Alliance of two or more municipalities has an executive board. If an organization is not prescribed in advance, the executive board is composed of two representatives of each municipality. The representatives are chosen by the Municipal Assembly from its membership or from those who have the qualification of membership in the Municipal Assembly. The term of duty of the executive board continues until the new election of the Municipal Assembly.

ARTICLE 91: Executive Board President

A session is held ten days after completion of the regulations of the Alliance. The mayor of the central municipality acts as chairman of the first meeting and the executive president and other officers are chosen in this meeting.

ARTICLE 92: Sessions of the Executive Board

The executive board of the Alliance regularly holds two sessions at the request of the president. These meetings are held one month before the regular sessions of the Municipal Assembly. The president himself directly or at the request of the majority can invite the executive board to convene.

ARTICLE 93: Council of the Alliance

In order to carry out its duties properly the executive board chooses a Council having at most two members from each municipality. The executive board president is the president of the Council.

CHAPTER THIRTEEN: MISCELLANEOUS ARTICLES

ARTICLE 94: In the case of the sale of movable articles belonging to a municipality, the mayor, municipal officers and employees are prohibited from purchasing them.

Remark: Personnel and workers of a municipality can buy municipal land for building a house in the same manner as it is sold to all other residents.

ARTICLE 95: With the agreement of the mayor, one or two persons of good reputation can be chosen as the city's advisory committee and their views may be used as needed.

ARTICLE 96: After the issuance of this regulation, the regulation of the month Dalwa, 1330, is superseded.

ARTICLE 97: The execution of this regulation is ordered. The Minister of Interior is required to approve this regulation as all governmental regulations we recommend and order its execution.