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LAW FOR THE LOCAL GOVERNMENT AND THE LOCAL ADMINISTRATION

*Prom. SG. 77/17 Sep 1991, amend. SG. 24/14 Mar 1995, amend. SG. 49/30 May 1995, amend. SG. 65/21 Jul 1995, amend. SG. 90/24 Oct 1996, suppl. SG. 122/19 Dec 1997, amend. SG. 33/24 Mar 1998, amend. SG. 130/5 Nov 1998, amend. SG. 154/28 Dec 1998, suppl. SG. 67/27 Jul 1999, amend. SG. 69/3 Aug 1999, amend. SG. 26/29 Mar 2000, amend. SG. 85/17 Oct 2000, amend. SG. 1/2 Jan 2001, suppl. SG. 28/19 Mar 2002, amend. SG. 45/30 Apr 2002, amend. SG. 119/27 Dec 2002, amend. SG. 69/5 Aug 2003, amend. SG. 19/1 Mar 2005, amend. SG. 34/19 Apr 2005, amend. SG. 30/11 Apr 2006, amend. SG. 69/25 Aug 2006, amend. SG. 61/27 Jul 2007, amend. SG. 63/3 Aug 2007, amend. SG. 54/13 Jun 2008, amend. SG. 108/19 Dec 2008, amend. SG. 6/23 Jan 2009, amend. SG. 14/20 Feb 2009, amend. SG. 35/12 May 2009, amend. SG. 42/5 Jun 2009, amend. SG. 44/12 Jun 2009, **amend. SG. 15/23 Feb 2010***

Chapter one. GENERAL PROVISIONS

Art. 1. (1) This law shall provide the public relations, connected with the local government and the local administration.

Art. 2. (1) (amend. SG 65/95; amend., SG 69/03) The municipality is the basic administrative territorial unit where the local government is carried out.

(2) (amend. SG 65/95, amend. – SG 69/06) Component administrative – territorial units in the municipalities are the mayoralties and the districts. They shall be created under the conditions and following a procedure, set in a law.

(3) (new – SG 65/95) In the municipalities shall be elected municipal councils and mayors of municipalities.

(4) (new – SG 65/95, amend. SG 69/99; suppl., SG 69/03) Mayors shall be elected in the mayoralties for mayoralties.

(5) (new, SG 69/03; suppl. – SG 69/06) Mayors of regions shall be elected in the regions of Capital municipality and in cities with regional structure.

Art. 3. (amend SG 65/95; revoked, SG 69/03)

Art. 4. (1) (amend., SG 69/03, in force from 27.10.2003; suppl. – SG 69/06) At the formation of a new municipality the elections of municipal council and mayor of the municipality shall be conducted in 3 months term after the promulgation of the edict of the President of the Republic for setting up of the new municipality.

(2) (suppl., SG 69/03, in force from 27.10.2003; amend. – SG 60/06) Within 7 days term after the promulgation of the edict under par. 1, the regional governor shall appoint a temporary mayor of the municipality whose authorities shall be terminated with taking an oath by the newly elected municipality mayor.

Art. 5. (revoked, SG 69/03)

Art. 6. (revoked SG 65/95).

Art. 7. (revoked, SG 69/03)

Art. 8. (1) (amend. SG 24, 65/95) The capital municipality is an administrative – territorial unit, which has also statute of region. In it is combined the self government of its population with the conducting of the state policy for the development of the capital.

(2) (revoked – SG 65/95).

Art. 9. (amend. SG 65/95) (1) (amend., SG 69/03, in force from 27.10.2003; amend. – SG 69/06) The municipalities can unite on voluntary principle for solving of common issues and for achievement of objectives of mutual interest.

(2) For the protection of their common interests and for maintaining and development of the local self government the municipalities can establish national association and regional associations.

(3) The national association of the municipalities shall have the right to:

1. represent its members before the state bodies;
2. develop proposals for change and improvement of the legal provisions of the local government;
3. prepare statements and proposals about the draft budget of the country;
4. implement contacts and interactions with similar organisations from other countries, as well as to participate in international associations;
5. (suppl., SG 69/03) implement also other functions, determined by a law and with the foundation act.

(4) The rights of para 3 shall be exercised under the condition, that in the national association participate over two thirds of the municipalities in the country.

Chapter two. MUNICIPALITY

Art. 10. (amend. SG 65/95) (1) (amend. SG 69/99) The territory of the municipality shall be the territory of the settlements, included in it.

(2) (amend., SG 69/03) Disputes for the boundaries of the territories, belonging to settlements, shall be decided by the court.

Art. 11. (amend. SG 65/95; revoked, SG 69/03)

Art. 12. (suppl., SG 69/03, in force from 27.10.2003, amend. – SG 69/06) The name of the municipality is the name of the settlement, which is its administrative centre, with exception of the cases of already regulated by the law municipalities, the administrative centre of which are settlements outside their territory, which are also administrative centres of other municipalities.

Art. 13. (amend., SG 69/03 in force from 27.10.2003, amend. – SG 69/06) The population of a municipality shall consist of all citizens, who have permanent address on its territory.

Art. 14. The municipality shall be a corporate body and shall have the right to ownership and independent municipal budget.

Art. 15. (1) (new – SG 69/06) The activity of the municipal council, of the municipality mayor, of the district mayor, and of the mayoralty mayor shall be supported by the municipal administration.

(2) (new – SG 69/06) Municipal administration shall be structured in directorates, departments and sectors. Departments or sectors can be organized also as independent structural units, without being included in the structure of directorates and departments.

(3) (new – SG 69/06) Municipal administration in mayoralties can carry out its activity, without being structured in structural units pursuant to par. 2.

(4) (amend. SG 65/96; amend., SG 69/03; previous text of Art. 15 – SG 69/06) The municipal council may establish services of the municipal administration at separate regions, mayoralties, settlements, or in parts of them and shall determine their functions.

Art. 16. The municipalities can define their symbols and honorary titles according to the law.

Art. 17. (amend. and suppl. SG 65/95; amend., SG 69/03) (1) The local government shall be expressed in the right and real possibility for the citizens and the bodies elected by them to decide independently all issues of local importance which has been vested by the law to their competence in the sphere of:

1. the municipal property, the municipal enterprises, the municipal finance, taxes and fees, the municipal administration;

2. the structure and the development of the territory of the municipality and of the settlements in it;

3. the education;

4. the health care;

5. culture;

6. public works and communal activities;

7. the social support;

8. protection of environment and rational use of the natural resources;

9. the maintenance and the preservation of cultural, historic and architectural monuments;

10. the development of sports, recreation and tourism.

(2) The citizens shall participate in the management of the municipality both through the bodies elected by them and directly through referendum and general meeting of the population.

(3) Local referendum and general meeting of the population shall be summoned and held under the conditions and by the order determined by a law.

(4) The expenses for conduction of local referendum and general meeting shall be taken by the municipal budget.

(5) (revoked – SG 44/09)

Chapter three.

MUNICIPAL COUNCIL (title amended – SG 65/95, SG 89/99)

Art. 18. (amend. and suppl. SG 65/95) (1) (amend. – SG 69/06) The municipal council shall be body of the local self government and it shall be elected among the population of the municipality under conditions and by order, determined by the law.

(2) (new – SG 65/95) The municipal council shall consist of the elected municipal councillors.

(3) (new – SG 65/95, revoked – SG 69/99).

Art. 19. (amend. SG 65/95) (1) The number of the municipal councillors shall be determined as follows:

1. for population of the municipality up to 5000 – 11 councillors;

2. (amend. SG 69/99) for population of the municipality up to 10 000 – 13 councillors;

3. (amend. SG 69/99) for population of the municipality up to 20 000 – 17 councillors;
 4. (amend. SG 69/99) for population of the municipality up to 30 000 – 21 councillors;
 5. (amend. SG 69/99) for population of the municipality up to 50 000 – 29 councillors;
 6. (new - SG 69/99) for population of the municipality up to 75 000 – 33 councillors;
 7. (prev. 6, amend. SG 69/99) for population of the municipality up to 100 000 – 37 councillors;
 8. (new - SG 69/99) for population of the municipality up to 160 000 – 41 councillors;
 9. (prev. 7, amend. SG 69/99) for population of the municipality over 160 000 – 51 councillors;
 10. (prev. 8 - SG 69/99) for the Capital municipality – 61 councillors.
- (2) (revoked - SG 69/99).
- (3) (amend. SG 69/99) The referring of the municipality to the respective groups of para 1 shall be implemented in compliance with the number of the population in them, on the basis of the registers of the population, kept by the municipal administrations.

Art. 20. (amend. SG 65/95, prev. para 1 – SG 69/99; amend., SG 69/03) The municipal council shall determine the policy for construction and development of the municipality in connection with the implementation of the activities of art. 17, as well as of other activities, determined with a law.

(2) (revoked SG 69/99).

- Art. 21. (amend. SG 65/95) (1) The municipal council shall:
1. create permanent and temporary commissions and elect their members;
 2. (amend., SG 69/03; suppl. – SG 69/06) approve the total number and the structure of the municipal administration in the municipality, district and mayoralty under a proposal of the mayor of the municipality;
 3. elect and discharge the chairman of the municipal council;
 4. (revoked – SG 69/06);
 5. (suppl., SG 69/03) determine the amount of the remuneration of the mayors within the framework of the normative provisions in effect and the resources for salaries of the personnel of the municipal budget, at a proposal of the mayor of the municipality;
 6. (suppl., SG 69/03) adopt and amend the annual budget of the municipality, implement control and approve the report about its fulfilment;
 7. (amend., SG 119/02) determine the amount of the local fees;
 8. (amend. SG 69/99; amend., SG 69/03) approve decisions about acquiring, management and disposal with municipal assets and determine the concrete authorities of the mayor of the municipality and the mayors of districts and mayoralties;
 9. (amend., SG 69/03; amend. – SG 69/06) approve decisions for creating, transformation and termination of commercial companies with municipal assets and elect representatives of the municipality in their bodies;
 10. (amend., - SG 34/05) shall adopt decisions for usage of bank loans, for lending of free-of-interest loans, as well as decisions of incurring of municipal debt by way of concluding loan contracts or issue of municipal securities and for issue of municipal guaranty bonds under conditions and order stipulated by a law;
 11. (amend. SG 1/01) approve decisions about creating and approval of development plans and their changes for the territory of the municipality or parts of it under the conditions and by the order of the Law for the spatial planing;
 12. (suppl. - 61/07) approve strategies, prognoses, programmes and plans for development of the municipality, which shall reflect also the European policies for development of the local communities;
 13. determine requirements for the activity of the individuals and the corporate bodies on the

territory of the municipality, which ensue from the ecological, the historic, the social and the other peculiarities of the settlements, as well as from the status of the engineering and the social infrastructure;

14. approve decisions for establishing and terminating of municipal foundations and for the management of granted property;

15. (suppl., SG 69/03) approve decisions for participation of the municipality in associations of local authorities in the country and abroad, as well as in other non-profit corporate bodies and determine the representatives of the municipality;

16. create districts and mayoralties under conditions and order, determined with a law;

17. make proposals for administrative – territorial changes, referring to the territory and the boundaries of the municipality;

18. approve decisions for naming and re-naming of streets, squares, parks, engineering facilities, villa zones, resorts and resort localities and other sites of municipal significance;

19. (amend. SG 69/99) discuss and approve decisions upon proposals of mayors of districts and mayoralties on issues of its competence;

20. approve decisions for conducting of referendums and general meetings of the population on issues of its competence;

21. approve symbol and seal of the municipality;

22. honour with honorary citizenship Bulgarians and foreign citizens.

23. (new – SG 69/06; suppl. – SG 15/10) decide any other issues of local significance, which are not of the exclusive competency of other bodies, including announcement of certain holidays and vacations on the territory of the municipality, region, neighborhood or populated place upon proposal by the mayor of the municipality after coordination with the regional governor;

24. (new – SG 69/06) exercise current and follow-up control over the implementation of issued by it acts.

(2) (amend., SG 69/03; amend – SG 69/06) In execution of its powers under par. 1 the Municipal Council shall approve rules, regulations, instructions, decisions, declarations and notifications.

(3) (amend. SG 69/99; amend., SG 69/03) The municipal council shall adopt regulation for the organisation and the activity of the municipal council, its commissions and its interaction with the municipal administration.

Art. 21a. (new, SG 69/03) (1) The municipal council may elect an ombudsman.

(2) The ombudsman shall contribute to the observance of the rights and legal interests of the citizens before the bodies of local government and local administration.

(3) The organisation and activity of the ombudsman shall be settled by regulations adopted by the municipal council.

(4) The ombudsman shall be elected and released by a majority of 2/3 of the total number of the municipal councillors.

Art. 22. (1) (amend. SG 65/95, suppl. SG 85/00; amend., SG 69/03; amend. – SG 69/06) The acts of the municipal council shall be sent to the municipality mayor and to the regional governor within seven days after their adoption.

(2) (new – SG 69/06) The acts of the municipal council shall be announced to the population of the municipality within the terms under par. 1 through mass media, on the internet site of the municipality or in another appropriate way, set out in the regulations under Art. 21, par. 3. Contesting, cease, revoking or confirmation of contested acts of the municipal council shall be announced following the same procedure. The acts of the municipal council shall be promulgated in the State Gazette in cases provided by the laws.

(3) (new, SG 69/03; previous text of par. 2 – SG 69/06) The mayor of the municipality shall

determine appropriate premises in the building of the municipality for storing copies of acts of the municipal council on paper from the last 10 years, and shall provide access to the interested citizens for reading them on the spot, within the working hours every work day. Provided to every citizen wishing to obtain a copy of an act of the municipal council shall be such a possibility against payment.

(4) (revoked, prev. (3) – SG 65/95, amend. SG 33/98; prev. para 2 - SG 69/03; previous text of par. 3, amend. – SG 69/06) For breaching the ordinance can be provided fines in extent up to 5000 levs, and for sole traders and legal persons – property sanctions in extent up to 50 000 levs, and for second breach also temporary deprivation from the right to be exercised certain profession or activity.

(5) (prev. par. 4 – SG 65/95; prev. para 3 - SG 69/03; prev. par. 5 – SG 69/06) The punitive decrees shall be issued by the mayor of the municipality or by his deputy on the basis of an act, compiled by officials, pointed out in the ordinance.

(6) (prev. par. 5 – SG 65/95; prev. para 4 - SG 69/03; prev. par. 5 – SG 69/06) The administrative – punitive procedures shall be implemented by the order of the Law for the administrative breaches and penalties.

Art. 23. (amend. SG 65/95) (1) (amend. SG 69/99; amend., SG 69/03) The first sitting of the newly elected municipal council shall be summoned by the regional governor and shall be held in 14 days term from the announcement of the results from the elections.

(2) (new – SG 69/06) Before the beginning of the first session the newly elected municipal councillors and mayors shall take the oath under Art. 32, par. 1. The oath shall be taken in the presence of citizens of the municipality, of the regional governor or of his/her representative and of the chairperson or a member of the municipal election committee. In case a municipal councillor or a mayor is not able to attend the taking of oath ceremony, he/she shall take the oath before the beginning of the next session of the municipal council.

(3) (new – SG 69/06) The first session of the newly elected municipal council shall be opened and chaired by the eldest municipal councillor. Council chairperson shall be elected at the first session of the municipal council.

(4) (prev. par. 2 – SG 69/06) The municipal council shall be summoned to a session by its chairman:

1. on his initiative;
2. upon request of one third of the municipal councillors;
3. upon request of one fifth of the electorate of the municipality;
4. upon request of the regional governor.

(5) (amend. SG 69/99; amend., SG 69/03; prev. par. 4; amend. – SG 69/06) In the cases of para 4, item 2, 3 and 4 the chairman of the municipal council shall set a sitting to be held in seven days term after filing the request. After this term, if the sitting is not convened by the chairman it shall be summoned by the movant of the request and it shall be held within 7 days from the convening.

(Par. 5 - new – SG 69/99; amend., SG 69/03; revoked – SG 69/06)

(6) (new – SG 69/99, in force from 03.08.1999; suppl. – SG 69/06) The municipal council shall continue to fulfil its functions till the constituting of the newly elected municipal council. In case the court has suspended the execution of the decision of the municipal election commission for the results of elections of municipal councils or it has announced the election result invalid, the term of powers of the municipal council, whose mandate has expired, shall be resumed until the taking of oath by the newly elected municipal council.

Art. 24. (amend. SG 65/95) (1) (amend. SG 69/99) The municipal council shall elect from its members a chairman of the council. The election shall be made with secret vote. As elected shall be considered the candidate, who has received more than half of the votes of the total number of the councillors.

(2) (new, SG 69/03) The municipal council may elect one or more deputy chairmen of the council. The conditions and the order of electing and the legal capacities of the deputy chairman shall be settled by the regulations under art. 21, para 3.

(3) (new, SG 69/03) The legal capacities of the chairman of the municipal council shall be terminated ahead of term for:

1. resignation;
2. permanent inability or systematic non-fulfilment of his obligations as a chairman, for a period longer than three months, by a decision of the municipal council, taken by the order of para 1;

3. (new – SG 42/09) entry into force of an act, establishing conflict of interests under the Law on Prevention and Disclosure of Conflict of Interests.

(4) (prev. para 2 - suppl., SG 69/03) At terminating of the authorities of the chairman, in his absence and at discussing his activity the sessions of the council shall be chaired by an elected councillor or by a deputy chairman if such has been elected.

Art. 25. (amend. SG 65/95) The chairman of the council shall:

1. summon the council to a session;
2. manage the preparation of the sessions of the council;
3. manage the sessions of the council;
4. co-ordinate the work of the permanent commissions;
5. support the councillors in their activity;
6. represent the council before external persons and organisations.

Art. 26. (amend. SG 65/95, SG 69/99; prev. text of Art. 26 – SG 69/03, in force from 27.10.2003; amend. – SG 69/06; amend. – SG 14/09) The municipal council shall determine the amount of the remuneration of the chairman of the council depending on the working time. The amount of the remuneration in case the chairman works under reduced hours shall be calculated pro rata to their duration, determined by the council of ministers. The amount of the remuneration of the chairman of the municipal council may not exceed the amount of the remuneration of the mayor of the municipality.

(2) (new, SG 69/03) The chairman of the municipal council shall have all rights under legal terms of employment, besides those contradicting or incompatible with his legal status.

(3) (new – SG 14/09) The chairman of the municipal council shall be entitled to:

1. social security and additional social security under the terms and following the procedures laid down in the Code of Social Insurance and to health insurance according to the Law of Health Insurance;

2. leaves and compensation for unused paid annual leave, to supplementary benefits and other payments under the terms of the Labour Code.

Art. 27. (amend. SG 65/95) (1) (suppl., SG 69/03; amend. – 69/06) The municipal council shall be summoned to a session not less than six times in the year. If, during a period of three months, the municipal council does not conduct a sitting its legal capacities shall be terminated by a decision of the municipal election commission and new elections for municipal council shall be held within three months.

(2) (amend. SG 69/99) The sessions of the municipal council shall be lawful if more than half of the total number of the councillors are present.

(3) (amend. SG 69/99) The decisions of the municipal council shall be taken with pen voting with a majority more than half of the present councillors.

(4) (suppl. SG 69/99; amend. and suppl., SG 69/03; amend. – SG 69/06) The decisions of the municipal council of art. 21, para 1, items 1, 2, 3, 6, 7, 8, 9, 10, 16, 17 and 20, and art. 21a, para 3 shall be taken with a majority more than half of the councillors.

(5) (new - SG 69/06) The decision of the municipal council under Art. 21, par. 1, item 6, 7, 8, 9, 10, 14 and 15 shall be taken through voting by name, which shall be recorded in the minutes of the session.

(6) (new - SG 69/06) The chairperson of the municipal council shall prepare and submit for consideration twice a year a report on the activity of the council and of its commissions, which shall be discussed in an open session and shall be announced to the population of the municipality following a procedure, set in the regulations under Art. 21, par. 3.

Art. 28. (suppl. SG 65/95, amend. SG 69/99; amend., SG 69/03) (1) The sittings of the municipal council and its commission shall be public. As an exception, the council may decide some of the sittings to be held in camera.

(2) The citizens may attend the sittings of the municipal council and its commissions, taking the seats specially provided for them.

(3) The citizens may take the floor, ask questions, make statements and proposals of the competence of the municipal council, the mayor or the municipal administration, being of public interest, as well as to receive answers by an order, in a way and within a term determined by the regulations under art. 21, para 3.

Art. 29. (amend. SG 65/95, SG 69/99) A record shall be made for each session of the municipal council. The councillors shall have right to a seven days term after the day of the session to review the record and to require amendments in it. At dispute the issue shall be solved by the council at the next session.

Art. 29a. (new – SG 65/95) (1) (prev. text of art. 29a - SG 69/03) The municipal council shall not have independent payroll. Its activity shall be supported and ensured by the municipal administration.

(2) (new, SG 69/03) The structure of the municipal administration shall create a unit assisting and providing the work of the municipal council. The employees of the unit shall be appointed and released by the mayor of the municipality at a proposal of the chairman of the municipal council.

Chapter four.

MUNICIPAL COUNCILLOR

Art. 30. (1) (amend. SG 69/99) The authorities of the municipal councillor shall occur on the day of taking the oath of art. 32, para 1.

(2) (revoked – SG 69/06).

(3) (revoked - SG 69/06).

(4) (prev. (3) – SG 69/99) The powers of the municipal councillor shall be terminated ahead of time:

1. at judicial disability;

2. (suppl. SG 85/00) when the councillor has been convicted with a sentence to imprisonment for deliberate indictable crime of general character;

3. (amend. SG 65/95; amend. – SG 69/06) at submitting of resignation through the chairperson of the municipal council to the municipal election commission;

4. (amend. SG 65/95, SG 69/99; amend., SG 69/03) at his election as a national representative, Minister, regional governor or mayor, at his appointment as deputy Minister, deputy regional governor, deputy mayor, or at appointment of payroll position in the corresponding municipal administration;

5. (amend. SG 65/95, SG 69/99; amend., SG 69/03; amend. – SG 69/06) in case when without

having informed in writing the chairperson of the municipal council about his/her non-participation in the session of the council for acceptable reasons – office engagements, absence from the country, illness or whatsoever, does not attend three subsequent or five in total sessions of the municipal council over the year;

6. (amend. – SG 69/06) in case of permanent physical incapability to perform his/her obligations due to illness lasting for more than 6 months or in case of a decease.

7. (new – SG 154/98; amend. – SG 69/06) at implementing of administrative – territorial changes, leading to change of the permanent address out of the territory of municipality;

8. (new – SG 154/98) at implementing of administrative – territorial changes, leading to closing of the municipality;

9. (new – SG 69/06; suppl. - SG 63/07, in force from 03.08.2007) in case he/she has been elected or appointed as a member of a managing, supervisory or control board, board of directors, a control officer, chief executive, procurator, commercial proxy, syndic or a liquidator of commercial companies with municipal participation or a director of a municipal enterprise pursuant to the Law of municipal property, as well as in case of occupying a position of municipal councillor or similar position in another Member State of the European Union;

10. (new – SG 69/06) in case of non-fulfillment of the obligation under Art. 34, par. 6;

11. (new – SG 42/09) in case of entry into force of an act, establishing conflict of interests under the Law on Prevention and Disclosure of Conflict of Interests.

(5) (amend. SG 65/95, prev. (4), amend SG 69/99; amend. - SG 30/06, in force from 01.03.2007; amend. – SG 69/06) The circumstances under par. 4 shall be evidenced with documents, issued by the competent bodies. In cases of par. 4, item 3 within three days after the submission of the resignation, the chairperson of the municipal council shall forward it to the regional election commission.

(6) (new – SG 65/95, amend. SG 154/98, prev. (5) – amend. SG 69/99; amend. – SG 69/06) Within three days after the receipt of the documents under par. 5 the municipal election commission shall notify the municipal councillor, who can file a written appeal to the commission within three days following the notification. Within three days after the expiration of the term set out for appealing, the municipal election commission shall adopt a decision for termination of the authorities and shall announce elected the municipal councillor the next enlisted candidate. The decision of the municipal election commission can be appealed pursuant to the procedure under Art. 104 of the Law of local elections. A transcript of the decision shall be sent to the chairperson of the municipal council within three days after its entering into force.

(7) (new – SG 69/06) Before the beginning of the first session of the municipal council, which shall be held not later than one month after entering into force of the decision of the regional election commission, the chairperson of the municipal council shall notify the municipal councillors about the circumstances under par. 6, and the newly elected municipal councillor shall take the oath under Art. 32, par. 1.

(8) (new – SG 69/06) Provided that within the term under par. 7 the chairperson of the municipal council fails to call a session of the council or the session does not take place, it shall be called by the regional governor and shall take place within 7 days after the expiration of the term under par. 7. In case of lack of quorum for holding the session, the newly elected municipal councillor shall take an oath before the regional governor in the presence of a representative of the municipal election commission, municipal councillors and citizens.

Art. 31. (revoked – SG 65/95).

Art. 32. (1) (amend. – SG 69/06) The municipal councillors and mayors shall take the following oath:

"I swear in the name of the Republic of Bulgaria to fulfil the Constitution and the laws of the country and in all my activities to be lead by the interests of the citizens of ... municipality and to work for their well being."

(2) (amend. SG 65/95; amend., SG 69/03; amend. – SG 69/06) Taking of oath shall be substantiated through signing of an oath declaration.

(3) (revoked – SG 69/06).

Art. 33. (amend. SG 65/95) (1) The municipal councillor shall have the right:

1. to be elected in permanent commissions of the council;
2. to propose the including in the agenda of the sessions of the municipal council the considering of issues of the competence of the council and to submit drafts of decisions;
3. to participate in the discussion and the solving of all the problems of the competence of the council;

4. (amend. SG 65/95) to direct inquests to the mayor. To the inquest shall be answered verbally or in writing at the next session unless the council decide otherwise;

5. (revoked SG 65/95).

(2) (new – SG 65/95; amend., SG 45/02) The state bodies, the economic and the public organisations shall be obliged to render support to the municipal councillor, as well as to concede to him data and documents, which are necessary in connection with his activity as councillor unless they constitute classified information representing state or official secret.

Art. 34. (1) (new – SG 69/99; amend., SG 69/03; amend. – SG 14/09) The municipal councillor shall receive remuneration determined by a decision of the municipal council, adopted by a majority of more than half of all councillors

(2) (prev. (1) – SG 69/99; amend., SG 69/03; amend. – SG 69/06, in force from 01.01.2008; amend. – SG 14/09) The total amount of the remuneration of a municipal councillor for one month may not exceed 60 percent, in the municipality of Sofia and the cities divided into regions – 70 percent of the average gross salary in the respective municipal administration for the last month of the preceding quarter.

(3) (suppl. SG 65/95, prev. (2), amend. SG 69/99; amend., SG 69/03; amend. – SG 14/09) The municipal councillor shall use unpaid official leave, which shall be considered time of practice, for the time required for fulfillment of his/her obligations. The time period during which a municipal councillor has held the position of chairman of the municipal council shall also be considered time of practice.

(4) (prev. (3) - SG 69/99) The travelling and the other expenses, made by the municipal councillor in connection with his work in the council, shall be taken by the municipal budget.

(5) (new – SG 69/99; amend. - SG 69/03; suppl. - SG 63/07, in force from 03.08.2007) The municipal councillor cannot be a member of a managing, supervisory or a control body, board of directors, a controller, manager, procurator, commercial proxy, syndic or a liquidator of trade companies with municipal participation or a director of a municipal enterprise pursuant to the Law of municipal property, as well as occupy a position of municipal councillor or similar position in another Member State of the European Union.

(6) (new – SG 69/06) Within one month after the announcement of elections results a person, occupying a position under par. 5 at the time of his/her election for a municipal councillor, shall file a request to be discharged from the occupied position and shall notify in writing about this the chairperson of the municipal council and the municipal election commission.

(7) (new – SG 42/09) A municipal councilor may participate as a representative of the state in management and control bodies of companies with state share in the capital or of legal persons, created by virtue of a law, for which he shall be entitled to remuneration.

Art. 35. (amend. SG 65/95, amend. SG 69/99) The employment legal relation with a municipal councillor cannot be terminated during his mandate in the cases of art. 328, para 1, items 2, 3 and 4 of the Labour Code.

Art. 36. (1) (prev. text of art. 36 - SG 69/03) The municipal councillor shall be obliged:

1. (amend. – SG 69/06) to be present at the sessions of the municipal council and of the commissions in which he has been elected, and to participate in the solving of the considered issues;

2. to maintain connections with the electorate and to inform them about the activity and the decisions of the municipal council.

(2) (new, SG 69/03; amend. – SG 69/06) In case of non-fulfillment of the obligations under par. 1, item 1 an amount, set out in the regulations under Art. 21, par. 3 shall be deducted from the remuneration of the municipal councillor.

Art. 37. (amend. SG 85/00; suppl., SG 69/03) The municipal councillor shall not be able to participate in taking of decisions, when it refers to his proprietary interests or to interests of a spouse and relatives of direct line and of lateral line up to fourth degree inclusive and by marriage up to second degree including.

Art. 37a. (new – SG 65/95, revoked – SG 69/99).

Art. 37b. (new – SG 65/95) Upon a decision of the general meeting of the population at the mayoralties can be elected mayor's councillors under conditions and by order, determined with the regulation of art. 21, para 3. They shall support the mayor in implementation of his functions under art. 46.

Chapter five.

MAYORS AND MUNICIPAL ADMINISTRATION

Art. 38. (1) (amend. SG 65/95; suppl. – SG 69/06) Body of the executive power in the municipality shall be the mayor of the municipality. Bodies of the executive power in the district and the mayoralty shall be respectively the mayor of the district and the mayor of the mayoralty.

(2) (new – SG 65/95, amend. SG 69/99; suppl. – SG 69/06; suppl. - SG 63/07, in force from 03.08.2007) The mayor of the municipality, as well as the mayors of regions and mayoralties shall be elected directly by the population for a period of 4 years under conditions and by order, determined with a law.

(3) (revoked – SG 69/06).

(4) (prev. (2) – SG 65/95, prev. (3) – SG 69/99; suppl., SG 69/03; amend. – SG 69/06) The authorities of the mayor of the municipality, of the mayor of the mayoralty and of the mayor of the district shall emerge from the day of taking the oath of art. 32, para 1.

(5) (new – SG 69/99; amend. – SG 69/06; suppl. - SG 63/07, in force from 03.08.2007) In case of holding partial elections of a mayor of municipality, mayor of a region or mayor of mayoralty the newly elected mayor shall take the oath under Art. 32, par. 1 before the beginning of the first session of the municipal council after the elections, which shall be called by the chairperson of the council and shall take place within 14 days after the announcement of election results.

(6) (new, SG 69/03; amend. – SG 69/06) Provided that within the terms under par. 5 the chairperson of the municipal council fails to call a session of the council or the session does not take place, it shall be called by the regional governor and shall take place within 7 days after the expiration of the term under par. 5. In case of missing quorum to hold the session the newly elected mayor shall take

the oath under Art. 32, par. 1 before the regional governor in the presence of a representative of the regional election commission, municipal councillors and citizens.

(7) (new, SG 69/03) The mayors of municipalities, regions and mayoralties shall have all rights under legal terms of employment, except those contradicting or incompatible with their legal status.

Art. 38a. (revoked – SG 69/06)

Art. 39. (amend. SG 65/95; amend., SG 69/03; amend. – SG 69/06) (1) The mayor of the municipality, respectively the mayor of the district shall appoint deputy mayors in compliance with the approved number and structure of the municipal administration and shall determine their functions.

(2) The mayor of the municipality, respectively the mayor of the district shall determine with an order a deputy mayor, who shall be a substitute for him/her for the time of absence from the municipality, respectively from the district.

(3) The mayor of the municipality, respectively the mayor of the district can authorize deputy mayors to fulfill their powers in cases, when this is provided in a law.

(4) A deputy mayor can be discharged without prior notification with an order of the mayor of the municipality, respectively of the mayor of the district.

Art. 39a. (new – SG 69/99; amend. – SG 69/06; revoked - SG 63/07, in force from 03.08.2007)

Art. 39b. (new – SG 69/99; revoked, SG 69/03)

Art. 40. (revoked - SG 69/06)

Art. 41. (1) (amend. and suppl. SG 65/95, amend. SG 69/99; amend. and suppl., SG 69/03; amend. – SG 69/06; amend. – SG 108/08) The mayors of municipalities, of districts and of mayoralties, the mayor deputies, deputy mayors of municipalities and of districts and secretaries of municipalities cannot carry out commercial activity in the sense of the Commercial law, be controllers, managers or procurators in commercial companies, commercial proxies, trade representatives, trade intermediaries, syndics, liquidators of participate in supervisory, management and control bodies of commercial companies and co-operations during the time of their mandate.

(2) (revoked – SG 61/07)

(3) Within one month after the announcement of election results, respectively after the adoption of the decision by the municipal council, a person, who at the time of his/her election as a mayor, is occupying a position or carries out activity under par. 1, shall take relevant actions towards termination of the activity and/or for his/her discharge from the occupied position and shall notify in writing about that the chairperson of the municipal council and the municipal election commission.

(4) Deputy mayors of municipalities or of districts, mayor deputies and secretaries of municipalities upon their appointment at the respective position shall present a declaration, certifying the requirements under par. 1.

Art. 42. (1) (amend. SG 65/95, SG 90/96, suppl. SG 69/99; amend. - SG 63/07, in force from 03.08.2007) The authorities of the mayors shall be terminated ahead of time:

1. (amend. – SG 69/06) at submitting of resignation through the chairperson of the municipal council to the municipal election commission;

2. (amend. SG 65/95, SG 90/96, SG 69/99, SG 85/00; amend., SG 69/03; amend. – SG 69/06) at permanent factual impossibility to fulfill their obligations for more than 6 months because of illness or a decease;

3. (suppl. SG 85/00) at entering in force of sentence, with which is imposed punishment

imprisonment for premeditated crime of general character.

4. (amend. – SG 69/06) in case of non-fulfillment of the obligation under Art. 41, par. 3;

5. (new – SG 154/98; amend., SG 69/03) at administrative changes, leading to change of the permanent address in the municipality or the mayoralty;

6. (new – SG 154/98, amend. SG 69/99; suppl. - SG 63/07, in force from 03.08.2007) at administrative changes, leading to liquidation of the municipality, the region or the mayoralty.

7. (new, SG 69/03) on his election as a national representative, minister or regional governor, on his appointment for deputy minister or deputy regional governor, or when he takes up another position under employment or official terms of relation.

8. (new, SG 69/03; amend. – SG 69/06) for violation of the prohibitions under art. 41, para 1;

9. (new – SG 14/09) in case of absence from work without any reason for more than a month;

10. (new – SG 42/09) in case of entry into force of an act, establishing conflict of interests under the Law on Prevention and Disclosure of Conflict of Interests.

(2) (new – SG 69/06) The circumstances under par. 1 shall be evidenced by documents, issued by competent bodies. In cases under par. 1, item 1 within three days after the submission of resignation the chairperson of the municipal council shall send it to the municipal election commission.

(3) (new – SG 69/06) Within three days after the receipt of documents under par. 2 the municipal election commission shall notify the mayor, who can appeal in writing before the commission within three days after his/her notification. Within three days after the expiration of the term for appealing the municipal election commission shall adopt a decision for termination of powers. The decision of the municipal election commission can be appealed pursuant to the procedure of Art. 104 of the Law of local elections. A transcript of the decision shall be sent to the Central election commission of local elections and to the chairperson of the municipal council within three days after its entering into force.

(4) (amend. – SG 65/95; suppl. – SG 69/99, prev. par. 2, amend. - SG 69/06; amend. and suppl. - SG 63/07, in force from 03.08.2007) In case the powers of a mayor have been terminated before the term, the municipal council shall elect a temporary acting mayor for a period until taking the oath by the newly elected mayor. One of the deputy mayors of the municipality, respectively of the region, shall be elected as temporary acting mayor of municipality or mayor of region. When no deputy mayor has been appointed, a temporary acting mayor of municipality or mayor of region shall be elected under a proposal of a municipal councillor.

(5) (new – SG 69/06; amend. and suppl. - SG 63/07, in force from 03.08.2007) When after termination of authorities of a mayor less than one year is remaining until the end of the mandate, partial elections shall not be held. In these cases the municipal council shall elect a mayor of municipality, mayor of region or mayor of mayoralty, whereas as a mayor of municipality a deputy mayor or municipal councillor shall be elected.

(6) (new – SG 69/06; suppl. - SG 63/07, in force from 03.08.2007) When a mayor of municipality, mayor of region or mayor of mayoralty are registered as candidates in local elections, within 7 days prior to the end of mandate the municipal council shall elect a temporary acting mayor of municipality, mayor of region or mayor of mayoralty for the period until taking the oath by the newly elected mayor. A temporary acting mayor of municipality or mayor of region shall be elected under the provisions of par. 4, sentences two and three.

(7) (new – SG 69/06; suppl. - SG 63/07, in force from 03.08.2007) When a mayor of municipality, mayor of region or mayor of mayoralty is not registered as a candidate in local elections, he/she shall continue to fulfill his/her obligations until taking the oath by the newly elected mayor.

(8) (new – SG 69/06; suppl. - SG 63/07, in force from 03.08.2007) A temporary acting mayor of municipality, mayor of region or mayor of mayoralty shall be appointed by the regional governor, when the municipal council has not taken a decision within the term under par. 6.

(9) (new – SG 69/06) The decisions of the municipal council under par. 4, 5 and 6 shall be

taken with a majority of more than the half of the total number of the councillors.

Art. 42a (new – SG 69/99; revoked - SG 63/07, in force from 03.08.2007)

Art. 42b. (new – SG 69/99; revoked, SG 69/03)

Art. 42c. (new – SG 69/99, suppl. SG 85/00; revoked, SG 69/03)

Art. 43. (1) The mayor of the municipality shall appoint a secretary of the municipality without a fixed term.

(2) (amend. SG 65/95, SG 69/99; amend. – SG 69/06) The secretary of the municipality must be a person with higher education.

(3) (amend. SG 65/95; amend. – SG 69/06) The secretary of the municipality shall organize and be responsible for:

1. the activity of the municipal administration, the working conditions of the employees and for the organisational – technical provision of their activity;
2. the record services, the document circulation and the municipal archive;
3. the activity of the units for civil registration and administrative servicing;
4. announcement and promulgation of the acts of municipal council and of the mayor of municipality;
5. for the work with claims, appeals, notifications and proposals of the citizens and legal persons;

6. organization and technical preparation and holding the elections and local referendums.

(4) (new – SG 69/06) The secretary of the municipality shall perform also other functions, assigned to him/her by the mayor of municipality, with a law or any other legal act.

Art. 44. (1) The mayor of the municipality shall:

1. manage the whole executive activity of the municipality;
2. direct and co-ordinate the activity of the specialised executive bodies;
3. (amend. SG 65/95; suppl., SG 69/03) appoint to and discharge from position the deputy mayors of the municipality, the mayors deputies, the heads of the units at the support of the municipal budget, the chiefs and the employees in the municipal administration, except these of art. 62, para 1, item 4, impose the disciplinary penalties, provided by the law;
4. (amend. SG 65/95) be responsible for the preservation of public order, for ensuring it issuing written orders, obligatory for the chiefs of the corresponding police office;
5. organise the fulfilment of the municipal budget;
6. organise the fulfilment of the long term programmes;
7. (suppl. SG 5/95; suppl., SG 69/03; amend. – SG 69/06) organise the fulfilment of the acts of the municipal council and submit to the municipal council a report on their fulfillment twice a year;
8. organise the fulfilment of the tasks, ensuing from the laws, from the acts of the President of the Republic of Bulgaria and of the Council of Ministers;
9. (amend. SG 65/95, suppl. SG 85/00; amend. – SG 14/09) assign the fulfilment of his functions to the mayors of the mayoralties and the districts, co-ordinate and exercise control for the expedience and the lawfulness at their fulfilment. Exercise control on the lawfulness of the acts and the actions of the mayors related to fulfilment of their powers and impose the respective administrative penalties;
10. maintain connections with the political parties, the public organisations and movements, as well as with other bodies of local government in the country and abroad;
11. (new – SG 65/95, amend. SG 19/05; revoked - SG 35/09, in force from 12.05.2009)

12. (new – SG 19/05; amend. - SG 35/09, in force from 12.05.2009) chair the council for security;

13. (new – SG 65/95, amend. SG 1/01, prev. 12 – SG 19/05) assign or permit the working out of development plans and their amendments for the territory of the country or for parts of it and approve certain development plans under the conditions and by the order of the Law for spatial planning, as well as organise their implementation

14. (new – SG 65/95, suppl. SG 67/99, SG 85/00, prev. 13 – SG 19/05) implement the functions of an official for the civil status. He may assign this function with a written order to the mayors of the mayoralties, where are maintained registers about the civil status, to the mayor deputies and to other official persons of the municipal administration;

15. (new – SG 65/95, prev. 14 – SG 19/05) represent the municipality before individuals and corporate bodies and before the court.

16. (new – SG 65/95, prev. 15 – SG 19/05; suppl. – SG 69/06) ensure the organisation – technical servicing of the municipal council and participate in its sessions with a voting right;

17. (new, SG 69/03, prev. 16 – SG 19/05) approve the structural regulations of the municipal administration.

18. (new – SG 69/06) send to the municipal council administrative acts, and also contracts with their amendments and supplements, issued in execution of the acts, adopted by the council, within three days after their issuance or signing;

19. (new – SG 6/09, in force from 01.05.2009) assist the condominium ownership and their managing bodies under the terms and following the procedure of the Law on the Condominium Ownership Management.

(2) In execution of his/her authorities the mayor of municipality shall issue orders.

(3) (amend. SG 65/95) The orders of para 1, item 4 can be appealed by the chiefs of the respective police offices before the regional governor in three days term, the appealing not stopping the fulfilment. The orders of the regional governor shall be co-ordinated with the Minister of Interior and shall not be subject to appeal.

(4) (new – SG 65/95) The mayor of the municipality shall also implement functions, assigned to him by the central state bodies in the cases, determined by the law.

(5) (new – SG 69/06) The mayor of municipality shall present before the municipal council a management program for the period of the mandate within three months after taking the oath. The program shall contain general objectives, priorities, activities, deadlines for fulfillment and expected results. The mayor of municipality shall present before the municipal council an annual report on accomplishment of the program not later than 31 January.

Art. 45. (amend. - SG 69/06) (1) The acts of the mayor of municipality can be appealed under administrative procedure before the regional governor, unless otherwise provided in a law.

(2) The municipal council can revoke administrative acts, issued by the mayor of municipality, which disagree with acts, adopted by the council, within 14 days after their acceptance. Within the same term the council can dispute the unlawful administrative acts, issued by the mayor of municipality, before the respective administrative court.

(3) The acts of the municipal council can be appealed before the respective administrative court.

(4) Regional governor shall exercise control for the lawfulness of the acts of municipal councils, unless otherwise provided in a law. He/she can bring the unlawful acts back for new consideration by the municipal council or to dispute them before the respective administrative court. The appeal shall suspend the application of individual and general administrative acts and the application of sub-legislative legal acts, unless otherwise resolved by the court.

(5) The mayor of municipality can bring back for re-consideration unlawful or inappropriate

acts of the municipal council or to dispute the unlawful acts before the respective administrative court and to claim suspension of implementation of general administrative acts and the application of sub-legislative legal acts. The mayor of municipality cannot bring back for re-consideration by expediency internal acts, related to the organization and the activity of the municipal council and its commissions.

(6) The brought back for re-consideration act along with the reasons for its bringing back shall be sent to the chairperson of the municipal council within 7 days after its receipt.

(7) The brought back for re-consideration act shall not enter into force and shall be considered by the municipal council within 14 days after its receipt.

(8) The brought back for re-consideration act can be disputed before the respective administrative court by the mayor of municipality, respectively by the regional governor, within 7 days after the expiration of the term under par. 7, provided that the municipal council fails to issue a pronouncement with this regard.

(9) The municipal council can revoke, amend or re-adopt the act brought back for re-consideration.

(10) The act, brought back for re-consideration, shall be adopted again with the majority, provided in a law, but not less than more than the half of the total number of the municipal councillors.

(11) The amended or re-adopted act of the municipal council can be disputed before the respected administrative court pursuant to the provisions of the Code of Administrative Procedure.

(12) To all matters concerning issuing, appealing and implementation of acts of municipal councils and mayors, not covered herein, the provisions of administrative procedure, set in a law, shall be applied.

Art. 46. (amend. SG 65/95, suppl. SG 122/97; suppl. – SG 69/06) (1) The mayor of a district or mayoralty shall:

1. fulfil the budget of the municipality in its part for the district or the mayoralty;
2. organise the conducting of public works, communal and other measures;
3. be responsible for the management of sites of the municipality ownership, determined by the municipal council;

4. (amend., SG 69/03; suppl. – SG 69/06) appoint and discharge the employees of the municipal administration of the district or the mayoralty, who support his activity, in compliance with the approved number and structure;

5. undertake measures for improvement and restoration of the environment and organise the guarding of the rural properties;

6. (suppl. SG 67/99) keep the registers of the population and of the civil status and send updating messages to ESGRAON;

7. ensure the implementing of administrative services for citizens and corporate bodies;

8. (suppl. SG 122/97; amend. – SG 69/06) ensure the observing of the public order; has the authorities of art. 61, 63, 68, 69, 71, 72 and 74 of the Law for the Ministry of Interior on the respective territory till the arrival of the police body;

9. organise and manage the defence of the population at disasters and accidents;

10. represent the district or the mayoralty before the population, public and political organisations and before the other districts of mayoralties;

11. (new – SG 63/07, in force from 03.08.2007) organize the enforcement of the acts of the Municipal Council and of the mayor of municipality regarding the territory and the citizens of the region or mayoralty;

12. (new – SG 63/07, in force from 03.08.2007) carry out functions assigned by the mayor of municipality.

(2) (new – SG 69/99; amend. – SG 69/06) The authorities of a mayor of the mayoralty in a settlement, which is municipality administrative center, shall be performed by the municipality mayor.

(3) (new – SG 69/06) A mayor of a district and a mayor of mayoralty can participate in sessions of municipal council with a voting right. They shall be granted a hearing obligatorily in case of discussion on matters, related to the mayoralty or the district.

(4) (prev. (2) – S69/99; amend., SG 69/03; prev. par. 3 – SG 69/06) To the mayors of districts and mayoralties can be assigned also other functions with a law or another normative act, as well as with the regulation of art. 21, para 3 depending on the concrete peculiarities of the municipality, the district or the mayoralties.

Art. 46a. (new – SG 69/99; amend. – SG 69/06) (1) In a settlement, which is not an administrative center of a mayoralty, the municipality mayor can appoint for the term of the mandate a mayor deputy in conformity with the approved number and structure of the municipal administration.

(2) Mayor deputies shall continue fulfilling their functions also after the expiration of the term under par. 1 until their discharge by the newly elected municipality mayor.

(3) Mayor deputies are bodies of the executive power in the settlement. They can be discharged before the term without notification by the municipality mayor.

(4) The authorities of mayor deputies shall be determined by the municipal council. Municipality mayor can assign to the mayor deputies execution of his functions. Other functions also can be assigned to mayor deputies with a law or any other legal act.

(5) Mayor deputies can participate in sessions of the municipal council with a voting right. They shall be granted a hearing obligatorily in case of discussion on matters, related to the respective settlement.

Art. 47. (new - SG 69/06) Courts shall be obliged to accomplish the instituted before them proceedings under Chapter four and five within two months.

Chapter six.

COMMISSIONS OF THE MUNICIPAL COUNCIL (title amend. – SG 69/06)

Art. 48. (1) (prev. text of art. 48 - SG 69/03) The municipal council shall elect among its councillors permanent and temporary commissions, in which can also be included other specialists.

(2) (new, SG 69/03) The municipal councillors may not participate in more than three standing commissions.

Art. 49. (1) (suppl., SG 69/03) The permanent and interim commissions shall have as task:

1. to investigate the needs of the population in the corresponding field and to make proposals for solving of the problems;

2. to support the municipal council at the preparation of decisions on issues, submitted for discussion and solving;

3. to implement control over the fulfilment of the decisions of the municipal council.

(2) (suppl., SG 69/03) In its work the permanent and interim commissions can attract external persons as experts and consultants.

(3) (new – SG 69/06) Citizens and legal persons can file written proposals and statements to the commissions of the municipal council.

Art. 50. (amend. – SG 69/06) The commissions shall accept reports, statements, proposals and recommendations on the considered issues, which shall be submitted to the municipal council and to the respective interested persons.

Chapter seven.
POSSESSIONS AND FINANCE OF THE MUNICIPALITY

Art. 51. (1) The municipality shall have the right of ownership, which scope and way of acquiring shall be determined with a law.

- (2) (amend. SG 65/95, revoked SG 33/98).
- (3) (amend. SG 65/95; revoked - SG 54/08)
- (4) (amend. SG 65/95; revoked - SG 54/08)
- (5) (amend. SG 65/95; revoked - SG 54/08)

Art. 52. (1) (amend. – SG 69/06) The municipal council shall adopt independent budget of the municipality, out of the republican one, on the basis of own income sources and subsidies from the state, distributed among the municipalities according to criteria, determined with a law.

- (2) (revoked – SG 33/98).
- (3) (revoked – SG 33/98).
- (4) The municipality shall have the right to issue bonds.
- (5) (revoked, SG 69/03)
- (6) (revoked, SG 69/03)

Art. 53. (revoked – SG 33/98).

Art. 54. (1) The expenses of the municipality shall be made for covering of local needs as well as for needs, occurred in implementation of state functions.

(2) The expenses for implementation of state functions shall be covered by the republican budget.

(3) (amend. and suppl., SG 69/03) The municipal council can support with financial resources municipal enterprises and trade companies with municipal participation, which activity is connected with satisfaction of the needs of the population.

Art. 55 - 58. (revoked – SG 33/98).

Art. 58a. (New, SG 28/02) (1) By a decision of the municipal council established in the municipality can be a municipal guarantee fund for the small and medium size enterprises.

(2) The resources of the municipal guarantee funds for small and medium size enterprises under § 3 of the additional provisions of the Law for privatisation and post privatisation control shall be used for covering a part of the credit risk, amounting to 50 percent of the value of the credits. The municipal councils shall adopt and publish regulations for the conditions and the order of spending the resources of the funds.

Chapter eight.
MUNICIPAL COOPERATION (NEW – SG 69/06)

Art. 59 (new – SG 69/06). (1) Municipalities can cooperate with each other, with the regions, with legal or natural persons and to establish associations, through which to achieve objectives of mutual interest and to which to assign implementation of actions, arising out of their authorities.

(2) Municipal cooperation has got the objective to improve the quality of administrative service, provision of public services to population and to contribute to the development of respective regions through effective use of the existing resources.

Art. 60 (new – SG 69/06) The general principles of implementation of the municipal cooperation are:

1. voluntariness;
2. mutual interest;
3. active choice;
4. flexibility and dynamism;
5. transparency and responsibility.

Art. 61. (new – SG 69/06) (1) Municipal cooperation shall be carried out on the grounds of a signed cooperation agreement, which shall be subject to approval by the municipal council.

(2) In the cooperation agreement shall be set out:

1. parties under the agreement;
2. the scope and the subject of the agreement;
3. the objective of the agreement;
4. forms of cooperation and/or the type of the legal person:
 - a) for implementation of a specific project or activity between two or more municipalities;
 - b) for establishment of a non-profit legal person between municipalities;
 - c) for establishment of a profit-making legal person between two or more municipalities;
 - d) for execution of a specific project or activity or for establishment of a non-profit legal body or a profit-making legal person between one or more municipalities and/or natural persons;
5. parties rights and obligations;
6. participation share of each party with financial means, property and/or any other firms of participation for achievement of the mutual objective;
7. rules of constitution, taking decisions and termination of inter-municipal councils and/or commissions, as well as their competencies, in case when municipalities have achieved an agreement about establishment of such bodies;
8. other important for the parties under the agreement matters, including the requirements of each of them, arising out of the legislation.

(3) (new - SG 54/08) The non-profit associations, in which the municipality participates, shall carry out activities for public benefit. The restrictions about the number of members specified in Art. 19 of the Law on the Non-profit Legal Persons shall not apply to their establishment.

Art. 62 - 67. (revoked – SG 65/95).

Chapter nine. **REGION (revoked – SG 130/98)**

Art. 68 - 72. (revoked – SG 130/98).

Art. 73. (revoked – SG 65/95).

Chapter ten. **ADMINISTRATIVE – TERRITORIAL CHANGES**

Art. 74 - 75. (revoked – SG 65/95).

Chapter eleven.
TRANSITIONAL AND CONCLUDING PROVISIONS

§ 1. This law shall enter into force on the day of its promulgation in State Gazette.

§ 2. (revoked – SG 65/95).

§ 3. (revoked – SG 65/95).

§ 4. (revoked – SG 65/95).

§ 5. This law shall revoke:

1. The Law for the people's councils (prom. Izv. 95/51; amend. Izv. 60, 68/53, Izv. 100/95, Izv. 3, 37, 54/56, Izv. 30, 71, 74/57, Izv. 90/58, Izv. 22/59, SG 47/64, SG 54/69, SG 35/72, SG 32/77, SG 97/78, SG 52, 65/80, SG 97/87, SG 72,88/90).

2. The Regulation for the ordinances of art. 12a of the Law for the people's councils (prom. SG 3/65; amend. SG 39/78).

3. The ordinance for implementation of art. 41 of the Law for the people's councils about payment of remuneration and business trip money of the councillors and the members of the permanent commissions (prom. SG 64/66; amend. SG 60/80).

4. The Law for creating of administrative – territorial units – regions (prom. SG 65/87; amend. SG 45/89).

5. The Law for the people's representatives and the people's councillors about the legal status of the municipal councillors in its part about the municipal councillors (prom. SG 32/77; amend. SG 72/81, SG 27, 87/86).

6. The Edict for the assignments of the electors (SG 12/78).

7. Edict No 296 for the authorities of the district people's councils under art. 5, para 4 of the Law for the people's councils (SG 19/79).

§ 6. Amendments in other laws:

1. In the Law for the ownership (Prom. SG 92 1951; Amend. SG 12 1958; Amend. SG 90 1960; Amend. SG 99 1963; Amend. SG 26 1973; Amend. SG 27 1973; Amend. SG 54 1974; Amend. SG 87 1974; Amend. SG 55 1978; Amend. SG 36 1979; Amend. SG 19 1985; Amend. SG 14 1988; Amend. SG 91 1988; Amend. SG 38 1989; Amend. SG 31 1990; Amend. SG 77 1991; Amend. SG 33 1996; Amend. SG 100 1997; Amend. SG 90 1999; Amend. SG 34 2000) art. 6 shall be amended as follows:

"6. State ownership shall be the property, announced with the Constitution and the laws for exclusive state ownership as well as the property, which it acquires.

Municipal ownership is the property:

1. conceded with a law as ownership to the municipalities or included in the founding capital of the municipal companies;"

2. acquired with resources of the municipal budget or with resources from the off budget account of the municipality;

3. constructed with the voluntary labour and money donations of the population;

4. acquired with loans, received and paid by the municipality;

5. granted or left by testament to the municipal council or separate settlements;

6. restored with restitution;

7. conceded gratuitously by the state;

8. transferred as ownership of the municipality of the municipalities according to the previous provisions of this law."

2. In the Law for the (SG 57/91) shall be created the following new art. 13a:

"Art. 13a. The relations of the capital and the regional directorates of the Ministry of Interior and of the district police departments with the regional governors, the county managers and the mayors shall be provided with the Law for the local government and the local administration and the Law for the police."

§ 7. (amend. SG 49/95) (1) With the entering in force of this law the following state properties shall also pass as ownership of the municipalities:

1. the water sources, including the underground and the mineral waters, which are used only by the respective municipality, together with the water intake facilities and the conveying network and facilities;

2. dams, lakes and the adjacent beaches, quarries for filling and other materials of local importance;

3. unbuilt parcels and properties within the settlement territories, designated for residential construction, public, public works and communal measures, acquired with alienation procedures, except those, subject to reinstatement to their former owners;

4. (amend. SG 49/95, SG 26/00) the municipal roads, the streets, the boulevards, the streets, the squares, the public parking places in the settlements and the green areas for public works;

5. the residential sites, constructed by the order of art. 117 of the Law for territorial and urban development, for circulation homes or for social measures, including for letting to socially weak families;

6. the sites of the municipal infrastructure of local importance, designated for the administrative needs of the municipalities, as well as for health, educational, cultural, trade, household, sport or communal services;

7. the networks and the facilities of the technical infrastructure of the transport, the energy, the water supply, the sewerage, the communication and the engineering – protective system, which serve only the territory of the respective municipality and are not included in the foundation capital of commercial companies.

(2) (new – SG 49/95) Property of para 1, which is included in the capital, in the foundation capital, or is kept in the balance of a commercial company, company or enterprise with state property, shall not be transferred as ownership to the municipalities.

§ 8. (amend. SG 69/99) The implementation of this law shall be assigned to the Council of Ministers.

**Transitional and concluding provisions
OF THE LAW FOR AMENDMENT AND SUPPLEMENT OF THE LAW FOR THE LOCAL
GOVERNMENT AND THE LOCAL ADMINISTRATION (SG 65/95)**

§ 56. The payroll numbers, existing at the entering of this law in force at the municipal councils shall be closed with the termination of the mandate of the municipal councils, elected on October 13, 1991.

**Transitional and concluding provisions
OF THE LAW FOR AMENDMENT AND SUPPLEMENT OF THE LAW FOR THE LOCAL
GOVERNMENT AND THE LOCAL ADMINISTRATION (SG 69/99)**

§ 45. In three months term after this law enters into force the municipal councils shall approve

decision for bringing the administrative – territorial structure of the municipalities in compliance with the law. Till the approval of the decision of the municipal council at the mayoralties, which do not meet the requirements of art. 16, item 1 of the Law for the administrative – territorial structure of the Republic of Bulgaria by the moment when this law enters into force, elections for mayor of a mayoralty shall not be held.

**Concluding provisions
(SG 69/03)**

§ 43. The law shall enter into force on the day following the day of the local elections in 2003.

**Transitional and concluding provisions
TO THE ADMINISTRATIVE PROCEDURE CODE**

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4 § 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and § 136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

**Transitional and concluding provisions
TO THE LAW AMENDING THE LAW FOR THE LOCAL GOVERNMENT AND THE
LOCAL ADMINISTRATION**

(PROM. – SG 69/06)

§ 39. Paragraph 15, item 1 shall enter into force from 1 January 2008.

**Transitional and concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW ON THE
LOCAL ELECTIONS**

(PROM. - SG 63/07, IN FORCE FROM 03.08.2007)

§ 98. This Law shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions

TO THE LAW ON THE CONDOMINIUM OWNERSHIP MANAGEMENT

(PROM. – SG 6/09, IN FORCE FROM 01.05.2009)

§ 13. The Law shall enter into force from 1 May 2009.

Transitional and concluding provisions

**TO THE LAW ON THE DEFENCE AND THE ARMED FORCES OF THE REPUBLIC OF
BULGARIA**

(PROM. – SG 35/09, IN FORCE FROM 12.05.2009)

§ 46. This Law shall enter into force from day of its promulgation in the State Gazette.