

General People's Committee
Decree No. (149) of 1374 FDP (2006 AD)
establishing the Municipal Guard

The General People's Committee

Upon review of:

- Law No. (1) of 1369 FDP on People's Congresses and People's Committees and the executive regulation thereof;
- Law of the financial system of the State of Libya, and budget, accounting and inventory regulation and amendments;
- Law No. (116) of 1972 organizing urban development and its amendments;
- Law No. (55) of 1976 issuing the Civil Service Law and the executive regulation thereof;
- Law No. (30) of 1977 on the Municipal Guard;
- Law No. (13) of 1984 on special provisions related to public sanitation;
- Law No. (19) of 1985 organising joint property in buildings;
- Law No. (13) of 1989 on price control and decrees issued thereon;
- Law No. (5) of 1992 on the protection of pastures and forests;
- Law No. (10) of 1992 on security and police;
- Law No. (3) of 1369 FDP on urban planning and its executive regulation;
- Law No. (21) of 1369 FDP on practicing economic activity, and its amendments;
- General People's Congress Decree No. (106) of 1374 FDP determining the powers of People's Committees for housing and utilities;
- Secretary of Municipalities Decision No. (38) of 1977 on the powers of the Municipal Guard and their exercise;
- Based on the proposal of the Assistant Secretary of the General People's Committee for housing and utilities affairs;
- On the decision of the General People's Committee in its second ordinary session of 1369 FDP;
- And on the approval of the secretariat of the General People's Committee in its eighteenth ordinary session of 1374 FDP;

has decreed:

Article (1)

A body called the "Municipal Guard Service" shall be established. It shall possess legal personality and independent financial liability, and shall be subject to the supervision of the General People's Committee for the relevant sector.

Article (2)

The Municipal Guard Service shall be headquartered in the city of Tripoli in the Great Jamahiriya and may have branches or offices in other districts by virtue of a decree from the General People's Committee for the relevant sector.

Article (3)

The Municipal Guard Service shall assume the following powers:

First: In the sector of planning cities and villages.

1. Verify that people concerned obtain the license issued for the project in any operation of construction, expansion, elevation, modification, strengthening, or demolition of an existing building.
2. Not allow any person or public or private body to establish any public utilities network in the roads, streets, and squares, establish connections for new buildings, or provide water and sewage networks to land divisions without the approval of the competent authority.
3. Prevent encroachment on public utilities and ensure that their exploitation or utilization is in accordance with the approval and conditions of the competent authority.
4. Verify that building owners remove and empty the water from black wells in a timely manner and not allow them to dispose thereof in public space.
5. Control fences, trees, and plants that abut on public roads, impede vision in curves and intersections, and pose danger to public safety and take the necessary measures to remove them.
6. Ensure that the work of manufacturing or storing residue and waste is conducted within the places allocated for such, in a way that protects neighbouring properties or public roads.
7. Ensure that ongoing construction licenses under which construction operations are ongoing are still existent and valid and ensure that the building line determined by the competent authority and other measures organising the construction process are respected.
8. Ensure that the person who has obtained a construction license has taken all crisis precautions and procedures to protect the safety of his neighbours and their properties and to protect workers, passers-by, and underground lines, facilities, and public utilities, and verify that construction materials or demolition waste are stored in a closed space and in a manner that ensures the cleanliness of the surrounding streets and roads and ensure everyone's safety.
9. Ensure that night time construction work is licensed and does not cause a nuisance that disturbs residents.
10. Ensure that persons licensed to carry out construction works do not harm trees planted on public roads within the approved plans, either by cutting them or by throwing construction waste in their basins.
11. Prevent persons licensed to carry out construction works from digging up roads or sidewalks to stabilise scaffolding and other structures outside their licensed space, as well as prevent them from leaving demolition and construction waste in roads, streets, and squares.

Second: In the sector of licenses of all types.

1. Monitor works of excavation, construction, demolition, paving, and pipe and wire installation above or below ground and make sure to provide safety requirements for passers-by.

2. Ensure that movables are only left outside shops, factories, or stores for the shortest time required for loading and unloading, provided they do not disrupt traffic.
3. Compel shopkeepers not to put goods, merchandise, display tables, boxes, kiosks, etc. on the sidewalks, in public spaces, and empty spaces. Empty spaces include sidewalks, roads, walkways, public utilities, and unexploited beaches.
4. Ensure that shop owners place shelves, handtrucks, awnings, sheds, and the like in accordance with technical rules.

Third: In the sector of maintenance of public roads within cities, villages, and rural areas:

1. Monitor public roads and squares, ensure they are free of traffic that may affect their surface, and in the event they are affected by such, take the necessary action against the perpetrators and follow up on the issue with the competent authorities.
2. Ensure that the road is restored to its original state in accordance with the procedures set forth in the legislation in force.
3. Ensure the safety of passers-by on public roads from the danger of any obstacles, holes, sewage pools, etc. being left behind and take the necessary measures to remove such obstacles, backfill them, or place signs to alert people of such risk.

Fourth: Protection of parks and their trees, plants, and equipment and prevention of tampering with them or the leaving of waste and garbage in them.

Fifth: With regards to beaches and summer resorts:

1. Bar persons suffering from skin and contagious diseases from entering.
2. Bar bicycles, cars, vehicles, and animals from entering.
3. Prevent the disposal of waste, garbage, or any other materials that endanger the safety of the visitors of summer resorts or disrupt their comfort.
4. Monitor the visitors of summer resorts to prevent them from straying outside the safe areas of the sea and prevent them from going in the water at restricted times.
5. Monitor the opening hours of summer resorts and beaches and prevent persons from sleeping or staying in them after the scheduled times.
6. Prevent visitors of summer resorts from doing anything that would make others uncomfortable and disturb public morality.
7. Ensure that no facility overlooking the beach is established on a distance less than the prescribed minimum.

Sixth: In terms of cooperation with specialised health inspectors:

1. Seize food, beverages, and dairy products suspected of being expired, fraudulent, or contaminated, send them to the relevant health authorities, and implement the latter's decisions in this regard.
2. Monitor the places and shops where food and beverages are manufactured and prepared and ensure they operate in accordance with the requirements of public health.
3. Monitor the meat, bread, dough, and vegetables displayed for sale to make sure the display ensures their protection from pollution and soil.

4. Monitor and seize dangerous, neglected, or stray animals in cooperation with the competent health authorities.

Seventh: In the sector of commercial and industrial professions and crafts:

1. Verify that no commercial or industrial work, profession, or craft is being practiced before licenses have been legally obtained from the relevant office and check the validity of existing licenses when the practice of these works, professions, or crafts continues.
2. Monitor licensed shops or their branches and report if any of them stop practicing their activities.
3. Verify that the licensee complies with the activity subject of the license and the conditions contained therein.
4. Implement decisions issued to ban the operation of shops in case of an imminent threat to public health, public security, or public morals.
5. Monitor public auction houses, ban whoever practices this profession without a license from the relevant office, ensure that the auction process is carried out in licensed premises, monitor commercial shops that advertise they practice business at reduced prices, and ensure that these shops conduct their business in accordance with the license, instructions, and orders issued by competent authorities.

Eighth: Ensure that the owners of public shops adhere to opening and closing times and expel whoever commits acts or makes gestures that are indecent or disturb public morals. The following shall guidelines shall apply in cinemas and theatres:

1. Ensure that the decrees regulating the visits of minors to such places are implemented.
2. Monitor the implementation of the smoking ban in closed rooms and expel offenders.
3. Monitor hallways and entrances during shows and take the necessary action to ensure safe passage.
4. Prevent the sale of food and beverages during the show.

Ninth: In public slaughterhouses and bakeries:

1. Check the authenticity and validity of licenses issued regarding abattoirs and slaughterhouses.
2. Monitor that no animals be slaughtered to offer their meat for public consumption or remove their skin other than in public abattoirs and slaughterhouses. Ban the meat of animals slaughtered and skinned in other places from being sold or offered for sale for public consumption. In the event such meat is found, a specialised veterinarian shall examine it, and if he decides it is fit for consumption, it shall be distributed free of charge to hospitals or charities. If it is not fit for consumption, it shall be disposed of.
3. Verify the validity of the fish and slaughterhouse seal of meat intended for sale. It shall be seized if it does not bear a seal. If the seal is expired, the provisions of Item (3), last paragraph, shall be implemented.
4. Monitor bakeries and ensure they respect health regulations and monitor the weight required for the types of loaves.
5. Check that cleanliness and health requirements are met in the containers and transport methods of meat, bread, and dough and in the manner of their sale. Check the availability of health certificates for workers in slaughterhouses, bakeries, and all places selling food,

in collaboration with specialised health inspectors. Take the necessary legal measures against violators.

Tenth: In terms of weighing and scaling:

The Municipal Guard shall verify that no one practices the public weighing service, except with a special license from the legally competent office and in accordance with the terms and procedures set forth in this license. They shall verify that the weighing shop is open on schedule and they shall control the collection of fees for doing so.

The Municipal Guard shall verify that the weights and measures used in the shops are valid for us and stamped with the seal of the relevant party.

Eleventh: In the sector of public sanitation:

1. Ban throwing garbage or waste in places other than bins or baskets specified for such purpose.
2. Verify the safety of bins and containers used to place and transfer garbage and check that they meet health requirements. Make sure all means to collect garbage and waste are available and prevent their transfer to locations other than the ones specified.
3. Prevent any of the following acts:
 - a. Any act that would pollute water.
 - b. Washing animals, cars, or vehicles in places other than barns or premises licensed for this purpose.
 - c. Passage of cattle or animals in the road and streets.
 - d. Grazing within city and village limits.
 - e. Littering water and streets and throwing construction, soil, and dirt residue in empty spaces or dilapidated buildings.
4. Monitor the cleanliness of houses, buildings, and car depots.

Twelfth: In the sector of metals:

1. Seize gold and silver metals manufactured contrary to the units and standards prescribed.
2. Prevent licensed gold and silver manufacturers from selling these metals or displaying them for sale before they are examined, stamped, and the seal is affixed by the competent authorities.

Thirteenth: In the sector of commercial advertisement:

The Municipal Guard shall not allow any commercial advertisement within the city, village, or service area before the required license is obtained from the competent authority. They shall check that the advertisement be in accordance with the terms of the license and written in Modern Standard Arabic. Advertisements shall be prevented in places where they are banned, taking into account the legislation in force.

“Commercial advertisements” shall refer to any method, installation, or sign of any material intended for such purpose, so that it can be seen from a public road to promote or advertise for a commercial or industrial activity.

Fourteenth: In the sector of cemeteries and burial procedures:

The Municipal Guard shall protect cemeteries and maintain their sanctity and ensure death certificates are issued.

Fifteenth: In the sector of judicial policing:

The Municipal Guard shall start exercise the power to control crimes committed in violation of the provisions of laws and regulations pertaining to their activities.

Sixteenth: In the sector of festivals and celebrations:

The Municipal Guard shall contribute to the organisation and installation of special decorations, raise the national flag, lower it at the occasions and times specified therefor, and not exploit it in any acts inconsistent with the honour it should receive.

The Municipal Guard shall cooperate with the security services and judicial police officers to respond to natural disasters, floods, and acts of civil defence.

Article (4)

The Municipal Guard shall be presided over by a head appointed by a decision from the Secretariat of the General People's Committee upon the proposal of the General People's Committee for the relevant sector.

Article (5)

The Municipal Guard shall have an independent budget prepared as per the regulations in force. Its fiscal year shall start and end with the State's fiscal year. The first fiscal year shall start from the date this decree enters into effect and end with the end of the current fiscal year.

Article (6)

The Municipal Guard's financial resources shall consist of the following:

1. Its allocations from the State's general budget.
2. Any other resources it is authorised to obtain.

Article (7)

One or more accounts shall be opened for the Municipal Guard at one of the banks operating in the Great Jamahiriya to deposit its funds and revenues. They shall be disbursed in accordance with the provisions of the regulations in force.

Article (8)

Movable and immovable assets of the Municipal Guard's offices, centres, and departments in the districts shall be transferred to the Municipal Guard Service and Municipal Guard personnel and employees shall be transferred to the Municipal Guard Service at the time of issuance of this decree with the same conditions, grades, and ranks.

Article (9)

The provisions of Law No. (30) of 1977 on the Municipal Guard, the decrees issued pursuant thereto, and the corresponding laws shall apply to the Municipal Guard Service's personnel in the absence of special provisions.

Article (10)

Municipal Guard personnel shall receive the salaries, annual bonuses, and service bonus stipulated by law for the same ranks as their counterparts in the security forces.

Article (11)

The Municipal Guard Service's branches and personnel shall be supervised by the People's Committees for housing and utilities in the districts, so as not to violate the provisions of this decree.

Article (12)

The head of the Municipal Guard Service shall provide periodic reports on work progress to the Secretariat of the General People's Committee for the sector, including the implementation procedures being taken and monitoring of the powers assigned to the apparatus and the problems and difficulties facing the workflow and suggesting appropriate solutions to them. The heads of the apparatus's branches and offices shall refer periodic reports corresponding to the reports mentioned to the People's Committee for the relevant sector in the district.

Article (13)

The organisational structure of the Municipal Guard Service and the regulations and decrees implementing this decree shall be governed by decisions from the General People's Committee for the sector concerned.

Article (14)

In the implementation of the provisions of this decree, the General People's Committee for the sector concerned shall refer to the sector responsible for affairs of housing and utilities and the relevant secretary in charge of such sector.

Article (15)

The Financial Audit Service shall inspect and review the accounts of the Municipal Guard Service in accordance with the provisions of the legislation in force.

Article (16)

This decree shall enter into force from its date of issuance and any provision that contravenes its provisions shall be repealed. It shall be published in the Code of Procedure.

The General People's Committee -- Libya

Issued on: 24 Jumada al-Awwal

Corresponding to: 20/06/1374 FDP, 2006 AD