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Section 1-155 128/2000, Coll.

Section 1-146 PART ONE ESTABLISHMENT OF MUNICIPALITIES

Section 1-34a CHAPTER I GENERAL PROVISIONS

Section 1-15 PART 1 Position of Municipality

Section 16-17 PART 2 Citizens of Municipality

Section 18-26a PART 3 Territory of Municipality and Its Changes

Section 27-34a PART 4 Name of Municipality, Its Parts, Streets and Public Spaces, Numbering of Buildings, Emblem and Flag of Municipality

Section 35-60 CHAPTER II MUNICIPALITY IN ITS OWN COMPETENCE

Section 35-37 PART 1

Section 38-45 PART 2 Economic Management of Municipality

Section 46-54 PART 3 Co-operation between Municipalities

Section 49-53 Union of Municipalities

Section 54 Co-operation with Legal Entities and Natural Persons

Section 55 PART 4 Co-operation with Municipalities in Other Countries

Section 56-59 PART 5 Administrative Delicts

Section 60 PART 6 Election to Councils in Municipalities and Local Referendum

Section 61-66e CHAPTER III DELEGATED POWERS

Section 64-66b Designated Municipality Authority

Section 66c-66e Common Provisions on Statutory Agreements (Sections 63 and 66a)

Section 67-116 CHAPTER IV BODIES OF MUNICIPALITY

Section 67-83 PART 1 Municipality Council

Section 84-98 PART 2 Powers of Municipality Council

Section 99-102a PART 3 Municipality Board

Section 103-108 PART 4 The Mayor

Section 109-116 PART 5 Municipal Authority

Section 117-122 CHAPTER V BODIES OF MUNICIPALITY COUNCIL AND MUNICIPALITY BOARD

Section 117-122 Committees

Section 122 Commissions

Section 123-128 CHAPTER VI SUPERVISION

Section 123-124a PART 1 Supervision of the Issuance and Content of Generally Binding Ordinances of Municipalities and Resolutions, Decisions and Other Measures of Bodies of Municipalities in Their Own Competence

Section 125 PART 2 Supervision of the Issuance and Content of Regulations of Municipalities and Resolutions, Decisions and Other Measures of Bodies of Municipalities in Delegated Powers

Section 126 Headline Omitted

Section 127-127a PART 3 Supervision of the Issuance and Content of Resolutions, Decisions and Other Measures of Bodies of Municipal Districts and Metropolitan Districts of Territorially Divided Statutory Cities

|                  |   |
|------------------|---|
| Section 128      | PART 4  |
| Section 129-129c | CHAPTER VII INSPECTION OF EXECUTION OF OWN AND DELEGATED COMPETENCE |
| Section 129a     | Inspection of the Exercise Own Competence                           |
| Section 129b     | Inspection of the Exercise of Delegated Powers                      |
| Section 130-146  | CHAPTER VIII  |
| Section 147-152  | PART TWO COMMON AND TRANSITIONAL PROVISIONS                         |
| Section 153-155  | PART THREE FINAL PROVISIONS   |

**128/2000, Coll.**

**ACT**

dated April 12, 2000

**on Municipalities (Establishment of Municipalities)**

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The Parliament has resolved to pass the following Act of the Czech Republic:

## **PART ONE**

### **ESTABLISHMENT OF MUNICIPALITIES**

#### **CHAPTER I**

##### **GENERAL PROVISIONS**

#### **PART 1**

##### **Position of Municipality**

###### Section 1 [\[WK comments\]](#) [\[Linde comments\]](#)

Municipality is a key territorial self-governing community of citizens; it constitutes a territorial unit delineated by the municipality's boundaries.

###### Section 2 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipality is a public corporation, having its own property. Municipality operates within the existing legal system on its own behalf and bears responsibility stemming therefrom.

(2) Municipality looks after all-round development of its territory and the needs of its citizens; while meeting its tasks, it protects public interests.

###### Section 3 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipality, which has a population of at least 3,000, is a town, if thus stipulated by the Speaker of the Lower House pursuant to a ruling by the Government upon proposal of the municipality.

(2) Municipality is a township if thus stipulated by the Speaker of the Lower House pursuant to a ruling by the Government upon proposal of the municipality.

(3) Municipality, which was a town prior to May 17, 1954, shall be classified as a town, if it asks the Speaker of the Lower House for that classification. At the request of a municipality, the Speaker of the Lower House shall so stipulate and also fix a day when the given municipality becomes a town.

(4) Municipality that was authorized to use the title of township prior to May 17, 1954, shall be a township if it asks the Speaker of the Lower House. At the request of a municipality, the Speaker of the Lower House shall so stipulate and also fix a day when the given municipality becomes a township.

(5) The Office of the Lower House shall send information without undue delay that the municipality became a town or township to the Czech Geodetic and Cadastral Office.

(6) If two or more municipalities merge, out of which at least one is a town, the newly established municipality shall be a town. If two or more municipalities merge, none of which is a town but at least one of them is a township, the newly established municipality shall be a township. If part of a town is separated, giving rise to two or more municipalities, then the municipality that retains the name of the previous town or part of its name shall continue to be a town. If part of a township is separated, giving rise to two or more municipalities, then the municipality that retains the name of the previous township or part of its name shall continue to be a township.

#### Section 4 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The following are statutory cities: Kladno, České Budějovice, Plzeň, Karlovy Vary, Ústí nad Labem, Liberec, Jablonec nad Nisou, Hradec Králové, Pardubice, Jihlava, Brno, Zlín, Olomouc, Přerov, Chomutov, Děčín, Frýdek-Místek, Ostrava, Opava, Havířov, Most, Teplice, Karviná, Mladá Boleslav and Prostějov.

(2) The territory of statutory cities may be divided into municipal districts or metropolitan districts with their own self-governing bodies.

#### Section 5 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipality is autonomously administered by the municipality council; the other bodies of the municipality are the municipality board, the Mayor, the municipality authority, and special bodies of the municipality. A town is autonomously administered by the municipal council; the other municipal authorities are the municipal board, the Mayor, the municipal authority, and special bodies of the town. A township is autonomously administered by the township council; the other bodies of the township are the township board, the Mayor, the township authority, and special bodies of the township.

(2) Statutory city is autonomously administered by the city council; the other bodies of a statutory city is the city board, the Lord Mayor, the metropolitan authority, and special bodies of the city. Municipal district of a territorially divided statutory city is administered by the municipal district council; the other bodies of the municipal district are the municipal district board, the Mayor, the municipal district authority, and special bodies of the municipal district. Metropolitan district of a territorially divided statutory city is administered by the metropolitan district council; the other bodies of the metropolitan district are the metropolitan district board, the Mayor, the metropolitan district authority, and special bodies of the metropolitan district.

(3) Commission is also a body of the municipality, township, town, statutory city,

municipal district or metropolitan district, providing it has been authorized to exercise delegated powers ([Section 122\(2\)](#)).

Section 6

**cancelled**

Section 7 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipality administers its matters autonomously (hereinafter "in its own competence"). State authorities and regional authorities may interfere into its own competence only when this is called for by the protection of law and solely in a manner laid down by law. The scope of the own competence may only be limited by law.

(2) State administration whose execution has been entrusted by law to a body of the municipality shall be performed by that particular body as its delegated competence ([Section 61 et seq.](#)).

Section 8 [\[WK comments\]](#) [\[Linde comments\]](#)

If a special Act governs the powers of the municipality, and does not stipulate that this is a delegated competence of the municipality, it shall hold that this is invariably the own competence.

Section 9 [\[WK comments\]](#) [\[Linde comments\]](#)

**cancelled**

Section 9a [\[WK comments\]](#) [\[Linde comments\]](#)

Municipalities ensure the performance of financial inspection pursuant to a special legal regulation.<sup>2a)</sup>

Section 10 [\[WK comments\]](#) [\[Linde comments\]](#)

Municipality in its own competence may impose duties in a generally binding ordinance:

a) for the purpose of safeguarding local affairs in public order; especially it may stipulate which particular activities that could disturb the public peace in the municipality or could run counter to the good morals, protection of safety, health and property can be performed solely on sites and at times specifically determined by a binding ordinance, or stipulate that such activities are prohibited in some public premises in the municipality;

b) for the purpose of organizing, holding and terminating publicly accessible sporting and cultural events, including dances and discotheques, by stipulating binding conditions to an extent necessary to secure public order;

c) for the purpose of maintaining the cleanliness of streets and other public spaces, for the protection of the environment, greenery in built-up areas and other public green space<sup>3)</sup> (hereinafter "public greenery"), and for using the municipality's amenities serving public needs; and

d) when laid down by a special Act.

#### Section 11 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) If thus empowered by law, the municipality may in delegated powers issue its regulations pursuant to and within the limits of law.

(2) Municipality exercising extended powers<sup>3a)</sup> ([Section 66](#)) may, under the conditions laid down in [Subsection 1](#), issue regulations of the municipality for an administrative district as stipulated by a special legal regulation.

#### Section 12 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Generally binding ordinances and regulations of the municipality (hereinafter "legal regulations of the municipality") must be published, which is a prerequisite for the validity of a legal regulation of the municipality. Publication shall be made by posting up the pertinent legal regulation on the official notice board<sup>3b)</sup> of the municipal authority for a period of 15 (fifteen) days. The day of the publication of the municipality's legal regulation shall be the first day of its display on the notice board. In addition to that, municipality may publish its legal regulations as customary locally.

(2) Unless later effectiveness has been stipulated, municipality's legal regulations shall come into force on the fifteenth day after the day of publication. If required by an urgent general interest, it is exceptionally possible to stipulate an earlier start of effectiveness but at the earliest on the day of its publication.

(3) Rulings of the municipality exercising extended powers shall also be published on the notice boards of the municipality authorities operating in the administrative district of the municipality with extended powers.

(4) Municipality shall keep records of the legal regulations it has issued. Each record of legal regulations shall contain the number and title of the legal regulation concerned, the date of its approval, the date when it came into effect, or, as the case may be, the date when it lost its validity. Legal regulations of the municipality shall be designated by serial numbers. Each numerical series shall always be terminated at the end of each calendar year.

(5) Legal regulations of the municipality and their record-keeping must be accessible to all at the municipality authority in the given municipality that has issued them. Rulings issued by a municipality discharging extended powers must also be accessible to all at the municipality authorities operating in its administrative district.

(6) Municipality shall dispatch its generally binding regulation to the Ministry of

the Interior without undue delay after the day of its publication. Municipality shall send its rulings to the regional authority forthwith after the day of their publication.

Section 13 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) State authorities and regional authorities shall be obliged, whenever possible, to discuss with the municipality beforehand proposals for measures concerning the municipality's powers.

(2) State authorities and regional authorities shall provide to the municipality on request free-of-charge data and information for the exercise of its powers. This duty shall also lay with the municipality *vis-a-vis* state authorities and regional authorities. The protection of data and classified information pursuant to special legal regulations<sup>4)</sup> shall remain intact.

(3) When exercising their powers, municipalities shall be authorized to use free of charge data of the Land Register.

Section 14 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipality shall be obliged to issue certificates and make out reports for the needs of legal entities and natural persons, if thus stipulated by a legal regulation.

(2) Municipality shall issue certificates necessary for the exercise of rights abroad even if legal regulation does not establish such a duty but the required data are known to it.

Section 15 [\[Linde comments\]](#)

**cancelled**

**PART 2**

**Citizens of Municipality**

Section 16 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) A citizen of the municipality is a natural person who is

a) a state citizen of the Czech Republic; and

b) is registered for permanent residence in the municipality.<sup>6)</sup>

(2) Citizen of the municipality who has reached the age of 18 (eighteen) years shall have the right to

a) vote and be elected into the municipality council under the terms laid down by a special legal regulation<sup>7)</sup>;

b) vote in a local referendum under the terms laid down by a special legal regulation<sup>8)</sup>;

c) express his/her views on the matters being discussed at the sessions of the municipality council in keeping with the rules of procedure;

d) express himself/herself on the municipality's draft budget and the municipality's final account for the past calendar year, either in writing within a stipulated deadline, or orally at the session of the municipality council;

e) look into the municipality's budget and the municipality's final account for the past calendar year, the resolution and minutes of the deliberations of the municipality council, the resolutions of the municipality council, committees of the municipality councils and the commissions of the municipality board, and make extracts therefrom;

f) demand that a specific matter in the field of its own competence be discussed by the municipality board or the municipality council; providing the demand has been signed by at least 0.5% of the citizens of the given municipality, it must be discussed at their session no later than within 60 (sixty) days, and if the powers of the municipality council are involved, no later than within 90 (ninety) days;

g) submit to the bodies of the municipality proposals, comments and moves; the bodies of the municipality shall deal with them forthwith, but no later than within 60 (sixty) days, and if the powers of the municipality council are involved, no later than within 90 (ninety) days.

(3) Also a natural person who has reached the age of 18 (eighteen) years and who owns real estate property in the municipality shall have the authorizations as given in [subsection 2\(c\) through \(g\)](#).

#### Section 17 [\[WK comments\]](#) [\[Linde comments\]](#)

Also a natural person who has reached the age of 18 (eighteen) years, who is an alien and who is registered for permanent residence in the municipality shall have the authorizations laid down in [Section 16](#), if thus stipulated by an international treaty by which the Czech Republic is bound and which has been promulgated.

### **PART 3**

#### **Territory of Municipality and Its Changes**

#### Section 18 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Each part of the territory of the Czech Republic shall be part of a territory of a municipality, unless stipulated otherwise by a special Act.<sup>9)</sup>

(2) Municipality shall have one or more cadastral territory/ies.

Section 19 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Two or more municipalities neighbouring on one another can merge on the basis of agreement. After the merger, the territory of the municipality shall be formed by the territories of the merged municipalities.

(2) After the merger, the municipality shall bear the name to be agreed upon by the merging municipalities. If the municipalities fail to agree on a name, it shall be decided by the Ministry of the Interior. The Ministry of the Interior shall give its consent with a different name of the merged municipality.

(3) On the basis of agreement, municipality may join another municipality with which it neighbours.

(4) Agreement on the merging of municipalities or on the joining of a municipality may be concluded on the basis of a decision of the councils of the municipalities concerned, unless a move is submitted within 30 (thirty) days of the publication of this decision<sup>8)</sup> for the holding of a local referendum on this matter. If such a move has been filed, an affirmative decision of a local referendum held in the municipality where the move for its holding has been made shall be necessary for the conclusion of an agreement on the merger of the municipalities or on the joining of a municipality. The municipalities concerned shall notify the pertinent regional authority of the decision of their councils on the strength of which agreement on the merger of municipalities or the joining of a municipality is to be based. If a local referendum on the merger of municipalities or the joining of a municipality is held, the municipalities concerned shall also publish the decision adopted in the local referendum.

(5) Agreement on the merger of municipalities or the joining of a municipality must contain the following:

- a) day, month and year in which the municipalities are merged or when the municipality is joined;
- b) name of the municipality and the seat of its body, if merger of municipalities is involved;
- c) determination of the legal regulations of the municipality that have been issued by the merging municipalities or the municipality being joined, and that shall remain in force in the entire municipality after merger or joining;
- d) list of cadastral territories of the municipality after merger or joining;
- e) determination of property, including financial resources, other rights and obligations, legal entities and organizational components of the merged municipalities or the municipality being joined.

(6) Legal successor of the merged or joined municipalities shall be the municipality originating from their merger or joining or the municipality that is not dissolved on the joining. That municipality shall become the recipient of the proceeds of taxes pursuant to a special act that would otherwise - pursuant to special legal regulations - belong to the dissolved municipality. This

particular municipality shall also receive all the property, including financial means of the dissolved municipalities, other rights and obligations of those municipalities, complete with their rights of the founder and incorporator of legal entities, and also organizational components of those municipalities, on the day on which the municipalities are merged or on which the municipalities are joined. The newly established municipality or the municipality which has not been dissolved on joining shall send a copy of the agreement to the Ministry of the Interior, the Ministry of Finance, the Czech Geodetic and Cadastral Office, the competent Land Register and the appropriate financial authority.

#### Section 20 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipal district or metropolitan district in a statutory city may be established or wound up on the basis of a decision of the municipal council, unless a move on the holding of a local referendum on this matter has been filed within 30 (thirty) days of the publication of the move. If such a move has been filed, a municipal district or a metropolitan district may be established or dissolved solely on the basis of an affirmative decision of a local referendum held in the territory on which the establishment or wind-up of a municipal district or metropolitan district is proposed.

(2) Municipal district or metropolitan district are organizational components of a town.

(3) Under the terms laid down in [subsection 1](#), a municipal district or a metropolitan district may be joined to another municipal district or metropolitan district.

(4) Decision on the establishment, joining or winding up of a municipal district or a metropolitan district must contain particulars given in [Section 19\(5\)](#); however, instead of the name of the municipality, the name of the established municipal district or metropolitan district or the name of the municipal district or metropolitan district to which another municipal district or metropolitan district is joined shall be attached.

(5) A copy of the decision shall be sent by the statutory city to the Ministry of the Interior, the Czech Geodetic and Cadastral Office, competent Land Register and the appropriate financial authority.

#### Section 20a [\[WK comments\]](#)

A new municipality may originate by means of separation of part of the municipality, or by a change or termination of a military training area. 9)

#### Section 21 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Part of municipality that intends to separate must have its autonomous cadastral territory adjoining at least two municipalities or one municipality and a foreign state, and forming a continuous territorial unit; after separation it must have a population of at least 1,000 citizens. The same conditions must be met by a municipality after the separation of its part. The citizens living in the territory of that part of the municipality that intends to separate must express their consent with the separation of that particular part of the municipality in a local referendum.

(2) Citizens of the municipality that intends to separate shall set up a preparatory committee in that part of the municipality. The preparatory committee shall be made up of an eligible citizen<sup>10)</sup> and his/her representatives. Only one preparatory committee may be established. The number of members of the preparatory committee is odd, formed by at least three members. Only a citizen of the municipality who has permanent residence in that part of the municipality that intends to separate may be a member of the preparatory committee.

(3) Preparatory committee

- a) proposes the holding of a local referendum on the separation of part of the municipality, and participates in its preparation and implementation;
- b) takes part in drafting the move to separate the part of the municipality;
- c) acts on behalf of the newly emerging municipality in concluding agreements on the division of property; and
- d) is a party to the procedure on the separation of part of the municipality; however, it may not submit a move to separate the part of the municipality to the regional authority.<sup>11)</sup>

Section 22 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Separation of part of the municipality is decided by the regional authority in delegated powers at the proposal of the municipality that is submitted by the municipality following the positive result of a local referendum held in that part of municipality that intends to separate. If the municipality fails to submit a move within 30 (thirty) days of the day of the publication of the result of the local referendum or if it makes changes in the move to separate that part of the municipality that run counter to the decision adopted in the local referendum<sup>8)</sup>, this may be done by any citizen of that municipality.

(2) Move to separate part of the municipality must contain the following:

- a) day, month and year in which the given part of the municipality is to separate;
- b) delineation of the territory of the newly emerging municipality after the separation of that part of the municipality by listing its cadastral territories, including appropriate maps;
- c) number of citizens of the municipality on the day of submission of the move to separate the part as well as the numbers of citizens of the municipality in its individual parts which are to separate;
- d) division of the tax proceeds in proportion to the number of inhabitants of the original and newly created municipality until such time when the actual percentage of the tax proceeds to be allocated to the newly emerging municipality is stipulated.

(3) Part of the move for the separation of part of the municipality shall be a written agreement of the municipality and its preparatory committee on the division of property of

the municipality between the original municipality and the newly created municipality, provided such an agreement has been reached.

(4) Unless the municipality and the preparatory committee agree on the division of the property of the municipality otherwise, the property of the municipality shall be divided between the original municipality and the newly created municipality as follows:

a) the title to real estate, including its appurtenances, as well as rights *in rem* to the property of another, and obligations attached to real estate property, shall be transferred to the municipality in the territory of which the pertinent real estate property is located; the relevant factor for the transfer of the title to real estate property is the status as of the day of the holding of the local referendum on the separation of the part of the municipality,

b) movable things, with the exception of appurtenances to real estate, financial means, obligations, shares in legal entities established by the municipality, and other rights shall be transferred to the newly created municipality in proportion to the number of inhabitants of the original municipality and the newly created municipality.

(5) Regional authority shall approve, with its decision, the move of the municipality for the separation of its part, if all the conditions laid down by law have been met.

(6) Decision on the separation of part of the municipality must contain particulars laid down in [subsection 2](#). The decision shall also contain approval of the agreement pursuant to [subsection 3](#), if such a decision has indeed been reached. A copy of the legally binding decision shall be sent by the regional authority to the Ministry of the Interior, the Ministry of Finance, the Czech Geodetic and Cadastral Office, the competent Land Register and the appropriate financial authority.

(7) Property given in [subsection 4](#) shall be transferred to the newly created municipality on the day of the establishment of that municipality. If no agreement has been reached pursuant to [subsection 3](#), the newly created municipality may file court action to determine which particular property given in [subsection 4\(b\)](#) has been transferred to that municipality.

(8) Procedure on the separation of part of the municipality terminated by a legally binding decision cannot be resumed and the legally binding decision on the separation of part of the municipality cannot be examined in an administrative procedure.

(9) After the publication of the result of the local referendum the municipality shall ask the Ministry of the Interior to approve the name of the newly created municipality.

#### Section 23 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Within 3 (three) months of the constituent meeting of the council of the newly created municipality, the original municipality shall hand over to the newly created municipality the property that belongs to it pursuant to the decision of the regional authority, or, if the decision of the regional authority does not contain approval of the agreement pursuant to [Section 22\(3\)](#), real estate property pursuant to [Section 22\(4\)\(a\)](#). Written minutes shall be made out on the transfer of the property by the original and newly created municipality. Until the time of its transfer, this

property, including financial means, obligations and commitments, shall be administered by the original municipality, which, however, cannot handle it in any other way than to use it for covering the costs connected with the necessary maintenance of the property and with the operation of the organizational components of the newly created municipality and the rent for using objects by that municipality.

(2) Legal regulations of the municipality applied in its territory before its establishment shall be used in the newly created municipality, until such time when abolished or superseded by new ones.

#### Section 24 [\[WK comments\]](#) [\[Linde comments\]](#)

Merging of municipalities, joining of a municipality, municipal districts or metropolitan districts or separation of parts of municipalities may be carried out only at the beginning of a calendar year. Move to separate part of the municipality must be submitted to the pertinent regional authority at the latest by June 30 of the previous calendar year.

#### Section 25 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Agreement on the merger of municipalities, agreement on joining a municipality to another municipality, as well as the decision of the regional authority on the separation of part of the municipality shall constitute background documents for entering changes of the rights of the municipalities concerned to the real estate property into the Land Register through a record, and for making the changes of data on the cadastral territories and the boundaries of the municipality into the Land Register.

(2) Decision of a municipal council on the establishment or wind up of a municipal district or a metropolitan district as well as on the joining of a municipal district or a metropolitan district to another municipal district or metropolitan district shall constitute a background document for entering changes of the rights of the municipal districts or metropolitan districts concerned to the real estate property into the Land Register through a record.

#### Section 26 [\[WK comments\]](#) [\[Linde comments\]](#)

Changes of the boundaries of a municipality during which there is no merger of municipalities, joining of a municipality or separation of part of the municipality shall be made on the basis of an agreement of the participating municipalities, following discussions with the appropriate Land Register. The municipality concerned shall notify the Ministry of Finance, the Czech Geodetic and Cadastral Office, the pertinent Land Register and financial authority of the conclusion of agreement.

#### Section 26a [\[WK comments\]](#)

(1) Where the territory of a municipality or a part thereof constitutes a part of the cadastral territory of another municipality, the Ministry of the Interior shall call upon the relevant municipalities to conclude an agreement under [Section 26](#) within one year.

(2) Where said agreement under [subsection 1](#) is not concluded within the fixed deadline, the Ministry of the Interior shall decide by official power of the change of the boundaries of municipalities after discussing the matter with the relevant Land Register.

(3) During the decision-making under [subsection 2](#), the Ministry of the Interior shall take into account in particular the historical boundaries and the present territorial links between the relevant municipalities, the ownership of land and buildings, the results of local referenda if such referenda were held in this matter and the course of the existing negotiations of the relevant municipalities.

(4) A legally binding decision is a background document for changes of data concerning cadastral areas and boundaries of municipalities in the basic register of territorial identification, addresses and real estate or in other public registers. The Ministry of the Interior shall send a copy of the legally binding decision to the Czech Geodetic and Cadastral Office, the relevant Land Register and the Czech Statistical Office.

(5) Proceedings concerning a change of the boundaries of municipalities terminated by a legally binding decision cannot be renewed and the legally binding decision on a change of the boundaries of municipalities cannot be reviewed in administrative proceedings.

## **PART 4**

### **Name of Municipality, Its Parts, Streets and Public Spaces, Numbering of Buildings, Emblem and Flag of Municipality**

#### Section 27 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Each municipality shall have its own name; the Ministry of the Interior shall give its consent with a change of the name following a move by the municipality concerned.

(2) Parts of the municipality also have their names. Part of the municipality is a registration unit made up of buildings with indication numbers and registration numbers ([Section 31](#)), assigned in a single numerical series, which are situated in a single continuous locality. Names of parts of the municipality are usually derived from the names of the dissolved municipalities, settlements or the names of historical territories in which those parts of the municipality are situated.

#### Section 28 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipality shall be competent to decide about the names of its parts, streets and other public spaces.

(2) Municipality shall notify the Ministry of the Interior of the names of the newly created parts of the municipality, changes of their names as well as dissolution of parts of the municipality.

(3) The creation, change of the name or termination of part of the municipality and naming, renaming or termination of a street or another public space takes place by entry into the basic registry of territorial identification, addresses and real estate<sup>42)</sup>.

Section 29 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Names of the municipality, its parts, streets and other public spaces shall always be given in the Czech language. Streets and other public spaces shall not be given the same names or the names of living persons in public life.

(2) In a municipality inhabited by members of ethnic minorities the name of the municipality, its parts, streets and other public spaces and the designation of buildings housing state authorities and territorial self-governing units shall also be given in the language of that ethnic minority, if according to the latest two censuses at least 10% of the citizens of that municipality have espoused that ethnic minority, if demanded by the representatives of the pertinent ethnic minority through a committee for ethnic minorities ([Section 117\(3\)](#)), and if that committee recommends the motion with its resolution or if demanded in writing by an association that represents the interests of the pertinent ethnic minority<sup>48)</sup> and that has been active for at least five years in the territory of the municipality as of the date of filing the demand.

Section 30 [\[WK comments\]](#) [\[Linde comments\]](#)

Municipality shall carry out the designation of streets and other public spaces at its own costs. Real estate owner shall be obliged to suffer free of charge attachment of a name-plate bearing the name of a street or other public spaces on his/her own real estate; in the vicinity of the name-plate he/she must not place other inscriptions. Designation must not be damaged, removed or covered up.

Section 31 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Unless further stipulated otherwise, each building<sup>13)</sup> must be designated with an indication number.

(2) The following structures shall be designated by registration numbers:

a) buildings for family recreation;

b) temporary structures;

c) buildings for which a construction permit or reporting to the Construction Office is not required, save for the following:

1. breeding structures with one surface floor with the built-up area of up to 16 m<sup>2</sup> and height of up to 5 m;

2. winter gardens with one surface floor and greenhouses with built-up area of up to 40 m<sup>2</sup> and height of up to 5 m;

3. shelters with one surface floor used by public transport and other publicly accessible shelters with of the built-up area of up to 40 m<sup>2</sup> and height of up to 4 m;

(3) Independent indication and registration numbers are not given to auxiliary buildings<sup>13a)</sup>

forming part of one unit.

(4) To facilitate orientation, buildings in individual streets and other public spaces may also be designated - in addition to an indication number or registration number - with a street number.

(5) The relevant municipality authority shall decide which indication, street or registration number shall be used to designate the given building. Each indication or registration number of a building must be unique within the framework of the given part of the municipality. Indication and registration numbers that were assigned shall not be used repeatedly, even in the event of renumbering pursuant to [Section 32\(2\)](#). A street number shall only be assigned repeatedly if a new building is built at the place of a vanished building.

#### Section 31a [\[WK comments\]](#)

(1) Indication and registration numbers shall be assigned by a municipal authority

a) in the case of a newly built building that is a construction requiring a construction permit or announcement to the Construction Office on the basis of a written call of the relevant Construction Office<sup>13b)</sup>;

b) in other cases on the basis of a written application of the building owner to which a geometrical plan and a document certifying that the building was made available for use shall be attached; the attachments shall not be required if a building already entered in the Land Register is renumbered at the building owner's request or in the case of the buildings stated in [Section 31\(2\)\(c\)](#).

(2) In the case under [subsection 1\(a\)](#), the municipal authority shall provide data on the indication or registration number and its being a part of the municipality or the name of the street in which the building is located and the street number.

(3) The municipal authority shall provide a written document to the building owner on assignment of the indication, registration and street number.

(4) In the event that a building ceases to exist, the municipal authority shall cancel the assigned numbers.

(5) In the event a street or other public space cease to exist, the assigned street numbers shall be cancelled.

(6) In the event that a part of a municipality ceases to exist, the municipality shall decide on renumbering the buildings in such part of the municipality.

(7) Numbering, renumbering or cancellation of numbering of a building shall take place by entry into the basic register of territorial identification, addresses and real estate.<sup>42)</sup>

Section 32 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Real estate owner shall be obliged to designate, at his/her own costs, his/her building with numbers, as stipulated by the municipality authority, and to keep them in good repair. The colour and finish of the numbers shall be determined by the relevant municipality authority.

(2) Renumbering of buildings is done only exceptionally, providing there are serious reasons for such a change. New numbers are paid for by the municipality from its own budget. Municipality shall notify the competent Land Register of any renumbering of buildings.

Section 33 [\[WK comments\]](#) [\[Linde comments\]](#)

Executive legislative instrument shall stipulate the following:

- a) mode of designating streets and other public spaces with names;
- b) mode of using and placing numbers to designate buildings; and
- c) particulars of the announcement of the renumbering of buildings.

Section 34 [\[WK comments\]](#) [\[Linde comments\]](#)

Public spaces are all squares, streets, marketplaces, pavements, public greenery, parks and other premises open to all and sundry without limitation, hence serving general use, regardless of the ownership of this space.

Section 34a [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipalities can have their emblem and flag.

(2) On request, the Speaker of the Lower House may grant to a municipality that has no emblem and flag an emblem or flag of the municipality. At the request of a municipality, the Speaker of the Lower House can change its emblem and flag. The office of the Lower House shall send data on granting or changing an emblem or flag of the municipality to the Czech Geodetic and Cadastral Office without undue delay.

(3) Municipality and the organizational components and legal entities established or founded by it are entitled to use the emblem and flag of the municipality. Other subjects may use the emblem of the municipality only with the latter's consent. The municipality's consent for the use of its flag is not necessary.

(4) If a municipal district or a metropolitan district has its own emblem and flag, their use shall be governed by [subsection 3](#).

## CHAPTER II

## MUNICIPALITY IN ITS OWN COMPETENCE

### PART 1

#### Section 35 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Falling into the municipality's own competence are matters which are in the interest of the municipality and its citizenry, unless such matters are entrusted by law to the powers of the regions or unless these are delegated powers exercised by bodies of the municipality or powers entrusted by special legislation to an administrative authority as the performance of state administration, and also matters entrusted by law to the municipality in its own competence.

(2) Falling into the municipality's own competence are primarily matters given in [Sections 84, 85](#) and [102](#), with the exception of the issuance of rulings of the municipality. Municipality in its own competence within its territorial district is also engaged - in compliance with local prerequisites and with local customs - in paving the way for the promotion of social welfare and satisfaction of the needs of its citizens. This involves primarily the task of satisfying housing needs, health protection and promotion, development of transport and communications, information, education and upbringing needs, overall cultural advancement, and protection of public order.

(3) In discharging their own competence, municipalities shall be governed by the following:

- a) by law when issuing generally binding ordinances;
- b) by other legal regulations issued on the basis of law in other matters.

#### Section 35a [\[WK comments\]](#)

(1) While exercising its own competence, municipality can found and establish its legal entities and organizational components, unless stipulated otherwise by law.

(2) Municipality can establish municipality police. Establishment and activities of the municipality police shall be regulated by a special Act.<sup>13a)</sup>

#### Section 36 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipality may grant its honorary citizenship to natural persons who have made a significant contribution to the development of the municipality. An honorary citizen of the municipality is entitled to express his/her opinions in keeping with the rules of procedure of the municipality council at its sessions.

(2) Municipality can present awards of the municipality.

#### Section 36a [\[WK comments\]](#)

Municipality may award significant anniversaries of its citizens.

Section 37 [\[WK comments\]](#) [\[Linde comments\]](#)

Municipality in which state authorities or regional authorities are located shall assist them in securing dignified premises worthy of the significance of those authorities.

## **PART 2**

### **Economic Management of Municipality**

Section 38 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The property of the municipality must be used expediently and economically in compliance with its interests and tasks ensuing from the powers delineated by law. Municipality is obliged to look after the preservation and development of its property. Municipality shall keep records of its property pursuant to [Accounting Act](#).<sup>14)</sup>

(2) The property of the municipality must be protected against destruction, damage, theft or misuse. Municipality shall handle its unnecessary property in a way and under the terms laid down by special regulations<sup>15)</sup> unless this Act stipulates otherwise.

(3) Municipality shall not provide guarantees for obligations of natural persons and legal entities with the exception of:

- a) obligations ensuing from a credit agreement, provided the financial resources concerned are destined for an investment implemented with financial support from the state budget, state funds or national fund;
- b) obligations ensuing from a credit agreement, provided the financial resources concerned are destined for an investment into municipality-owned real estate;
- c) those whose founder is the municipality, the region or the state;
- d) those whose rate of participation of the municipality itself or together with another municipality or other municipalities, region or regions or state exceeds 50%;
- e) housing cooperatives;
- f) hunting unions.

(4) Legal acts performed in contravention of the provisions of [subsection 3](#) shall be invalid.

(5) The state shall not provide guarantees for the municipality's economic management and obligations, unless such guarantees have been assumed by the state contractually.

(6) Municipality is obliged to protect its property against unauthorized acts and to apply on time the right to the compensation of loss and the right to relinquish unjustified enrichment.

(7) Municipality is obliged permanently to follow whether its debtors are meeting their obligations on time and properly, and make sure that the rights ensuing therefrom shall not be subject to the statute of limitations or shall not expire.

#### Section 39 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipality shall publish its intention to sell, barter or donate tangible real estate or the building right, to lease or borrow it or make it available as a gratuitous loan and the municipality's intention to contractually establish the building right to land in the possession of the municipality at least 15 (fifteen) days prior to the decision taken in the municipality's appropriate body by posting it up on the official notice board<sup>3b)</sup> of the municipal authority to allow the interested parties to express themselves on the move and to submit their offers. Municipality may also publish its intention in a manner customary locally. If the municipality fails to publish its intention, the pertinent legal act shall be deemed invalid from its very onset. Real estate shall be designated in the intention by data pursuant to special legislation<sup>15a)</sup> valid as of the day of the publication of the intent.

(2) In case of paid transfer of property, its price shall usually be agreed at the sum customary in the given locality and time, unless the price is state-regulated. Any difference from the price must be substantiated if the price is lower than customary. If the difference from the customary price is not justified, the legal conduct shall be invalid.

(3) The provision of [subsection 1](#) shall not be applied, if this involves lease of an apartment or grave sites or a lease, usufructury lease or gratuitous loan of the municipality's property for a period shorter than 30 (thirty) days or if this involves a lease, usufructury lease, gratuitous loan or borrowing to a legal entity established by the municipality or to a legal entity controlled by the municipality.<sup>49)</sup>

#### Section 40 [\[WK comments\]](#) [\[Linde comments\]](#)

A resolution by which the municipality council or municipality board decided on acquisition of an item in an auction, public tender for the most appropriate bid or on acquisition thereof in any other similar manner shall not be made available under this Act or shall not be provided under another legal regulation<sup>34)</sup> until the auction or public tender for a most appropriate bid or any other similar procedure is completed.

#### Section 41 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) If this Act conditions the applicability of a legal act of the municipality by a previous publication, approval or consent, a deed shall be made out, confirming this legal act by a clause confirming that these conditions have been met. Where such deed includes such clause, it shall be deemed that the obligation of the previous publication, approval or consent has been fulfilled.

(2) Without such an approval, legal acts requiring approval of the municipality council or the municipality board shall be invalid from the very onset.

(3) The invalidity of legal acts on the grounds set forth in [subsection 2](#) and in [Section 38\(4\)](#) and [Section 39\(1\) and \(2\)](#) shall be taken into account by a court even without an application.

#### Section 42 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipality shall ask the competent regional authority for a review of its economic management for the past calendar year or shall commission such a review to an auditor or an auditor company (hereinafter the "auditor"). Review of the economic management of the municipality shall be performed by the competent region in delegated powers.

(2) If the municipality fails to ask the pertinent regional authority for a review of its economic management or fails to commission such a review to an auditor, the competent regional authority shall review the municipality's economic management itself.

(3) Review of economic management shall be regulated by a special legal regulation.<sup>15b)</sup>

(4) The costs of a review of the municipality's economic management by an auditor shall be covered by the municipality from its budgetary sources.

#### Section 43 [\[WK comments\]](#) [\[Linde comments\]](#)

The final account, together with a report on the results of the review of economic management of the municipality for the past calendar year, shall be discussed by the municipality council by June 30 of the subsequent year, and measures to eliminate shortcomings shall be adopted.

#### Section 44 [\[WK comments\]](#) [\[Linde comments\]](#)

Compilation of the municipality's budget and final account of its economic management of the budgetary funds shall be further governed by a special Act.

#### Section 45 [\[Linde comments\]](#)

**cancelled**

### **PART 3**

#### **Co-operation between Municipalities**

#### Section 46 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) In the discharge of their own competence municipalities can co-operate with one

another.

Section 47 [\[WK comments\]](#) [\[Linde comments\]](#)

The provisions of the Civil Code concerning special interest associations<sup>18)</sup> and the contract on company<sup>44)</sup> shall not be applied to co-operation between municipalities.

Section 48 [\[Linde comments\]](#)

**cancelled**

### **Union of Municipalities**

Section 49 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipalities shall have the right to become members of a union of municipalities (hereinafter the “union of municipalities”) for the purpose of protecting and enforcing their common interests.

(2) Municipalities may create unions of municipalities as well as joining unions of municipalities already established. Only municipalities may be members of unions of municipalities.

(3) Union of municipalities is a legal entity keeping accounting books pursuant to the [Accounting Act](#).

(4) Union of municipalities shall acquire legal personality by entry into the register of unions of municipalities administered by the Regional Authority competent in accordance with the seat of the relevant union of municipalities. The date of establishment of the union of municipalities, the date of winding up such union stating the legal grounds therefor, the date of dissolution thereof, the name and seat of the union of municipalities, the identification number of a person of the union of municipalities provided by the administrator of the basic register of legal entities, entrepreneurs who are natural persons and public authorities, the subject of activities of union of municipalities, bodies with which the union of municipalities negotiates and the names, surnames and residential addresses of persons exercising their powers together with the manner in which such body represents the union of municipalities and the date of establishment or termination of their positions; the register of unions of municipalities is a public register and includes a Document Register, which includes agreement on establishment of a union of municipalities together with the Statutes and amendments to such documents. The Regional Authority shall administer the register of unions of municipalities in delegated powers.

(5) An agreement on establishment of a union of municipalities shall be attached to an application for entry into the register of unions of municipalities together with the Statutes; said agreement or the Statutes shall also be a specification of the first members of a statutory body. The application shall be filed by a person empowered by the municipalities that are the members of the union of municipalities.

Section 50 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The subject of the activities of the union of municipalities may include in particular:

- a) tasks in the field of education, social services, health care, culture, fire protection, public order, environmental protection, tourism and care for animals;
- b) ensuring cleanliness of the municipality, administration of public greenery and public lighting, collection and transport of communal waste and its safe processing, use or disposal, water supply and waste water transport and treatment;
- c) installation, extension and improvement of networks of technical infrastructures and systems of public passenger traffic to secure transport services for a given locality;
- d) tasks in the protection of the quality of air, tasks connected with the reconstruction of solid fuel heating or water heating to environment-friendlier sources of thermal energy in residential and other objects owned by the municipality;
- e) operation of stone quarries, sand pits and facilities serving for the extraction and treatment of mineral resources; and
- f) administration of the municipality's property, especially local roads, woodland, housing and residential stock, sporting and cultural facilities and other amenities administered by the municipalities.

(2) An annex to the agreement on the establishment of a union of municipalities shall be formed by its Statutes, which must contain the following:

- a) names and seats of the members of the union of municipalities;
- b) name and seat of the union of municipalities and the subject of its activities;
- c) bodies of the union of municipalities, mode of their establishment, their powers, and mode of their decision-making, including specification of a body of the union of municipalities consisting of at least three members that approves the union's final financial statements compiled as of the balance sheet date pursuant to the [Accounting Act](#);
- d) property of the members of the union of municipalities invested by them into the union of municipalities;
- e) sources of income of the union of municipalities;
- f) rights and duties of the members of the union of municipalities;
- g) mode of dividing profit and shares of the members in covering losses incurred by the union of municipalities;

h) terms of accession to the union of municipalities and withdrawal from it, including the settlement of property share; and

i) contents and scope of the control of the union of municipalities by individual constituent municipalities.

Section 51 [\[Linde comments\]](#)

**cancelled**

Section 52 [\[WK comments\]](#) [\[Linde comments\]](#)

Citizens of the municipalities associated in the union of municipalities who have reached the age of 18 (eighteen) years shall be authorized to

a) participate in the sessions of the bodies of the union of municipalities and look into the minutes of their sessions;

b) submit written motions to the bodies of the union of municipalities;

c) express their views on the draft budget of the union of municipalities and on the final account of the union of municipalities for the past calendar year, either in writing or orally at the session of the bodies of the union of municipalities.

Section 53 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Union of municipalities shall ask the appropriate regional authority for a review of the economic management of the union for the past calendar year or shall commission such a review to an auditor.

(2) The costs of the review of the economic management of the union by an auditor shall be covered by the union of municipalities from its budgetary funds.

(3) Provisions of [Section 42\(2\)](#) and [Section 43](#) shall apply to the union in a similar manner.

Section 54 [\[WK comments\]](#) [\[Linde comments\]](#)

### **Co-operation with Legal Entities and Natural Persons**

The provision of the Civil Code on special interest associations<sup>18)</sup> and on contract on association<sup>44)</sup> may be applied to co-operation between municipalities and legal entities and natural persons in civil law relations.

## **PART 4**

## Co-operation with Municipalities in Other Countries

Section 55 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipalities are free to co-operate with municipalities in other states and be members of international associations of local authorities. Unions of municipalities are free to co-operate with unions of municipalities in other states; the content of such co-operation may only be activities that are the subject of activities of the relevant union of municipalities that has concluded an agreement on mutual co-operation.

### PART 5

#### Administrative Delicts

Section 56 [\[Linde comments\]](#)

**cancelled**

Section 57 [\[Linde comments\]](#)

**cancelled**

Section 58 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipality may impose a fine of up to the sum of CZK 10,000 to a legal entity and natural person who is an entrepreneur and who

- a) refuses to suffer free-of-charge placement of a name-plate bearing the designation of a street or other public space on his/her real estate or who places another inscription near the name-plate bearing such a designation;
- b) deliberately damages, removes or covers up a name-plate bearing the designation of a street or other public space; or
- c) fails to designate his/her building with the numbers as stipulated by the municipality authority.

(2) Municipality may impose a fine of up to the sum of CZK 100,000 to a person mentioned in [subsection 1](#) who does not maintain cleanliness and order in the plot of land which he/she uses or owns, thus disturbing the appearance of the given municipality.

(3) Municipality may impose a fine of up to the sum of CZK 200,000 to a person mentioned in [subsection 1](#) who soils a public space, disturbs the environment in the municipality or discards an object outside a designated site.

(4) Municipality may impose a fine of up to the sum of CZK 200,000 to a person mentioned in [subsection 1](#) who has violated the duty laid down by a legal regulation issued by the municipality.

(5) When stipulating the amount of fine pursuant to [subsections 1 through 4](#), the municipality shall take into consideration especially the nature, seriousness, duration and consequences of the illegal behaviour concerned.

Section 59 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Procedure on the imposition of fine may be launched within 1 (one) year of the day when the body of the municipality has learnt of the violation of duty, but at the latest within 2 (two) years of the day when the violation occurred.

(2) Fine pursuant to [Section 58](#) cannot be imposed if the law stipulates a higher penalty for the violation of duty pursuant to [Section 58](#).

(3) Imposition of a fine pursuant to [Section 58](#) shall not absolve the person who has been given the fine from the duty to remove the defect within a deadline laid down by the municipality with a view to the circumstances of the case.

(4) Criminal or administrative procedure held for the said misdemeanour, laid down by special legislation, shall not be included in the run of the deadline pursuant to [subsection 1](#).

## PART 6

### Elections to Councils in Municipalities and Local Referendum

Section 60 [\[WK comments\]](#) [\[Linde comments\]](#)

Election to councils in municipalities and local referendum shall be governed by special legislation.<sup>7), 8)</sup>

## CHAPTER III

### DELEGATED POWERS

Section 61 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Delegated powers in matters which are stipulated by special legislation shall be

a) exercised - to the basic extent entrusted to the municipality - by bodies of the municipality as specified by this or another Act or on the basis of this Act; in such a case, the territory of the municipality is an administrative district;

b) exercised - to the extent of a designated municipality authority ([Section 64](#)) - by that authority;  
or

c) exercised - to the extent of the municipality authority with extended powers ([Section 66](#)) - by that authority.

(2) In exercising delegated powers, bodies of the municipality shall be governed by

- a) laws and other legal regulations in issuing rulings of the municipality;
- b) in other cases also by
  1. Government Resolutions and directives issued by central administrative authorities; such resolutions and such directives cannot impose duties on the bodies of the municipality, unless these are simultaneously laid down by law; a prerequisite for the validity of directives issued by central administrative authorities is their publication in the Government Journal for Regional Authorities and Municipal Authorities;
  2. measures by the appropriate public administrative authorities taken when inspecting the exercise of delegated powers pursuant to this Act.

(3) Methodological and specialized assistance in matters given in [subsection 2](#) shall be provided to bodies of the municipality by the relevant regional authority.

Section 62 [\[WK comments\]](#) [\[Linde comments\]](#)

Municipality shall receive an allowance from the state budget for performing tasks in delegated powers.

Section 63 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipalities whose bodies exercise delegated powers in the same administrative district of the municipality with extended powers are free to conclude a statutory agreement under the terms of which bodies of one municipality shall exercise delegated powers or part of delegated powers for bodies of another municipality (other municipalities), which is (which are) contracting parties of the said statutory agreement. The subject of the statutory agreement cannot be a delegated competence which is entrusted, pursuant to law, only to bodies of some municipalities. Consent of the competent regional authority is necessary for the conclusion of such a statutory agreement.

(2) The statutory agreement must contain

- a) designation of its contracting parties;
- b) term of the agreement;
- c) delineation of the scope of delegated powers to be discharged by bodies of the municipality for another municipality (other municipalities); and
- d) mode of compensation of the costs connected with the exercise of delegated powers pursuant to c).

**Designated Municipality Authority**

Section 64 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Classified in laws and other legal regulations, or in administrative acts and acts pursuant to [Section 61\(2\)\(b\)](#) as designated municipality authority for the purpose of exercising delegated powers is the municipal authority, which, in addition to its delegated powers pursuant to [Section 61\(1\)\(a\)](#), exercises - to the extent entrusted to it by special legislation - delegated powers in an administrative district designated by an implementing legal regulation.

(2) Municipalities with a designated municipality authority shall be stipulated by special legislation.<sup>18b)</sup>

Section 65 [\[WK Comments\]](#) [\[Linde Comments\]](#)

(1) If a body of the municipality fails to meet its duty pursuant to [Section 7\(2\)](#), the competent regional authority shall rule that delegated powers or part of delegated powers shall be performed for it by a designated municipality authority to whose administrative district it belongs. At the same time, the regional authority shall rule on the transfer of the allowance for the exercise of delegated powers. Decisions shall be issued by the regional authority in delegated powers; [the Code of Administrative Procedure](#) does not apply when issuing such decisions.

(2) Decision of a regional authority pursuant to [subsection 1](#) shall be published for a period of at least 15 (fifteen) days on the official notice board<sup>3b)</sup> of the municipality authority of the municipality whose body has failed to meet the duty pursuant to [Section 7\(2\)](#).

Section 66 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Classified in laws and other legal regulations, or in administrative acts and acts pursuant to [Section 61\(2\)\(b\)](#), for the purpose of exercising delegated powers as the municipality authority of a municipality with extended powers shall be a municipality authority which, in addition to delegated powers pursuant to [Section 61\(1\)\(a\)](#) and in addition to delegated powers pursuant to [Section 64](#), discharges - within the scope entrusted to it by special legislation - delegated powers in the administrative district designated by an implementing legal regulation.

(2) Municipalities with extended powers shall be governed by special legislation.<sup>18c)</sup>

Section 66a [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipalities with extended powers whose municipality authorities exercise delegated powers in an administrative district of one regional authority, may conclude a statutory agreement under which the municipality authority of one municipality with extended powers shall exercise delegated powers or part of delegated powers for a municipality authority of another municipality (other municipalities) with extended powers, which is a party to the relevant statutory agreement. For the conclusion of a statutory agreement, it is necessary to have the consent of the Ministry of the Interior, which issues it after discussing the matter with the relevant Ministry or other competent central administrative authority.

(2) The statutory agreement must contain

- a) designation of the parties to the agreement;
- b) term of the agreement;
- c) definition of the extent of delegated powers to be performed by the municipality with extended powers for another municipality with extended powers; and
- d) mode of compensation of the costs connected with the exercise of delegated powers pursuant to c).

Section 66b [\[WK comments\]](#) [\[Linde comments\]](#)

(1) If the municipality authority in the municipality with extended powers fails to meet its duties pursuant to [Section 7\(2\)](#), the Ministry of the Interior shall decide, after discussing the matter with the relevant Ministry or another competent central administrative authority, stating that the municipality authority of another municipality with extended powers shall discharge for its delegated powers or part of delegated powers. The Ministry of the Interior shall issue its decision within 60 (sixty) days of the day when it has learnt of the non-compliance with the duty pursuant to the first sentence. The Ministry of the Interior shall also decide on the transfer of the allowance for the exercise of delegated powers. The Code of Administrative Procedure shall not apply when issuing such a decision.

(2) The Ministry of the Interior shall post up its decision pursuant to [subsection 1](#) on the official notice board<sup>3b)</sup> of the municipality authority with extended powers which has failed to meet the duties pursuant to [Section 7\(2\)](#), and on the official notice boards of the municipality authorities in its administrative district for a period of at least 15 (fifteen) days. Decision of the Ministry of the Interior pursuant to [subsection 1](#) shall be published in the Journal of Legal Regulations of the appropriate region.

(3) The Ministry of the Interior, acting at the proposal of a municipality with designated municipality authority and at the recommendation of the competent regional authority, and following discussions with the relevant municipality with extended powers, may decide on delegating a certain extent of the exercise of state administration of a municipality with extended powers to a municipality with delegated municipality authority. Application shall be filed by the given municipality by January 15 of the calendar year at the latest. Decision of the Ministry of the Interior may come into force solely as of January 1 of the calendar year. The Ministry of the Interior shall also decide on the transfer of the allowance for the exercise of delegated powers. The Code of Administrative Procedures shall not apply when issuing such a decision.

(4) Decision of the Ministry of the Interior pursuant to [subsection 3](#) shall be posted up on the official notice board of the delegated municipal authority and on the notice boards of the municipality authorities in its administrative district for a period of at least 15 (fifteen) days. The decision shall also be published in the Journal of Legal Regulations of the relevant region.

**Common Provisions on Statutory Agreements ([Sections 63](#) and [66a](#))**

Section 66c [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Unless stipulated otherwise by this Act, the provisions of the Code of Administrative Procedure shall be applied to statutory agreements.

(2) Municipality that is a party to the statutory agreement shall post it up without undue delay after its conclusion on the official notice board for a period of at least 15 (fifteen) days. At the same time, the concluded statutory agreement shall be published in the Journal of Legal Regulations of the relevant region. Similar procedures shall be applied when amending or cancelling a concluded statutory agreement.

(3) Concluded statutory agreement must be accessible to all and sundry at the municipality authority of the municipality which is a party to said agreement.

Section 66d

**cancelled**

Section 66e

**cancelled**

CHAPTER IV

BODIES OF MUNICIPALITY

**PART 1**

**Municipality Council**

Section 67 [\[WK comments\]](#) [\[Linde comments\]](#)

Municipality council shall be composed of the members of the municipality council whose number for each term of office shall be fixed in compliance with this Act by the municipality council at the latest 85 (eighty-five) days before the day of the election into the councils in the municipalities.

Section 68 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) In stipulating the number of its members, the municipality council shall take into consideration primarily the number of its inhabitants and the size of the district concerned. The number of members shall be fixed in a way so that the municipality council in a municipality, township, town, municipal district or metropolitan district should have the following proportional representation

|                                   |                  |
|-----------------------------------|------------------|
| up to 500 inhabitants             | 5 to 15 members  |
| from 500 to 3,000 inhabitants     | 7 to 15 members  |
| from 3,000 to 10,000 inhabitants  | 11 to 25 members |
| from 10,000 to 50,000 inhabitants | 15 to 35 members |

from 50,000 to 150,000 inhabitants 25 to 45 members  
over 150,000 inhabitants 35 to 55 members.

(2) The number of members of the municipality council to be elected shall be published on the official notice board<sup>3b)</sup> of the municipality authority within 2 (two) days of its stipulation at the latest. Furthermore, the number of members of the municipality council may be published in a manner customary locally.

(3) The decisive factor for the determination of the number of members of the municipality council shall be the number of inhabitants of the given municipality as of January 1 of the year in which the election is held.

(4) Unless the council stipulates otherwise, the number of council members to be elected shall be determined according to the number of members of the previous municipality council during the ending term of office.

(5) If there is a merger of municipalities or separation of part of a municipality, the Ministry of the Interior shall fix the number of members of the municipality council to be elected. If a municipal district or a metropolitan district is to be established in a territorially divided statutory city, the number of members of the municipal district council or metropolitan district council to be elected shall be fixed by the relevant metropolitan authority in delegated powers. A similar procedure pursuant to [subsection 1](#) shall be applied when stipulating the number of members of a municipality council and members of a municipal district council or metropolitan district council.

#### Section 69 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The mandate of a member of the municipality council shall arise with the election; a member shall be elected with the end of voting.

(2) At the beginning of the first session of the municipality council to be attended by a member of the municipality council after his/her election, he/she shall make the following pledge: "I hereby pledge loyalty to the Czech Republic. I promise on my honour and consciousness that I shall discharge my office conscientiously, in the interest of the municipality (town, township) and its citizens, and adhere to the Constitution and laws of the Czech Republic."

(3) Member of the municipality council shall make his/her pledge in front of the municipality council by uttering the word "promise". Member of the municipality council shall confirm his/her oath with his/her signature.

(4) Member of the municipality council shall perform his/her mandate personally and in compliance with his/her oath, and shall not be bound by any commands.

#### Section 70 [\[WK comments\]](#) [\[Linde comments\]](#)

The office of the member of the municipality council is a public function. Member of the municipality council shall not be prejudiced for the exercise of his/her office in his/her rights ensuing from his/her employment or any similar relations.

## Section 71 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Members of the municipality council who have been released to discharge their office on a long-term basis,<sup>21)</sup> and members of the municipality council who were not in an employment contract before their election to the office of the member of the municipality council but who discharge their office to the same extent as those municipality council members released to discharge their office on a long-term basis (hereinafter "released member of the municipality council") shall receive from the municipality remuneration for the exercise of the office of a released member of the municipality council pursuant to this Act. Remuneration shall be covered from the municipality's budgetary resources.

(2) Remuneration means monetary performance provided by the municipality to released members of the municipality council for the exercise of their office; the performance provided in connection with the exercise of their office pursuant to special legal regulations, especially travel expenses, shall not be classified as remuneration.

(3) Remuneration pursuant to [subsection 1](#) shall constitute the following

a) monthly remuneration;

b) remuneration at the end of the term of office.

(4) Other members of the municipality council, not given in [Section 1](#), (hereinafter "non-released member of the municipality council"), if they are in an employment contract, shall receive from their employer for the exercise of their office leave with the compensation of salary<sup>22)</sup>; the extent of the time necessary for the exercise of the office in each specific case shall be determined by the municipality. Salary compensation, complete with social security insurance and state employment policy allowance and public health insurance scheme, shall be covered by the municipality to their employer pursuant to a special regulation.<sup>23)</sup> Non-released members of the municipality council who are not in an employment contract or in a similar contract shall receive from the municipality, out of its budgetary funds, compensation for the lost income in connection with the exercise of their office by means of a lump sum whose amount shall always be fixed by the municipality council for each calendar year.

## Section 72 [\[WK comments\]](#) [\[Linde comments\]](#)

Monthly remuneration may be granted to non-released members of the municipality council for the exercise of their office. Its maximum amount shall be stipulated by an implementing legal regulation.

## Section 73 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Monthly remuneration is a monetary performance provided on a monthly basis according to the type of office discharged and according to the number of inhabitants of the municipality amounting to the sum and depending on the conditions to be stipulated by

an implementing legal regulation. Monthly remuneration shall be made up of a fixed component, stipulated according to the type of office discharged, plus a surcharge according to the number of inhabitants of the municipality. Calculation of the actual amount of surcharge according to the number of inhabitants of the municipality shall be based on the number of inhabitants who have permanent residence in the municipality as of January 1 of the relevant calendar year. The number of inhabitants of the municipality shall be rounded off upwards to the whole hundreds.

(2) Monthly remuneration paid to released members of the municipality council in municipalities with extended powers, in municipalities with a designated municipal authority, in municipalities with a registry<sup>23a)</sup> and in municipalities with a building control authority<sup>23b)</sup> shall be raised by a sum stipulated by an executive legal regulation.

(3) If a released member of the municipality council does not discharge his/her office due to temporary incapacity to work due to illness, quarantine, pregnancy or care for a child under 3 years of age, he/she shall not be entitled to monthly remuneration, unless stipulated otherwise in [subsection 4](#); in a calendar month in which a released member of the municipality council only discharged his/her office for a part of that month due to the above reasons, shall be given a proportionate amount of his/her monthly remuneration.

(4) For the first 3 (three) calendar days of temporary incapacity to work, a released member of the municipality council shall not be entitled to monthly remuneration; for the first (three) days of quarantine he/she shall be entitled to monthly remuneration for each calendar day in the amount of 60% of one thirtieth of the monthly remuneration and from the fourth calendar day of temporary incapacity to work due to illness or quarantine, until the fourteenth calendar day and in the period between 1 January 2012 and 31 December 2013 until the twenty-first calendar day of temporary illness or quarantine, he/she shall be entitled to monthly remuneration for each calendar day in the amount of 60% of one thirtieth of the monthly remuneration. For the purpose of fixing the reduced monthly remuneration according to the first sentence, one thirtieth of the monthly remuneration shall be stipulated in the same manner in which the daily assessment basis for the stipulation of sickness benefits under the health insurance. The reduced amount of monthly remuneration according to the first sentence shall be reduced by 50 % in cases where sickness benefit is reduced to one half according to the valid health insurance regulations. Reduced amount of monthly remuneration stipulated according to the first and third sentence for each individual calendar day shall be rounded off upwards to whole CZK.

#### Section 74

**cancelled** [\[Linde comments\]](#)

#### Section 75 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Non-released member of the municipality council, if discharging the office of the Mayor, and released member of the municipality council shall be entitled to remuneration after the end of their term of office, if - as of the day of election to the municipality council - they were entitled to monthly remuneration and if their repeated claim to monthly remuneration has not arisen. If a released member of the municipality council or a non-released member of the municipality council, discharging the post of the Mayor, has been convicted with legal force of

an intentional criminal act committed during his/her term of office, then he/she shall not be entitled to remuneration after the end of his/her term of office.

(2) The actual amount of remuneration at the end of the term of office of a released member of the municipality council and a non-released member of the municipality council, discharging the office of the Mayor, shall be fixed as the amount of monthly remuneration to which a multiple of that sum and the number of whole finished consequent years of the exercise of the office - but five finished years of the exercise of the office at most - shall be added.

(3) This particular remuneration shall be provided to a released member of the municipality council and a non-released member of the municipality council who discharged the office of the Mayor or Deputy Mayor, for which monthly remuneration is due and whose mandate has expired before the day of the holding of the election to the municipality council, for a period of 3 (three) months from the day of the expiry of the mandate.

(4) A released member of the municipality council and a non-released member of the municipality council who discharged the office of the Mayor or Deputy Mayor, for which monthly remuneration is due and who has been recalled from the office or who stepped down from the office, shall be given this remuneration for a period of 3 (three) months from the day of stepping down from the office or recall from the office.

(5) An outgoing Mayor or Deputy Mayor who exercises powers pursuant to [Section 107](#) shall be entitled to monthly remuneration in the current amount.

(6) Member of the municipality council who exercises powers pursuant to [Section 107](#) shall be entitled to monthly remuneration at the same amount that would belong to the Mayor according to the implementing legal regulation.

(7) Remuneration at the end of the term of office may be paid in monthly installments or as a lump sum. If a claim to remuneration has arisen to member of the municipality council given in [subsection 1](#) at the end of his/her term of office during which criminal proceedings are conducted against him/her for an intentional criminal act committed in his/her term of office, remuneration shall not be paid at the end of the term of office. If the said criminal proceedings for a criminal act end with the legally binding conviction of the said member of the municipality council, it shall be held that the entitlement to his/her remuneration at the end of the term of office has not arisen; if such a conviction is not passed, remuneration at the end of the term of office shall be paid out.

#### Section 76 [\[WK comments\]](#) [\[Linde comments\]](#)

Maturity and payment of remuneration to members of the municipality council, as well as deductions from remuneration shall be governed by legal regulations on pay conditions for employees of the municipality and the Labour Code. For these purposes, remuneration of the members of the municipality council shall be classified as a salary of the employees of the municipality in an employment contract; the municipality shall be classified as an employer, and members of the municipality council shall be classified as employees.

Section 77 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Remuneration shall be given to a released member of the municipality council from the day he/she was elected or appointed to the office for which he/she is entitled to receive remuneration.

(2) Remuneration shall be given to a non-released member of the municipality council from the day as specified by the relevant municipality council.

(3) In case of concurrent exercise of several offices

a) a released member of the municipality council shall be entitled to monthly remuneration according to his/her office for which the highest remuneration is given,

b) a non-released member of the municipality council may be given monthly remuneration of up to the sum of the total of remuneration for the individual offices.

Section 78 [\[WK comments\]](#) [\[Linde comments\]](#)

In connection with the exercise of his/her office, a member of the municipality council shall be entitled to receive travel expenses amounting to the sum and depending on the conditions as stipulated by legal regulations valid for employees.<sup>26)</sup>

Section 79 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) A released member of the municipality council shall be entitled to holiday pursuant to this Act, amounting to 5 (five) weeks in each calendar year.

(2) If his/her term of office does not last for the entire period of one calendar year, he/she shall be entitled to a proportionate part of holiday. For each calendar month, even a commenced one, of the exercise of his/her office this shall amount to one twelfth (1/12) of the holiday for each calendar year.

(3) Monthly remuneration pursuant to this Act shall also be due during the holiday.

(4) Municipality shall provide to a released member of the municipality council also that part of his/her holiday which he/she has not drawn before being released for the exercise of his/her public office. If a released member of the municipality council fails to draw his/her holiday before the expiry of the time for his/her release for the exercise of his/her public office, holiday shall be given by the releasing employer.

(5) If a released member of the municipality council could not draw his/her holiday or part of it in the course of a given calendar year, this claim shall be carried over to the following calendar year. In such a case, a released council member may also ask the municipality for compensation of his/her monthly remuneration for unused holiday.

Section 80

**cancelled**

Section 81

**cancelled**

Section 82 [\[WK comments\]](#) [\[Linde comments\]](#)

In the course of exercising his/her office, a member of the municipality council shall be entitled to do the following

- a) submit to the municipality council, the municipality board, committees and commissions motions for discussion;
- b) raise questions, comments and motions to the municipality board and its individual members, to committee chairpersons, to statutory bodies of legal entities whose founder is the municipality, and to heads of contributory organizations and organizational components founded or established by the municipality; a written answer must be received within 30 (thirty) days; and
- c) demand from employees of the municipality, assigned to the municipality authority, as well as from employees of the legal entities founded or established by the municipality, information on matters connected with the exercise of their office; such information must be supplied within 30 (thirty) days at the latest.

Section 83 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Member of the municipality council is obliged to attend sessions of the municipality council or sessions of other bodies of the municipality, if he/she is their member, he/she shall fulfill the tasks set by those bodies, protect the interests of the citizens of the municipality, and act and behave in a way not to jeopardize the solemnity of his/her office.

(2) Member of the municipality council in whose case facts indicate that his/her participation in the discussion of and decision-making on a specific matter in the bodies of the municipality could bring an advantage or loss for that particular member or a person close to him/her, for a natural person or legal entity he/she represents on the basis of law or power of attorney (conflict of interests) shall be obliged to report that fact before the start of deliberations of the body of the municipality which is to discuss the given matter.

**PART 2**

## **Powers of Municipality Council**

### Section 84 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The municipality council decides on matters belonging to the municipality's own competence ([Section 35\(1\)](#)).

(2) The municipality council shall be entitled to

- a) approve the municipality's development program;
- b) approve budget of the municipality and final account of the municipality and final financial statements compiled as of the balance sheet date;
- c) establish permanent and temporary financial funds of the municipality;
- d) establish and wind up budgetary organizations and organizational components of the municipality, approve their deeds of foundation;
- e) decide on the establishment or winding up of legal entities, approve their deeds of foundation, memoranda of association, association agreements and statutes, and decide about participation in the already established legal entities;<sup>29)</sup>
- f) delegate representatives of the municipality, save for [Section 102\(2\)\(c\)](#), to attend general meetings of business companies in which the municipality has a property interest;
- g) propose the municipality's representatives for other bodies of business companies in which the municipality has a property interest, and propose their recall;
- h) issue generally binding ordinances of the municipality;
- i) decide about the holding of a local referendum;
- j) propose changes in the cadastral area within the municipality, approve agreements on changes of the municipality's boundaries and on the merger of municipalities;
- k) determine offices for which members of the municipality council shall be released;
- l) set up and wind up committees, elect their chairpersons and other members, and recall them from their offices;
- m) from among the members of the municipality council elect the Mayor, Deputy Mayor and other members of the municipality councils (councillors) and recall them from their offices, determine the number of the members of the municipality council, as well as the number of long-term released members of that council, set up and wind up committees, elect their chairpersons and other members, and recall them from their offices;

- n) stipulate the amount of remuneration for non-released members of the municipality council;
- o) set up and wind up municipality police;
- p) decide on co-operation of the given municipality with other municipalities and on the actual form of such co-operation;
- r) decide on the establishment and names of parts of the municipality, on the names of streets and other public spaces;
- s) grant and recall honorary citizenship of the municipality and awards of the municipality;
- t) stipulate principles for granting compensation for travel expenses to members of the municipality council;
- u) decide on monetary performance provided to natural persons who are not members of the municipality council for the exercise of the office of committee members;
- v) N/A
- x) N/A
- y) fulfill tasks set forth by a special legal regulation; and
- z) decide on establishment, merger, consolidation, splitting and winding up of a public not-for-profit institutional health care facility, propose representatives for its supervisory board and decide on the transfer of the title to assets managed by public not-for-profit institutional health care facility or on its lease in the events where a special legal regulation so sets forth;<sup>29a)</sup>

(3) Where the municipality board is not established, the municipality orders shall be issued by the municipality council.

(4) The municipality council may reserve another power in the municipality's own competence in addition to the powers reserved to the municipality board under [Section 102\(2\)](#).

(5) The municipality council shall decide on cancellation of resolutions of the municipality board if such resolutions are submitted to the council for deciding under [Section 102\(1\)](#).

#### Section 85 [\[WK comments\]](#) [\[Linde comments\]](#)

Furthermore, the municipality council shall be entitled to decide on the following legal acts:

- a) acquisition and transfer of tangible immovable things, including release of immovable things pursuant to special Acts, except for utility networks and roads, transfer of flats and non-residential premises from the property of the municipality;

- b) provision of material gifts in the value exceeding CZK 20,000 and monetary gifts in the value exceeding CZK 20,000 to natural person or legal entity in a single calendar year;
- c) provision of subsidies and recoverable financial assistance exceeding CZK 50,000 in individual cases to natural persons or legal entities and conclusion of statutory agreements on providing such subsidies and assistance;
- d) conclusion of contracts on association<sup>44)</sup> and provision of material values pursuant to contract on association<sup>44)</sup> in which the municipality is a contracting party;
- e) monetary and non-monetary contributions to legal entities;
- f) surrender of right and waiver of a debt higher than CZK 20,000;
- g) mortgaging real estate or rights in a value higher than CZK 20,000;
- h) agreements on installments with a maturity period longer than 18 (eighteen) months;
- i) assignment of debt higher than CZK 20,000;
- j) conclusion of agreement on the acceptance and provision of a credit or a loan, on the acceptance of a debt, on the acceptance of a guarantor's obligation, and on the assumption of a liability, and contract on association<sup>44)</sup>;
- k) mortgage over real estate;
- l) issuance of a communal bonds;
- m) acquisition and transfer of the right of construction and contractual establishment of the right of construction in respect of land owned by the municipality; and
- n) conversion into money of a tangible immovable thing owned by the municipality or the right of construction in a public auction and acquisition of a tangible immovable thing or the right of construction by the municipality in an auction, a public tender for the most suitable bid or in any other similar manner; the municipality council may entrust such powers, whether completely or partially, to the powers of the municipality board or the Mayor.

Section 86 [\[Linde comments\]](#)

**cancelled**

Section 87 [\[WK comments\]](#) [\[Linde comments\]](#)

Consent of a simple majority of all the members of the municipality council shall be necessary for a resolution of the municipality council, its decision or voting to be valid, unless laid down otherwise by a special legal regulation<sup>31a)</sup>.

## Section 88

**cancelled**

## Section 89 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) If the municipality council fails to meet for a period longer than 6 (six) months in a way to be able to have a quorum, the Ministry of the Interior shall dissolve it. The municipality concerned may file action to court to contest that decision.

(2) If the municipality council or another body of the municipality fails to proceed in compliance with a court decision on the duty to declare a local referendum, the Ministry of the Interior shall urge the given municipality council to rectify the situation within 2 (two) months. If the municipality council does not comply within the given deadline, the Ministry of the Interior shall dissolve it. The municipality concerned may file action to court to contest that decision<sup>30)</sup>.

(3) Until a new municipality council is elected, it shall be proceeded pursuant to [Sections 102a and 107](#).

## Section 90 [\[WK comments\]](#) [\[Linde comments\]](#)

If the number of members of the municipality council decreases by more than a half, or, as the case may be, drops under 5 (five), and the municipality council cannot be supplemented by substitutes, the municipality authority shall report this fact forthwith to the relevant regional authority. In such a case, the municipality council cannot decide about matters pursuant to [Sections 84\(2\)](#) and [85](#), except for adopting budgetary measures and determination of the rules of a provisional budget.

## Section 91 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Constituent session of a newly elected municipality council shall be convened by the incumbent Mayor after expiry of the deadline for filing an application to the court in respect of invalidity of the election or invalidity of the voting so as to take place within 15 (fifteen) days of the expiry of said deadline, and where the application in respect of the invalidity of the election or the invalidity of the voting was filed, within 15 (fifteen) days of the coming into force of the court resolution on the last of the applications filed, if none of the filed applications was accommodated. The constituent session is usually chaired by the incumbent Mayor or the oldest member of the municipality council until a Mayor or Deputy Mayor is elected. The constituent session of the municipality council shall elect the Mayor, Deputy Mayor and other members of the municipality board.

(2) If the constituent session of the newly elected municipality council did not take place within a deadline given in [subsection 1](#), the Ministry of the Interior shall do so, unless the court accommodated the application for invalidity of the election or for invalidity of the voting. The information on convening the constituent session of the municipality council shall be

published by the Ministry of the Interior in the extent set forth in [Section 93](#) for a period set forth in this provision on its official notice board.

Section 92 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The municipality council shall meet as need be, but at least once in 3 (three) months. The municipality council sessions are held in the territorial district of the municipality. The municipality council sessions are convened and usually chaired by the Mayor. The Mayor is obliged to convene a municipality council session, if requested to do so by at least one third of the members of the municipality council or by the chief executive of the relevant region. Municipality council session shall be held within 21 (twenty-one) days of the day when such a request has been delivered to the municipality authority at the latest.

(2) If the Mayor does not convene a municipality council session pursuant to [Session 1](#), the Deputy Mayor or another member of the municipality council shall do so.

(3) The municipality council shall have a quorum if a simple majority of all its members is present. If a simple majority of all the members of the municipality council is not present after the start or in the course of the municipality council session, its chairperson shall terminate the municipality council session. A substitute session shall be held within 15 (fifteen) days. It shall be convened by means of a procedure pursuant to [subsections 1](#) or [2](#).

Section 93 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The municipality authority shall inform about the actual venue, time and proposed agenda of the scheduled municipality council session. The information shall be posted up on the official notice board<sup>3b)</sup> of the municipality authority for at least 7 (seven) days prior to the municipality council session; the information may also be published in a manner customary in the given locality.

(2) At the time of announcing a crisis situation pursuant to another legal regulation<sup>43)</sup>, the information on the venue, time and proposed agenda of the scheduled municipality council session pursuant to [subsection 1](#) shall be published on the official notice board of the municipality authority at least for a period of 2 (two) days prior to the municipality council session; matters that do not relate to the announced crisis situation may be discussed at such session only if the information was published at least 7 (seven) days prior to the municipality council session.

(3) Municipality council sessions are public.

(4) If a member of the Government or a representative appointed by him/her, a Senator, a Member of Lower House or a representative of regional authorities claims the floor at a municipality council session, he/she must be given the floor.

Section 94 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The right to submit motions for inclusion on the agenda for the prepared municipality council sessions shall lay with its members, municipality board and committees.

(2) The municipality council shall decide about inclusion of motions submitted during a municipality council session to its agenda.

Section 95 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Minutes shall be compiled on the course of municipality council sessions. These are signed by the Mayor or Deputy Mayor and by appointed verifiers. The minutes shall invariably give the number of members of the municipality council present, the approved agenda of the municipality session, the course and result of voting, and the resolutions approved.

(2) The minutes, which must be made out within 10 (ten) days of the end of the relevant session, shall be kept at the municipality authority open for inspection. Objections raised by members of the municipality council to the minutes shall be decided at the next municipality council session.

Section 96 [\[WK comments\]](#) [\[Linde comments\]](#)

The municipality council shall issue rules of procedure, thereby stipulating the details of the deliberations of the municipality council.

Section 97 [\[WK comments\]](#) [\[Linde comments\]](#)

The municipality shall inform its citizens of the activities of the bodies of the municipality at the municipal council session and also in other ways customary in the given locality.

Section 98 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The Ministry of the Interior shall appoint an Administrator of the municipality from the ranks of civil servants assigned to the Ministry of the Interior;

- a) if an election called in the municipality is not held due to a lack of candidates for members of the municipality council;<sup>32)</sup>
- b) if the mandate of all the members of the municipality council has terminated and substitutes have not taken up vacated offices; or
- c) if there is a merger of municipalities or separation of part of the municipality.

(2) Administrator of the municipality shall ensure tasks in the field of the municipality's own competence pursuant to [Section 84\(2\)\(b\)](#), [Section 102\(2\)](#) and [\(3\)](#), [Section 103\(4\)\(b\)\(d\)\(e\)](#) and [\(i\)](#) and shall be entitled to set forth the rules of the provisional budget<sup>32a)</sup>. Administrator of the municipality shall convene the constituent session of the municipality council pursuant to [Section 91\(1\)](#). Administrator of the municipality shall represent the municipality *vis-à-vis* third parties and head the municipality authority.

(3) The costs connected with the exercise of the office of the Administrator of the municipality shall be covered by the Ministry of the Interior.

(4) Activities of the Administrator of the municipality shall be terminated on the day of the constituent session of the municipality council ([Section 91](#)) or on the day of the election of the Mayor. At the constituent session of the municipality council, the Administrator of the municipality shall present a report on the exercise of his/her office, and on the municipality's state of economic management and its property.

### **PART 3**

#### **Municipality Board**

##### Section 99 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The municipality board is an executive body of the municipality in the field of its own competence, accountable for its activities to the municipality council. In the field of delegated powers, the municipality board shall be entitled to decide, as laid down by law.

(2) In a municipality where no municipality board is elected, its powers shall be performed by the Mayor, unless stipulated otherwise by this Act ([Section 102\(4\)](#)).

(3) The municipality board shall be made up of the Mayor, Deputy Mayor(s) and other members of the board elected from the ranks of the members of the municipality council. The number of members of the municipality board is odd, amounting at least to 5 (five) and at the most to 11 (eleven) members, while its total number must never exceed one third of the number of the members of the municipality council. The municipality board is not elected in municipalities whose municipality council has less than 15 (fifteen) members.

(4) If the Mayor or the Deputy Mayor is recalled from office or if he/she has resigned from the office, he/she shall cease to be a member of the municipality board as well.

##### Section 100 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) If, during the term of office, the total number of members of the municipality board drops beneath 5 (five) and has not been supplemented at the next session of the municipality council to at least 5 (five), its powers shall be exercised from that moment by the municipality council, which may entrust decision-making on matters pursuant to [Section 102\(2\) and \(3\)](#) either completely or partly to the Mayor.

(2) If, during the term of office, the total number of members of the municipality council drops beneath 11 (eleven) and the vacated mandates are not filled with substitutes, the activities of the municipality board shall end with the expiry of the thirtieth day from the vacation of the mandates in the municipality council. The office of the municipality board shall be discharged in such a case by the municipality council, which may entrust the discharge of some of the tasks of

the municipality board to the Mayor.

(3) If, during the term of office, the total number of members of the municipality board exceeds one third of the total number of members of the municipality council, without the number of its members dropping beneath 11, the municipality board shall continue to discharge its function.

#### Section 101 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The municipality board shall meet for its sessions as need be, its meetings are not public. In order to discuss some of the items on the agenda, the municipality board may invite to its meeting another member of the municipality council and other persons.

(2) The municipality board shall have a quorum if a simple majority of all its members is present; consent of a simple majority of all its members is necessary for its resolution or decision to be valid.

(3) The municipality board prepares minutes from its meeting which are signed by the Mayor together with the Deputy Mayor or another councillor. The minutes shall invariably give the number of members of the municipality board present, the approved agenda of the meeting of the municipality board, the course and result of its voting, and the resolutions approved. The minutes from the municipality board meetings must be made out within 7 (seven) days of its holding. The next meeting of the municipality board shall decide about the objections raised by the members of the municipality board to the minutes. The minutes from the municipality board session must be kept at the municipality authority open for the members of the municipality council.

(4) The municipality board shall issue its rules of procedure, thereby laying down the details of the municipality board session.

#### Section 102 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The municipality board prepares motions for municipality council meetings, securing implementation of the resolutions adopted by the council meetings.

(2) The municipality board is entitled to

a) ensure economic management of the municipality in keeping with its approved budget and take budgetary measures to the extent laid down by the municipality council;

b) while acting *vis-à-vis* legal entities and organizational components founded or established by the municipality council, with the exception of the municipality police, discharge tasks of the founder or incorporator pursuant to special regulations, unless these are reserved to the municipality council ([Section 84\(2\)](#));

c) decide on matters of the municipality as the sole partner in a business corporation;

- d) issue rulings of the municipality;
- e) discuss and resolve proposals, comments and moves submitted by the members of the municipality council or commissions of the municipality board;
- f) stipulate the division of powers in the municipality authority, establish and wind up departments and sections of the municipality authority ([Section 109\(2\)](#));
- g) at the proposal of the Secretary of the municipality authority appoint and recall heads of the departments of the municipality authority in keeping with special legislation;<sup>32b)</sup>
- h) establish and wind up, as need be, commissions of the municipality board (hereinafter "commissions"), appoint and recall from their offices their chairpersons and members;
- i) monitor the implementation of the tasks of the municipality authority and commissions in the field of the municipality's own competence;
- j) determine the total number of employees of the municipality in the municipality authority and in the organizational components of the municipality;
- k) impose fines in matters of the municipality's own competence ([Section 58](#)); the municipality board may entrust these powers, whether fully or partially, to the municipality authority or to the Mayor;
- l) acting on the strength of a move, examine the measures adopted by the municipality authority in its own competence and by the commissions;
- m) lay down rules for the reception and handling of petitions and complaints;
- n) approve the organizational rules of the municipality authority;
- o) meet tasks laid down by special legislation; and
- p) approve the final financial statements of a partially budget-funded organization established by the municipality compiled as of the balance sheet date.

(3) The municipality board shall ensure decision-making on other matters belonging to the municipality's own competence, unless these are reserved to the municipality council or unless the municipality council has reserved them. The municipality board may entrust such powers, whether fully or partially, to the Mayor or to the municipality authority. The municipality board may entrust decision-making on legal acts connected with the activities of the municipality police to the municipality police, whether fully or partially.

(4) In municipalities where the Mayor exercises the powers of the municipality board ([Section 99\(2\)](#)), decision-making on matters given in [subsection 2\(c\)](#), [\(d\)](#), [\(f\)](#), [\(j\)](#), [\(l\)](#) and [\(p\)](#) shall also be reserved for the municipality council.

(5) If the municipality board is recalled as a whole and if concurrently no new municipality board has been elected as yet, the incumbent municipality board shall exercise its powers until the election of a new municipality board.

Section 102a [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The municipality board shall exercise its powers pursuant to this Act even after the end of the term of office of the members of municipality council until a new municipality board is elected or until the Mayor of the municipality is elected in the event that the municipality board is not elected ([Section 99\(3\)](#)).

(2) If the court approves a proposal for invalidity of the election or voting, the municipality board shall be entitled, from the date when the court's decision took legal power until the day when a constituent session of the newly elected municipality council takes place and in addition to the powers set forth in [Section 1](#), to determine the rules of the provisional budget and approve budgetary measures<sup>32c</sup>.

(3) If the municipality council was not elected due to the fact that the district election commission failed to submit the minutes of the course and result of the voting, the municipality board shall exercise the powers under [subsection 2](#) from the day following the day on which the deadline of the district election commission for submitting the minutes of the course and result of the voting ended until the day on which the constituent session of the newly elected municipality council takes place.

(4) In municipalities in which the municipality board was not elected prior to the end of the term of office of the members of the municipality council ([Section 99\(3\)](#)), its powers shall be exercised by the incumbent Mayor ([Section 107](#)) in the period under [subsection 1](#). The provisions of [subsections 2](#) and [3](#) shall apply *mutatis mutandis*.

## PART 4

### The Mayor

Section 103 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The Mayor is a public representative of the municipality.

(2) The Mayor and Deputy Mayor(s) are elected to the offices by the municipality council from the ranks of their members. The Mayor and the Deputy Mayor must be a citizen of the Czech Republic. For the exercise of his/her office he/she shall be accountable to the municipality council.

(3) The Mayor appoints and recalls - with the consent of the Director of the regional authority - the Secretary of the municipality authority in keeping with special legislation<sup>32a</sup>, and fixes his/her salary pursuant to special regulations<sup>33</sup>; without the consent of the Director of the regional authority, the appointment and recall of the Secretary of the municipality authority shall be invalid.

#### (4) The Mayor

- a) is responsible for timely ordering of the review of the municipality's economic management for the past calendar year ([Section 42](#));
- b) discharges tasks of the employer pursuant to special regulations, concludes and terminates employment contracts with employees of the municipality, fixing their salaries pursuant to special regulations<sup>33</sup>), unless the municipality has its Secretary of the municipality authority; he/she appoints, recalls and fixes the salaries of the heads of departments, only if no municipality board has been established;
- c) may - following discussions with the Director of the regional authority - entrust to the commission the exercise of delegated powers in specific matters;
- d) may ask the Police of the Czech Republic for co-operation in securing local matters in public law and order;
- e) is responsible for keeping the public informed on the activities of the municipality<sup>34</sup>);
- f) ensures the exercise of delegated powers in municipalities where there is no Secretary of the municipality authority;
- g) decides on matters of the municipality's own competence, entrusted to it by the municipality board;
- h) discharges other tasks laid down by this Act and special legislation; and
- i) discharges similar tasks as the statutory authority of an employer pursuant to special legal regulations *vis-à-vis* released members of the council and the Secretary of the municipality authority.

(5) The Mayor convenes and usually chairs sessions of the municipality council and the municipality board, signs - together with verifiers - the minutes from the municipality council meetings and the minutes from the municipality board meetings.

(6) If the Mayor is recalled from office or if he/she has resigned from the office, and if, at the same time, a new Mayor has not been elected, his/her powers shall be exercised until the election of the new Mayor by the Deputy Mayor, appointed by the municipality council to represent the Mayor ([Section 104\(1\)](#)). If the municipality council has not appointed the Deputy Mayor to represent the Mayor, or if this Deputy Mayor has been recalled from the office, or if he/she has resigned together with the Mayor, the municipality council shall authorize a member of the municipality council with the task of exercising the powers of the Mayor.

(1) The Mayor is represented by the Deputy Mayor. The municipality council may elect more Deputy Mayors and entrust them with some tasks. The Deputy Mayor to be appointed by the municipality council shall represent the Mayor at the time of the latter's absence or while the Mayor does not exercise his/her office ([Section 73\(3\)](#) and [Section 79\(1\)](#)).

(2) The Mayor together with the Deputy Mayor sign legal regulations of the municipality.

Section 105 [\[WK comments\]](#) [\[Linde comments\]](#)

The Mayor shall suspend the execution of a resolution of the municipality board, if he/she believes it is incorrect. He/she shall then submit the matter to be decided at the next session of the municipality council ([Section 84\(5\)](#)).

Section 106 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) In cases laid down by special legislation, the Mayor shall establish, for the exercise of delegated powers, special bodies of the municipality, appointing and recalling their members. In cases laid down by special legislation, a special body of the municipality with extended powers shall execute state administration for an administrative district of the municipality with extended powers.

(2) Special body of the municipality may only be headed by a person who, unless stipulated otherwise by a special Act, has proved its special professional ability in the field of delegated powers, for the exercise of which office that particular special body has been established. In a similar way, the provisions of the special legal regulations governing the process of proving special professional abilities for the officials of territorial self-governing units shall also apply to the process of proving special professional abilities of the person heading the special body of the municipality.

(3) The provision of subsection 2 shall not apply to cases when the Mayor stands at the head of a special body of the municipality on the strength of the provisions of special legislation.

Section 107 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) During the period from the day of the election to the municipality council to the day of election of a new Mayor or Deputy Mayor, the outgoing Mayor shall exercise the powers of the Mayor pursuant to [Section 103](#); in such period the outgoing Deputy Mayor shall also exercise his/her powers. Where the outgoing Mayor does not exercise his/her powers under the first sentence, such powers shall be exercised by the outgoing Deputy Mayor, and where there are more than one outgoing Deputy Mayors, such powers shall be exercised by the Deputy Mayor who has been authorized to do so by the outgoing Mayor. Where a member of the municipality council exercised the powers of the Mayor as of the date of the election pursuant to [Section 103\(6\)](#), the first and the second sentences shall apply *mutatis mutandis*.

Section 108 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The Mayor is entitled to use a suspended emblem on major occasions and at civic ceremonies. A suspended emblem has a large state emblem in the middle with the name the Czech Republic on its perimeter.

(2) The municipality board may stipulate on which particular occasions this emblem may be used by another member of the municipality council or by the Secretary of the municipality authority.

(3) The Lord Mayor of a statutory city has the right to wear the Lord Mayor's emblem on major occasions and at civic ceremonies.

## PART 5

### Municipal Authority

#### Section 109 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The municipal authority is made up of the Mayor, the Deputy Mayor(s), Secretary of the municipality authority, if this office has been established, and the employees of the municipality assigned to the municipality authority. The Mayor heads the municipality authority.

(2) The municipality board may establish - for the individual branches of activities of the municipality authority - departments and sections, incorporating municipality employees assigned to the municipality authority.

(3) The municipality authority

a) in the sphere of its own competence

1. discharges tasks set to it by the municipality council or by the municipality board;
2. helps committees and commissions in their activity; and
3. makes decisions in the cases set forth by this or a special Act <sup>34b</sup>; and

b) exercises delegated powers pursuant to [Section 61\(1\)\(a\)](#), with the exception of matters falling into the powers of another body of the municipality.

#### Section 110 [\[WK Comments\]](#) [\[Linde Comments\]](#)

(1) The office of the Secretary of the municipality authority who is an employee of the municipality shall be set up in municipalities with designated municipality authority and in municipalities with extended powers. Other municipalities may establish the office of the Secretary of the municipality authority.

(2) The Secretary of the municipality authority is responsible to the Mayor for the implementation of the tasks of the municipality authority in its own competence as well as in the delegated powers.

(3) If the office of the Secretary of the municipality authority has not been established in the municipality or if no Secretary of the municipality authority has been appointed, his/her tasks shall be discharged by the Mayor.

(4) The Secretary of the municipality authority

a) ensures the exercise of delegated powers with the exception of matters that are entrusted by law to the municipality board or a special body of the municipality,

b) fulfills tasks entrusted to it by the municipality council, the municipality board or by the Mayor,

c) fixes, pursuant to special legal regulations<sup>33)</sup>, salaries of all the employees of the municipality assigned to the municipality authority,

d) discharges tasks of a statutory body of an employer pursuant to special legal regulations towards municipality employees assigned to the municipality authority,

e) issues filing rules, shredding rules and working rules of the municipality authority, as well as other internal directives of the municipality authority, unless these are issued by the municipality board.

(5) The Secretary of the municipality authority attends sessions of the municipality council and meetings of the municipality board, being in advisory capacity.

(6) The Secretary of the municipality authority must not discharge any functions in political parties and in political movements.

#### Section 111 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) All the written documents made out by the body of the municipality in the municipality's own competence shall be headlined with the words "municipality" ("town", "township") and the name of the municipality, township or town, giving the name of the body which made out the given document.

(2) All the written documents made out by the body of the municipality in delegated powers of the bodies of the municipality, with the exception of rulings of the municipality, shall be headlined with the words "municipality authority" ("municipal authority", "township authority"), giving the name of the municipality, township or town.

(3) If written documents are prepared by departments of the municipality (municipal) authority or township authority, the name of the department which has prepared the given written document shall also be given under its head. If a special Act stipulates a different designation of the department, this particular designation shall be given.

(4) If written documents are prepared by special bodies, they shall be headlined with the name "municipality" ("town", "township"), the name of the municipality (town, township) and under it the name of the special body which has prepared the written document,

(5) Municipalities may use stamp of the municipality in cases where special legislation does not lay down the compulsory use of the official stamp with the small state emblem<sup>34c</sup>.

Section 112 [[Linde comments](#)]

**cancelled**

Section 113

**cancelled**

Section 114

**cancelled**

Section 115

**cancelled**

Section 116

**cancelled**

## CHAPTER V

### BODIES OF MUNICIPALITY COUNCIL AND MUNICIPALITY BOARD

#### **Committees**

Section 117 [[WK comments](#)] [[Linde comments](#)]

(1) The municipality council may set up committees as its initiative and inspection bodies. Committees submit their standpoints and motions to the municipality council.

(2) The municipality council always establishes a financial and audit committee.

(3) The municipality inhabited, according to the latest census, by at least 10% of citizens espousing a nationality other than Czech shall establish an Ethnic Minorities Committee, if an association representing the interests of an ethnic minority<sup>48)</sup> so requests in writing, however, members of ethnic minorities must always make up at least one half of the Committee, unless such condition cannot be fulfilled due to lack of candidates from the ranks of ethnic minorities.

(4) Committee chairperson shall always be a member of the municipality council; this shall not apply if this is the chairperson of neighbourhood committee ([Section 120](#)).

Section 118 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Committee discharges tasks entrusted to it by the municipality council. Committee is accountable for its activities to the municipality council.

(2) The total number of committee members is always odd. Committee shall meet as need be. Committee resolutions shall be made in writing, and shall be signed by the Committee chairperson.

(3) Committee resolution shall be valid if a simple majority of all the committee members has expressed consent therewith.

Section 119 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Financial and Audit Committees have at least three members each. Their members can be neither the Mayor, the Deputy Mayor, the Secretary of the municipality authority nor persons securing budgetary and accounting work at the municipality authority.

(2) Financial Committee shall

- a) check the economic management of the municipality's property and financial resources;
- b) discharge other tasks entrusted to it by the municipality council.

(3) Audit Committee shall

- a) check the implementation of the resolutions of the municipality council and the municipality board, if the latter has been established;
- b) check compliance with the legal regulations by other Committees and the municipality authority in the field of its own competence; and
- c) discharge other auditing tasks entrusted to it by the municipality council.

(4) Committee shall make out a record of the audit performed, containing information about what has been audited, which particular shortcomings have been found and proposed measures aimed at eliminating them. The record shall be signed by a Committee member who carried out the audit and by the employee whose activities were audited.

(5) Committee shall submit the record to the municipality council; attached to the record shall be a statement of the body, or the employees whose activities were audited.

Section 120 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) In parts of the municipality, the municipality council may set up neighbourhood or local committees (hereinafter only "**neighbourhood committee**"). Neighbourhood committee shall have at least 3 (three) members. The actual number of members of the neighbourhood committee shall be determined by the municipality council.

(2) Members of the neighbourhood committee are citizens of the given municipality who have permanent residence in that part of the municipality for which the pertinent neighbourhood committee has been established and who have been appointed by the municipality council.

(3) Chairperson of the neighbourhood committee is elected by the municipality council from the ranks of the members of the neighbourhood committee.

#### Section 121 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The neighbourhood committee is entitled to

a) submit to the municipality council, the municipality board and the committees motions pertaining to the development of the relevant part of the municipality and the municipality's budget;

b) express its views on the motions submitted to the municipality council and the municipality board for decision, if concerning the relevant part of the municipality; and

c) express itself on the comments and suggestions submitted by citizens of the municipality who have permanent residence in the part of the municipality and addressed to the bodies of the municipality.

(2) If a chairperson of the neighbourhood committee claims the floor at a session of the municipality council, he/she must be given the floor.

#### Section 122 [\[WK comments\]](#) [\[Linde comments\]](#)

### **Commissions**

(1) The municipality board may set up commissions as its initiative and consultative bodies. Commissions submit their standpoints and subjects to the municipality board.

(2) Commission is also an executive body, if authorized to exercise delegated powers pursuant to [Section 103\(4\) \(c\)](#).

(3) Only a person who has proved his/her special professional competence in the field of delegated powers entrusted to the commission can become chairperson pursuant to [subsection 2](#), unless stipulated otherwise by special legislation. Provisions of special legal regulations governing the process of proving special professional abilities of the Commission chairperson for the officials of territorial self-governing units shall apply *mutatis mutandis* to proving such competence.

(4) Commission shall make resolutions by a majority of the votes of all its members.

(5) Commission is accountable for its activities to the municipality council; in matters concerning the exercise of delegated powers in the entrusted field it is accountable to the Mayor.

## CHAPTER VI

### SUPERVISION

#### PART 1

#### **Supervision of the Issuance and Content of Generally Binding Ordinances of Municipalities and Resolutions, Decisions and Other Measures of Bodies of Municipalities in Their Own Competence**

Section 123 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) If a generally binding ordinance of the municipality contravenes the law, the Ministry of the Interior shall call on the offending municipality to remedy the situation. If the municipality fails to remedy the situation within 60 (sixty) days of the delivery of the notice, the Ministry of the Interior shall rule on the suspension of the effectiveness of those generally binding ordinances. The effectiveness of the generally binding ordinances of the municipality shall be suspended on the day of delivery of the decision of the Ministry of the Interior to the municipality. The Ministry of the Interior shall further stipulate to the municipality in its decision an appropriate deadline for remedy. If the municipality council manages to remedy the situation within the given deadline, the Ministry of the Interior shall cancel its decision on the suspension of the effectiveness of the generally binding ordinance of the municipality immediately after receiving the municipality's information on the remedy of the situation, whose annex shall be formed by the municipality's generally binding ordinance that has remedied the situation.

(2) In case of an evident discrepancy between the municipality's generally binding ordinances and human rights and fundamental freedoms, the Ministry of the Interior may suspend their effectiveness without a previous call for remedy. The effectiveness of the municipality's generally binding ordinances shall be suspended on the day of the delivery of the decision of the Ministry of the Interior to the municipality. In its decision, the Ministry of the Interior shall also stipulate to the municipality an appropriate deadline for remedy. If the municipality council manages to remedy the situation within the stipulated deadline, the Ministry of the Interior shall cancel its decision on the suspension of the effectiveness of the municipality's generally binding ordinance without undue delay after receiving from the municipality a report on the remedy of the situation, whose annex shall be formed by the municipality's generally binding ordinance that has remedied the situation.

(3) If the municipality council fails to remedy the situation within the stipulated deadline and if no remonstrance is filed against the decision by the Ministry of the Interior pursuant to [subsections 1](#) and [2](#), the Ministry of the Interior shall submit within 30 (thirty) days of the expiry of

the deadline for the submission of the remonstrance to the Constitutional Court a motion to repeal the municipality's generally binding ordinance. If a remonstrance has been filed against the decision of the Ministry of the Interior pursuant to [subsections 1 a 2](#), the Ministry of the Interior shall submit such a motion to the Constitutional Court within 30 (thirty) days of the coming into effect of the decision on the remonstrance with which the said remonstrance has been denied. If the Constitutional Court rejects or denies this motion or terminates the proceedings, the ruling of the Ministry of the Interior on the suspension of the effectiveness of the municipality's generally binding ordinance shall lose its validity on the day when the ruling of the Constitutional Court comes into legal force.

(4) If the municipality council manages to remedy the situation before the ruling of the Constitutional Court on the motion pursuant to [subsection 3](#), the municipality shall report this immediately to the Constitutional Court and to the Ministry of the Interior. The Ministry of the Interior shall cancel its decision on the suspension of the effectiveness of the municipality's generally binding ordinance within 15 (fifteen) days of the delivery of the municipality's report on remedy, whose annex shall be formed by the generally binding ordinance of the municipality that has remedied the situation.

#### Section 124 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) If a resolution, decision or any other measure of a body of a municipality in its own competence is in conflict with the law or other legal regulation and such resolution, decision or other measure is not a generally binding ordinance the Ministry of the Interior shall request that the municipality remedy the situation. If the relevant body of the municipality fails to remedy the situation within 60 (sixty) days following the delivery of such request, the Ministry of the Interior shall suspend the implementation of such resolution, decision or other measure of the body of the municipality in its own competence. The implementation of the resolution, decision or other measure of the body of the municipality in its own competence shall be suspended on the day of delivery of the decision of Ministry of the Interior to the municipality. The Ministry of the Interior shall set forth in the decision a reasonable deadline for the municipality to remedy the situation. If the relevant body of the municipality remedies the situation within the fixed deadline, the Ministry of the Interior shall cancel its decision on the suspension of the implementation of the resolution, decision of other measure of the body of the municipality in its own competence immediately after it receives the municipality's report on the remedy of the situation, whose annex shall be formed by the resolution, decision or other measure of the body of the municipality in its own competence by which the situation was remedied.

(2) In case of an evident and serious contravention of a resolution, decision or other measure of the body of a municipality in its own competence with the law, the Ministry of the Interior authority may suspend the implementation of a resolution, decision or other measure of the body of municipality without previous call for remedy of the situation. The implementation of such resolution, decision of other measure of the body of the municipality in its own competence shall be suspended on the date of delivery of the decision of the Ministry of the Interior to the municipality. The Ministry of the Interior shall set forth in the decision a reasonable deadline for the municipality to remedy the situation. If the relevant body of the municipality remedies the situation within the fixed deadline, the Ministry of the Interior shall cancel its decision on the suspension of the implementation of the resolution, decision or other measure of the body of

the municipality in its own competence immediately after it receives the municipality's report on the remedy of the situation, whose annex shall be formed by the resolution, decision or other measure of the body of the municipality in its own competence by which the situation was remedied.

(3) If the relevant body of the municipality fails to remedy the situation within the fixed deadline and if a remonstrance is not filed against the decision of the Ministry of the Interior pursuant to [subsections 1](#) and [2](#), the Ministry of the Interior shall file a motion to cancel a resolution, decision or other measure of the body of the municipality in its own competence within 30 (thirty) days following the expiry of the deadline for filing the remonstrance to the relevant court. If the remonstrance against the decision of the Ministry of the Interior is filed pursuant [subsections 1](#) and [2](#), the Ministry of the Interior shall file such motion at the relevant court within 30 (thirty) days following the date of the legal force of the decision on the remonstrance by which the remonstrance was denied. If the court rejects or dismisses such motion or terminates the proceedings the decision of the Ministry of the Interior on the suspension of the implementation of the resolution, decision or other measure of the body of the municipality in its own competence shall lose its validity on the date when the court's decision will take legal force.

(4) If the relevant body of the municipality remedies the situation before the court's decision on the motion pursuant to [subsection 3](#) the municipality shall immediately inform the court and the Ministry of the Interior of such fact. The Ministry of the Interior shall cancel its decision on the suspension of the implementation of the resolution, decision or other measure of the body of the municipality in its own competence within 15 (fifteen) days following the delivery of the municipality's report on the remedy of the situation whose annex shall be formed by the resolution, decision or other measure of the body of the municipality in its own competence by which the situation was remedied.

(5) The Ministry of the Interior shall not decide on the suspension of the implementation of the resolution, decision or other measure of the body of the municipality in its own competence if such resolution, decision or other measure has already been exercised; in such an event, the Ministry of the Interior shall only file a motion to the court for its cancelling.

(6) The provisions [of subsections 1 through 5](#) shall not apply if legal regulations of the civil, commercial or labour law are breached and in the event where the supervision or inspection of the implementation of municipalities' own competence are stipulated by a special legal regulation<sup>37)</sup>.

Section 124a

**cancelled**

**PART 2**

**Supervision of the Issuance and Content of Regulations of the Municipalities and**

## **Resolutions, Decisions and Other Measures of the Body of Municipality in Delegated Powers**

Section 125 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) If the municipality's regulation contravenes a law or another legal regulation, the regional authority shall call on the offending municipality to remedy the situation. If the relevant body of the municipality fails to remedy the situation within 60 (sixty) days of the delivery of the call, the competent regional authority shall rule on the suspension of the effectiveness of the municipality's regulation. The effectiveness of the municipality's regulation shall be suspended on the day of the delivery of the decision of the regional authority to the municipality. In its decision, the regional authority shall also stipulate to the municipality an appropriate deadline for remedy. If the relevant body of the municipality remedies the situation within the stipulated deadline, the regional authority shall cancel its decision on the suspension of the effectiveness of the regulation of the municipality without undue delay after receiving the municipality's report on remedy whose annex shall also be formed by the regulation of the municipality which has remedied the situation.

(2) In case of an evident contravention of the municipality's regulation with human rights and fundamental freedoms, the regional authority may suspend its effectiveness without prior notice for remedy. The effectiveness of a municipality regulation shall be suspended on the day of the delivery of the decision of the regional authority to the relevant municipality. In its decision, the regional authority shall also stipulate to the offending municipality an appropriate deadline for remedy. If the relevant body of the municipality remedies the situation within the fixed deadline, the regional authority shall cancel its decision on the suspension of the effectiveness of the municipality regulation without undue delay after receiving the municipality's report on remedy whose annex shall also be formed by the municipality regulation which has remedied the situation.

(3) If the relevant body of the municipality fails to remedy the situation within the fixed deadline, the Director of the regional authority shall submit to the Constitutional Court a motion to cancel the municipality regulation within 30 (thirty) days of the expiry of the deadline for remedy. If the Constitutional Court rejects or dismisses this motion or terminates the proceedings, the decision of the regional authority on the suspension of the effectiveness of the municipality regulation shall lose its validity on the day when the decision of the Constitutional Court comes into force.

(4) If the relevant body of the municipality remedies the situation still before the ruling of the Constitutional Court on the motion pursuant to [subsection 3](#), the municipality shall report this without undue delay to the Constitutional Court and to the relevant regional authority. The regional authority shall cancel the decision on the suspension of the effectiveness of the municipality regulation within 15 (fifteen) days of the delivery of the municipality's report on remedy whose annex shall also be formed by the municipality regulation which has corrected the situation.

### **Headline Omitted**

Section 126 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) If a resolution, decision or other measure of the body of the municipality in delegated powers contravenes the law, another legal regulation and - within its intentions - also Government Resolutions, directive of a central administrative authority or a measure of the regional authority adopted while checking the exercise of delegated powers, the regional authority shall call on the offending municipality to remedy the situation. If the municipality fails to remedy the situation within 60 (sixty) days of the delivery of the call, the regional authority shall cancel such a resolution, decision or other measure of the body of the municipality, and shall report to the municipal authority the decision on the cancellation of said resolution, decision or other measure of the body of the municipality in delegated powers.

(2) In case of evident and serious contravention of a resolution, decision or other measure of the body of the municipality in delegated powers with the law, the regional authority may cancel such a resolution, decision or other measure of the body of the municipality without any previous call for remedy.

### **PART 3**

#### **Supervision of the Issuance and Content of Resolutions, Decisions and Other Measures of Bodies of Municipal Districts and Metropolitan Districts of Territorially Divided Statutory Cities**

Section 127 [[WK comments](#)] [[Linde comments](#)]

(1) If a resolution, decision or other measure of the body of a municipal district or a metropolitan district in its own competence contravenes the law or another legal regulation, the relevant metropolitan authority shall suspend its implementation. The implementation of a resolution, decision or other legal regulation shall be suspended on the day of delivery of the decision of the metropolitan authority to the municipal district or metropolitan district concerned. In its decision, the metropolitan authority shall also stipulate to the municipal district or metropolitan district a deadline for remedy of the situation which must not be longer than 3 (three) months. If the relevant body of municipal district or metropolitan district remedies the situation within the fixed deadline, the pertinent metropolitan authority shall cancel its decision without undue delay after receiving notification from the municipal district or metropolitan district of a territorially divided statutory city on remedy whose annex shall also be formed by the resolution, decision or other measure of the municipal district or metropolitan district in its own competence which has remedied the situation.

(2) If the relevant body of the municipal district or metropolitan district fails to remedy the situation in a case pursuant to [subsection 1](#) within the fixed deadline, the metropolitan authority shall submit to a court within 60 (sixty) days of the expiry of the deadline its motion to cancel the resolution, decision or other measure of the body of the municipal district or metropolitan district in its own competence. If the court rejects or dismisses this motion or terminates the proceedings, the decision of the metropolitan authority on the suspension of the implementation of the resolution, decision or other measure of the body of the municipal district or metropolitan district in its own competence shall lose its validity on the day when the court decision comes into legal force.

(3) If the relevant body of the municipal district or metropolitan district remedies the situation prior to a court decision, the relevant municipal district or the metropolitan district shall report this without undue delay to the competent court and to the metropolitan authority. The metropolitan authority shall cancel its decision on the suspension of the execution of a resolution, decision or other measure of the body of the municipal district or metropolitan district without undue delay after receiving notification of the municipal district or metropolitan district on remedy whose annex shall also be formed by the resolution, decision or other measure of the body of the municipal district or metropolitan district in its own competence which has corrected the situation.

(4) The metropolitan authority shall not decide on the suspension of the execution of a resolution, decision or other measure of the body of a municipal district or metropolitan district in its own competence if that has already been executed; in such a case it shall merely submit to court a motion to cancel it.

(5) The provisions of [subsections 1 through 4](#) shall not apply in case of violation of the legal regulations of the civil, commercial or labour law and in case where supervision or inspection of the exercise of the municipality's own competence is regulated by a special legal regulation<sup>37)</sup>.

Section 127a [\[WK comments\]](#) [\[Linde comments\]](#)

If the resolution, decision or other measure of the body of a municipal district or municipal part in delegated powers contravenes the law, another legal regulation, Government Resolution, directive of a central administrative authority or a measure of the metropolitan authority adopted while checking the performance of delegated powers, it shall be cancelled by the metropolitan authority. The metropolitan authority shall notify the relevant municipal district or metropolitan district authority of the cancellation of the resolution, decision or other measure of the body of the municipal district or the metropolitan district in delegated powers.

## **PART 4**

### **Common Provisions on Supervision**

Section 128 [\[WK comments\]](#) [\[Linde comments\]](#)

- (1) The municipality shall post up without undue delay on the official notice board for the period of at least 15 (fifteen) days:
  - a) a decision on the suspension of the effectiveness of a municipality legal regulation;
  - b) an award of the Constitutional Court cancelling the legal regulation of the municipality or its individual provisions;
  - c) a court decision cancelling the resolution, decision or other measure of a municipality body in its own competence;

- d) a decision on the cancellation of the suspension of the effectiveness of the municipality legal regulation; and
- e) a Constitutional Court ruling on the basis of which the decision on the suspension of the municipality legal regulation loses its validity.

(2) A municipal district or metropolitan district of a territorially divided statutory city shall, without undue delay, post up on the official board of the municipal district office or metropolitan district office for a period of at least 15 (fifteen) days a decision of the court cancelling the resolution, decision or other measure of the body of the metropolitan district or the municipal district in its own competence.

(3) On request, the municipality shall without undue delay send to the Ministry of the Interior a resolution, decision or other measure of the body of the municipality in its own competence. On request, the municipality shall without undue delay send to the regional authority a resolution, decision or other measure of the body of the municipality in delegated powers.

(4) A municipal district or metropolitan district of a territorially divided statutory city shall send on request without undue delay a resolution, decision or other measure of the body of the municipal district or metropolitan district in its own competence to the metropolitan authority. A municipal district or metropolitan district of a territorially divided statutory city shall send on request without undue delay a resolution, decision or other measure of the body of the municipal district or metropolitan district in delegated powers to the metropolitan authority.

(5) The competence entrusted to the regional authority in [Sections 125](#) and [126](#), and the competence entrusted to the metropolitan authority in [Section 127a](#) is a delegated competence.

(6) The provisions of the Code of Administrative Procedure shall not apply to the decision on the suspension of the effectiveness of a municipality regulation and on the cancellation of the resolution, decision or other measure of the body of a municipality, municipal district or metropolitan district of a territorially divided statutory city in delegated powers, except for the provisions on the basic principles of the activities of administrative authorities.

(7) The provisions of Parts 1 to 3 shall not apply to the decisions and other activities of the bodies of the municipality, municipal district or metropolitan district of a territorially divided statutory city carried out pursuant to the Code of Administrative Procedure or the Code of Tax Procedure.

## CHAPTER VII

### INSPECTION OF EXECUTION OF OWN AND DELEGATED COMPETENCE

Section 129 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The Ministry of the Interior shall inspect the performance of the own competence entrusted to the bodies of the municipality, unless a special legal regulation sets forth otherwise. Regional authorities shall inspect in delegated powers the implementation of the delegated powers entrusted to the bodies of municipalities.

(2) The metropolitan authorities of territorially divided statutory cities in delegated powers shall inspect the execution of the own competence and delegated powers entrusted to the bodies of the municipal districts or metropolitan districts of the territorially divided statutory cities.

(3) Inspection for the purpose of this Act shall mean the activities of public administrative bodies mentioned in [subsections 1](#) and [2](#), during which it is ascertained whether the bodies of municipalities, municipal districts and metropolitan districts of the territorially divided statutory cities adhere to the following:

- a) during the performance of the own competence to the laws and other legal regulations of the civil, commercial or labour law;
- b) during the exercise of delegated powers to laws, other legal regulations and - within their limits - also Government Resolutions, directives issued by central administrative authorities, as well as the measures of the competent public administrative bodies approved during the inspection of the exercise of delegated powers.

Section 129a [\[WK comments\]](#) [\[Linde comments\]](#)

### **Inspection of the Execution of Own Competence**

(1) If a municipality, municipal district or metropolitan district of a territorially divided statutory city applies for recommendation of a measure to remedy inadequacies discovered by the inspection, the inspecting person shall state such recommendation in the inspection protocol.

(2) The Mayor or a representative authorized by him/her shall inform the council of the municipality, municipal district or metropolitan district of a territorially divided statutory city of the inspection results at the next session of the council of the municipality, municipal district or metropolitan district held after the termination of the inspection.

(3) In the event that the inspection discovered an unlawful procedure of a municipality, municipal district or metropolitan district of a territorially divided statutory city, the Mayor or a representative authorized by him/her shall submit, together with information on the inspection results, to the council of the municipality, municipal district or metropolitan district of a territorially divided statutory city, a proposal for measures to remedy the inadequacies discovered by the inspection and to prevent repeating of such inadequacies or shall inform said council of the manner in which this has occurred. The municipality, municipal district or metropolitan district of a territorially divided statutory city shall post up without undue delay information on the meeting of the council of the municipality, municipal district or metropolitan district of the territorially divided statutory city in this matter, including a proposal for a measure aimed at remedy or, as the case may be, information on the manner of the remedy, on the official board of

the municipal authority, municipal district authority or metropolitan district authority for at least 15 (fifteen) days. The municipality shall also send such information to the Ministry of the Interior and the municipal district or metropolitan district of a territorially divided statutory city shall send it to the metropolitan authority of the territorially divided statutory city.

(4) Municipalities, municipal districts or metropolitan districts of a territorially divided statutory city shall be obliged to ensure remedy of any inadequacies discovered by the inspection.

Section 129b [\[WK comments\]](#) [\[Linde comments\]](#)

### **Inspection of the Execution of Delegated Powers**

(1) For the inspection of the execution of the delegated powers entrusted to the bodies of municipalities, municipal districts or metropolitan districts of territorially divided statutory cities, the secretary of the municipal authority, municipal district's authority or metropolitan district's authority or a person authorized by him/her shall act on behalf of such bodies in the case of a municipal authority, municipal district's authority or metropolitan district's authority and in the case of other bodies of the municipality, municipal district or metropolitan district, the Mayor or a person authorized by him/her shall act on their behalf.

(2) The person stated in [subsection 1](#) shall be obliged to ensure remedy of any inadequacies discovered by the inspection and compliance with the imposed measures.

Section 129c [\[Linde comments\]](#)

**cancelled**

## CHAPTER VIII

### STATUTORY CITIES

Section 130 [\[WK comments\]](#) [\[Linde comments\]](#)

Territorially divided statutory cities shall regulate their internal matters concerning municipal administration by a statute issued in the form of a generally binding municipality ordinance. The statute shall state in particular the following:

- a) a list of the individual municipal districts and metropolitan districts, and the delineation of their territory;
- b) the powers of metropolitan bodies in the field of own and delegated powers;
- c) the powers of the bodies of municipal districts and metropolitan districts in the field of own and delegated powers;

- d) mutual co-operation between metropolitan bodies and bodies of municipal districts and metropolitan districts;
- e) the sources of income of municipal districts and metropolitan districts, and the types of expenditures in connection with the fulfillment of the tasks of the own and delegated powers;
- f) the mode of negotiating the draft generally binding ordinances and regulations of a city with municipal districts and metropolitan districts, and the mode of their publication in the municipal districts and metropolitan districts;
- g) the mode of negotiating development plan documentation of the city and the program of urban development of a city with municipal districts and metropolitan districts;
- h) the property of the city which is entrusted to the municipal districts and metropolitan districts, and the extent of the powers of the municipal districts and metropolitan districts while administrating the property and exercising the rights attached thereto;
- i) the extent of the powers vested in the municipal districts and metropolitan districts to establish, constitute and wind up legal entities and organizational components; and
- j) further matters if so stipulated by this or a special Act.

#### Section 131 [\[WK comments\]](#) [\[Linde comments\]](#)

The statutory city can entrust by a statute to the municipal district or metropolitan district in the field of its own powers in particular the following:

- a) the approval of the development program of a municipal district or metropolitan district;
- b) the decision-making on legal acts laid down in [Section 133\(1\)](#);
- c) the establishment of permanent and temporary funds of the municipal district or metropolitan district;
- d) the imposition of fines pursuant to [Section 58](#); and
- e) the exercise of the office of the employer for the employees assigned to the municipal district authority or metropolitan district authority or the organizational component of the municipal district or metropolitan district.

#### Section 132 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) An object entrusted from the property of the statutory city can be taken away from the municipal district or metropolitan district for the purpose for which the property can be expropriated pursuant to a special legal regulation<sup>39a</sup> or with the approval of the municipal district or metropolitan district.

(2) An object entrusted from the property of the statutory city can be taken away from the municipal district or metropolitan district also in case when the municipal district or metropolitan district, while handling the given object, violates legal regulations and does not eliminate these shortcomings within a period set by the statutory city, which shall not be shorter than 60 (sixty) days.

(3) The council of the statutory city ([Section 130\(h\)](#)) shall decide about the removal of the object from the property of the statutory city entrusted to the municipal district or metropolitan district.

### Section 133 [\[WK comments\]](#) [\[Linde comments\]](#)

The statutory city may entrust by a statute under conditions stipulated in it to the municipal district or metropolitan district decision-making especially on the following legal acts:

a) the transfer and mortgage of immovable things including the release of real estate pursuant to special acts from the property of the city entrusted to a municipal district or a metropolitan district;

b) the transfer of and mortgage over movable things and rights;

c) assignment of debts;

d) surrender of a right and a waiver of a debt;

e) conclusion of an agreement on the adoption and provision of a credit or a loan, on the provision of a borrowing, on the provision of a subsidy, on the provision of recoverable financial assistance, on the taking over of a debt, on the taking over of a guarantor's obligation, on the assumption of co-liability and the contract on association<sup>44</sup>;

f) a monetary and non-monetary contributions to legal entities;

g) a property interest in business undertakings of other legal entities;

h) agreements on installments;

i) the conclusion of tenants' agreements and agreements on borrowings;

j) the provision of non-monetary and monetary donations to natural persons and legal entities;  
and

k) the provision of subsidies and recoverable financial assistance to associations, humanitarian organizations and other legal entities or natural persons active in the field of youth, physical training and sports, social services, fire protection, culture, science and education, health care, anti-drug activities, crime prevention and environmental protection.

### Section 134 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The municipal districts and metropolitan districts negotiate on behalf of the city in matters entrusted to them by law and within the law by a statute.

(2) The municipal districts and metropolitan districts cannot issue generally binding ordinances or regulations.

Section 135 [\[WK comments\]](#) [\[Linde comments\]](#)

The resolution of the municipal council and the municipal board in matters that have not been entrusted to the municipal district or metropolitan district by law or a statute shall be binding on the bodies of the municipal districts and metropolitan districts.

Section 136 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The Secretary of the metropolitan authority shall appoint and recall the Administrator of the municipal district or metropolitan district.

(2) The Administrator of the city, the municipal district and the metropolitan district shall fulfill the tasks of the Administrator of the municipality pursuant to [Section 98](#).

Section 137 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) If the constituent session of a municipal district or a metropolitan district council is not convened within the deadline pursuant to [Section 91\(1\)](#), the session shall be convened by the metropolitan authority in delegated powers; the information on convening the constituent session of the municipal district or metropolitan district council shall be published in the extent set forth in [Section 93](#) for the period set forth in this provision on its official notice board.

(2) The right to dissolve the council of a municipal district or a metropolitan district shall be exercised by the city council pursuant to [Section 89](#).

(3) The promise of a member of the municipal district or metropolitan district council reads as follows: “I hereby pledge loyalty to the Czech Republic. I promise on my honour and consciousness that I shall discharge my office conscientiously, in the interest of the Municipal district/metropolitan district and its citizens, and adhere to the Constitution and laws of the Czech Republic”.

Section 138 [\[Linde comments\]](#)

**cancelled**

Section 139 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The bodies of the statutory cities execute delegated powers which are entrusted by law to the authorized municipality authorities and to authorities of municipalities with the extended powers.

(2) The bodies of the municipal districts and metropolitan districts execute delegated powers, which according to special laws perform the bodies of municipalities. The statutory city can stipulate by a statute the municipal districts and metropolitan districts, the bodies of which shall execute in full or in part the delegated powers, entrusted by special laws to the authorized municipality authorities, or some delegated powers entrusted by special laws to the authorities of municipalities with extended powers.

(3) For a certain purpose, the statutory city can, by a statute with the approval of the municipal district or metropolitan district, assign in delegated powers certain activities to the metropolitan authority or stipulate that some of these powers shall be executed by the bodies of other municipal districts and metropolitan districts.

(4) The municipal districts and metropolitan districts shall be, during the execution of the delegated powers, administrative districts; they shall be obliged to ensure the execution of the delegated powers. The municipal districts and metropolitan districts shall receive an allowance from the budget of the statutory city for the execution of the delegated powers.

(5) The decision of the bodies of the municipal districts and metropolitan districts issued within administrative procedures shall be examined by the metropolitan authority unless such competence is entrusted to a special metropolitan body or a special Act states otherwise.

Section 140 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) In a statutory city the office of the Deputy Mayor(s) shall be discharged by the Deputy (Deputies) Lord Mayor.

(2) In a statutory city, the office of the Secretary of the metropolitan authority who is an employee of the city shall be established. The Lord Mayor with the approval of the Director of the regional authority shall appoint and recall the Secretary of the metropolitan authority and shall determine his/her salary according to special regulations. Without the approval of the Director of the regional authority, the appointment and recall of the Secretary of the metropolitan authority shall be invalid.

(3) In the municipal districts and metropolitan districts the bodies of which have been entrusted in full or in part with delegated powers that are executed in accordance with special laws by the authorized municipality authorities, or certain delegated powers that are executed in accordance with special laws by municipal authorities of a municipality with extended powers, the office of the Secretary of the municipal district authority or the Secretary of the metropolitan district authority shall be established. The Mayor with the approval of the Secretary of the metropolitan authority shall appoint or recall the Secretary of the municipal district authority or the Secretary of the metropolitan district authority; without the approval of the Secretary of

the metropolitan authority the appointment and recall of the Secretary of the municipal district authority and the Secretary of the metropolitan district authority shall be invalid.

Section 141 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) All written documents prepared by a body of the statutory city in the own competence of the city shall be headlined with words "Statutory City" and with the name of the city and the body that prepared the documents; if this is a body of the municipal district or metropolitan district the documents shall be headlined by words "Municipal District" or "Metropolitan District" and by the name of the city, name of the municipal district or the metropolitan district, and the name of the body which prepared the written document.

(2) All written documents prepared by the body of the statutory city with a delegated competence of the city, with the exception of a city regulation, shall be headlined with words "Metropolitan Authority", the name of the city and the name of the department which prepared the written document; if this is a body of the municipal district or metropolitan district the documents shall be headlined with words "Municipal District Authority" or "Metropolitan District Authority" and the name of the city, name of the municipal district or metropolitan district, and the department which prepared the written document. If a special Act cites another title of the department such a title shall be put down.

(3) If the written documents are prepared by a special body of a statutory city they shall be headlined by words "statutory city" and the name of the city and the title of the special body which prepared the written document; if this concerns the special body of the municipal district or the metropolitan district, the documents shall also be headlined with the name of the municipal district or metropolitan district.

(4) The statutory city, municipal district or metropolitan district of a territorially divided statutory city may use their own stamps in cases where a special Act does not stipulate an obligatory use of the official stamp with the small state emblem.<sup>34b)</sup> The stamp shall have in the middle the emblem of the statutory city or the municipal district or the metropolitan district, and on the perimeter of the stamp the full name of the city, the municipal district or the metropolitan district.

Section 142 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The municipal districts and metropolitan districts of the territorially divided statutory city can have their own emblem and flag.

(1) The Speaker of the Lower House can grant an emblem and a flag of the municipal district or the metropolitan district to the municipal district or the metropolitan district that do not have an emblem and a flag on their request, upon the comment of the statutory city. The Speaker of the Lower House can change the emblem and the flag of the municipal district or the metropolitan district upon the request of the municipal district or the metropolitan district. The office of the Lower House shall immediately send the information on the granting or changing the emblem

or flag of the municipal district or the metropolitan district to the Czech Geodetic and Cadastral Office.

Section 143 [\[WK comments\]](#) [\[Linde comments\]](#)

Metropolitan districts and municipal districts may grant awards to their citizens at the opportunity of their significant personal occasions.

Section 144 [\[Linde comments\]](#)

**cancelled**

Section 145 [\[Linde comments\]](#)

**cancelled**

Section 146 [\[WK comments\]](#) [\[Linde comments\]](#)

Unless expressly stated by this Chapter of the Act otherwise, the provisions of the other chapters of the Act shall apply to statutory cities, their municipal districts and metropolitan districts.

## **PART TWO**

### **COMMON AND TRANSITIONAL PROVISIONS**

Section 147 [\[WK comments\]](#) [\[Linde comments\]](#)

- (1) The Act on Administrative Procedure shall relate to municipality decision-making
- a) in the matters pursuant to [Sections 58 to 59](#);
  - b) on the rights and obligations of legal entities and natural persons in the field of delegated powers unless stipulated otherwise by a special Act.
- (2) The administrative body while examining the decision pursuant to [subsection 1\(a\)](#) may only cancel or cancel and return the decision for new deliberations.
- (3) The municipality shall collect and enforce fines<sup>39)</sup>; the proceeds of fines imposed by the municipality shall be the income of the municipality unless stipulated otherwise by a special Act.
- (4) The decisions of the bodies of the cities of Brno, Ostrava and Plzeň issued in an administrative procedure shall be examined by the competent regional authority. The procedure on the examination of a decision<sup>16)</sup> of the bodies of these cities held in front of the competent

central administrative authority and unfinished by the day of the effectiveness of this provision shall be completed pursuant to the current regulations.

Section 148 [\[WK comments\]](#) [\[Linde comments\]](#)

The facts testifying to the exclusion of an employee of a municipality assigned to the municipality authority from the negotiations and decision-making of a matter in administrative procedure shall be imparted to the head of the department of the municipality authority; in municipalities where the department of the municipality authority had not been established such notifications shall be handed over to the Mayor. The facts testifying to the exclusion of the head of the department of the municipality authority shall be imparted to the Secretary of the municipality authority; in a municipality without a Secretary of the municipality authority the notification is handed over to the Mayor. Concerning the member of the commission or a special body the notification is submitted to the Mayor. The body or employee to whom the facts testifying to the exclusion are submitted shall decide about any prejudice; he/she is also the one who in case that the employee or member of the body will be excluded due to prejudice, shall take the necessary measures for ensuring further procedure.

Section 149 [\[WK comments\]](#) [\[Linde comments\]](#)

The municipality bodies shall implement administrative decisions issued by them unless a proposal for a judicial implementation of a decision has been issued.

§ 149a [\[WK comments\]](#)

(1) Municipality bodies, regional authority and the Ministry of the Interior shall use the following reference data from the basic register of inhabitants for exercising the powers pursuant to this Act:

- a) surname;
- b) name(s);
- c) residential address;
- d) date, place and district of birth; in the case of data subjects who were born abroad, the date, place and country where they were born;
- e) date, place and district of death; if a data subject dies outside the Czech Republic, the date of death, place and country where he/she died; where a court decision is made on pronouncing dead, the day that is stated in the decision as the date of death or the day that he/she did not survive and the date when such decision took legal force; and
- f) state citizenship(s).

(2) Municipality bodies, regional authorities and the Ministry of the Interior shall use the following data from the information system of the inhabitants register to exercise powers pursuant to this Act:

- a) name(s), surname, family name;
- b) date of birth;
- c) gender;
- d) place and district of birth; if the place of birth is abroad, the place and country;
- e) birth registration number;
- f) state citizenship(s);
- g) permanent address, including previous permanent addresses, or the address to which documents are to be delivered pursuant to a special legal regulation;
- h) commencement of the permanent residence or date of cancellation of the data on the place of permanent residence or the date of termination of permanent residence in the Czech Republic;
- i) restriction of legal capacity, name(s), surname and birth registration number of the guardian; if it was not assigned to him/her, the date, place and district of his/her birth; in case of guardians who were born abroad, the place and country of birth;
- j) name(s), surname and birth registration number of the father, mother or any other legal guardian;
- k) marital status, date, place and district where the marriage was concluded; if the marriage was concluded outside the Czech Republic, the place and country, date of legal force of a court decision on declaring marriage invalid, date of legal force of a court decision on non-existence of marriage, date of termination of marriage by death of one of the spouses or date of legal force of a court decision on pronouncing one of the spouses dead and day that was stated in a legally binding decision on pronouncing dead as the day of death or as the day that the spouse pronounced dead did not survive or the date of legal force of a court decision on divorce of marriage;
- l) date and place of establishment of registered partnership, date of legal force of a court decision on invalidity or non-existence of registered partnership, date of termination of registered partnership by death of one of the registered partners or date of legal force of a court decision on pronouncing one of the registered partners dead and day that was stated in a court legally binding decision on pronouncing dead as the date of death or the day that the registered partner pronounced dead did not survive or the date of legal force of a court decision on cancellation of the registered partnership;
- m) name(s), surname and birth registration number of a spouse or registered partner; if a natural person who has not been assigned a birth registration number is the spouse or registered partner, the name(s), surname of the spouse or registered partner and date of his/her birth;

n) date, place and district of death; in the case of death of a citizen outside the Czech Republic, date of death, place and country where the death occurred; and

o) day that was stated as the day of death in a court decision on pronouncing dead or as the day that he/she did not survive.

(3) Municipality bodies, regional authority and the Ministry of the Interior shall use the following data from the information system of foreigners to exercise powers pursuant to this Act:

a) name(s) and surname;

b) date of birth;

c) birth registration number;

d) gender;

e) place and country where the foreigner was born; if the foreigner was born in the Czech Republic, place and district of birth;

f) state citizenship(s);

g) kind of residence and residential address in the Czech Republic;

h) commencement of the residence or date of termination of the residence;

i) restriction of legal capacity;

j) name(s) and surname of the father, mother or any other legal guardian;

k) date, place and district of death; if the death occurred outside the Czech Republic, the country where the death occurred or date of death; and

l) day that was stated in a court decision on pronouncing dead as the day of death or the day that he/she did not survive.

(4) From the data under [subsections 1 through 3](#), only data that are necessary to fulfill the relevant task may be used in a specific case. The data that are maintained as reference data in the basic inhabitants register shall only be used from the inhabitants register information system or from foreigners information system provided their form is the form preceding the current status.

#### Section 149b

(1) Acts pursuant to the Civil Code<sup>45)</sup> consisting of a recommendation to conclude

an agreement on lease of a special apartment that was built from state funds or if the state contributed to the construction thereof and in previous consent to the notice terminating the lease of such apartment are carried out by the municipal authority of a municipality with extended powers in delegated powers.

(2) If the Mayor or the person who is authorized to represent the Mayor pursuant to this Act registers a testator's testament under the conditions set forth by the Civil Code<sup>46)</sup> he/she shall perform acts prescribed by the Civil Code related thereto and arrange for notarial escrow of such testament; in so doing, he/she shall act in delegated powers.

(3) The exercise of the position of a public guardian pursuant to the Civil Code<sup>47)</sup> by a municipality shall constitute exercise of delegated powers.

#### Section 150 [\[WK comments\]](#) [\[Linde comments\]](#)

This Act shall not apply to the City of Prague.

#### Section 151 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Municipalities pursuant to this Act shall be territorial self-governing units that were municipalities on the day of effectiveness of this Act.

(2) The cities pursuant to this Act shall be municipalities that were cities on the day of effectiveness of this Act.

(3) If in legal regulations there is the term "municipality council" and "municipality board" it shall mean the "council of a municipality" and "board of a municipality".

(4) The associations of municipalities pursuant to this Act shall be voluntary unions of municipalities, which were voluntary unions of municipalities on the day of the effectiveness of this Act.

(5) The associations of municipalities pursuant to this Act shall also be interest associations of legal entities established solely by municipalities pursuant to provisions of [Section 20f et seq. of the Civil Code](#) that by December 31, 2001 will fulfill the conditions laid down in [Sections 50](#) and [51](#) of this Act.

#### Section 152 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) Provisions of Section 8 shall apply as of January 1, 2003 to special Acts valid as of the day of effectiveness of this Act.

(2) The municipalities where the records of the legal regulations of the municipality do not correspond to the provisions of this Act shall put the records of the legal regulations of the municipality into conformity with this Act by the end of 2003.

(3) The numbering of buildings carried out pursuant to regulations valid until the beginning of the effectiveness of this Act shall remain valid.

(4) The municipality shall enroll the candidates for an examination of a special professional competence at the latest 3 (three) months after the commencement of the effectiveness of this Act if the candidate has been executing the activity he/she can execute only after showing special professional competence and has not proved it yet ([Section 113 et seq.](#)). This period shall not include maternity leave, sick leave, basic military (alternative) service, civil service or the period for the release for the execution of a public office.

(5) The special professional competence verified by an examination pursuant to the legal regulations valid in the period from November 24, 1990 until the effectiveness of this Act<sup>41)</sup> shall be considered special expertise proven pursuant to this Act.

(6) The statutory cities the statutes of which do not correspond to the provisions of this Act shall bring their statutes into compliance with this Act by the end of 2001. Until the time of the effectiveness of the new statute, the provisions of the current statutes shall apply in the field of the own as well as delegated powers.

### **PART THREE**

#### **FINAL PROVISIONS**

##### Section 153 [\[WK comments\]](#) [\[Linde comments\]](#)

(1) The Government shall issue a Regulation for the implementation of [Sections 72](#) and [73](#).

(1) The Ministry of the Interior shall publish Regulations for the implementation of [Section 33](#).

##### Section 154 [\[WK comments\]](#) [\[Linde comments\]](#)

The following shall be repealed:

1. Act No. [367/1990, Coll.](#), on Municipalities (Establishment of Municipalities).
2. Act No. [302/1992, Coll.](#), amending and supplementing Act No. [367/1990, Coll.](#), on Municipalities (Establishment of Municipalities), as amended by Act No. [439/1991, Coll.](#), Act No. [485/1991, Coll.](#), and Act No. [553/1991, Coll.](#)

##### Section 155 [\[WK comments\]](#) [\[Linde comments\]](#)

This Act shall come into effect on the day of the elections into the Regional Councils in the year 2000 with the exception of [Section 147\(4\)](#), which shall come into effect on January 1, 2001.

**Klaus, m.p.**

**Havel, m.p.**

**On behalf of Rychetský. m.p.**

**Selected Provisions of the Amendments**

[Art. II of Act No. 234/2006, Coll.](#)

**Transitional Provisions**

1. The procedure on the suspension of the effectiveness of the legal regulation of a municipality initiated before the day of effectiveness of this Act shall be completed pursuant to the current legal regulations.

2. The procedure on the suspension of the execution of a resolution, decision or measure of a body of the municipality in its own competence, initiated before the day of effectiveness of this Act shall be completed pursuant to the current legal regulations.

3. The inspection of the execution of the delegated powers of a body of the municipality initiated before the day of effectiveness of this Act shall be completed pursuant to the current legal regulations.

4. The separation of the part of the municipality that had been approved before the day of effectiveness of this Act by a legally binding decision of the regional authority and that has not been implemented by the period of effectiveness of this Act, shall be carried out on July 1, 2006.

[Art. LIII of Act No. 261/2007, Coll.](#)

**Transitional Provision**

If the released member of the municipality council has been acknowledged as unable to work or a quarantine has been imposed on him/her before January 1, 2007, the reduced monthly remuneration shall not be due to him and after December 31, 2006 he/she shall be provided with sickness pay under the conditions, in the amount and for the period pursuant to legal regulations effective as of December 2008.

Art. XCVIII of Act No. [227/2009, Coll.](#)

**Transitional Provisions**

1. If names of streets, roads, squares, parks and bridges as well as other public spaces in the same municipality, descriptive or orientation numbers in the same part of the municipality are identical, the municipality shall decide on a change of their names or numbers within one year following the date of effectiveness [of this Act.](#)

2. Owners of construction structures to which pursuant to the current legal regulations no descriptive or orientation number was assigned and to which such number is to be assigned shall apply for assigning such number within one year following the date of effectiveness [of this Act](#).

[Art. XX of Act No. 347/2010, Coll.](#)

**cancelled**

[Art. XVII of Act No. 364/2011, Coll.](#)

**Transitional Provision**

If a temporary sick leave has occurred or a quarantine has been imposed prior to January 1, 2014 and persists in 2014 the released member of the municipality council shall be entitled to receive monthly remuneration pursuant to [Section 73\(4\) of Act No. 128/2000, Coll.](#), as amended as of December 31, 2013.

[Art. XVI of Act No. 239/2012, Coll.](#)

**Transitional Provision**

Final financial statements pursuant to [Section 84\(2\)\(b\)](#) and [Section 102\(2\)\(q\) of Act No. 128/2000, Coll.](#), as amended from the day of effectiveness of this Act, shall be approved for the first time for the accounting period of 2012.

[Art. XL of Act No. 303/2013, Coll.](#)

**Transitional Provision**

Data and documents so far maintained by a regional authority in the register of association of legal entities that concern voluntary associations of municipalities shall become on the date of effectiveness of this Act a part of the municipalities associations register that is maintained by the regional authority from the date of effectiveness of this Act.

[Art. II of Act No. 106/2016, Coll.](#)

**Transitional Provision**

If a municipality body decided prior to the date of effectiveness of this Act on property-legal conduct, compliance with the conditions shall be assessed for such conduct that are set forth by an establishment of municipalities pursuant to the establishment of municipalities as

amended prior to the date of effectiveness of this Act.

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2a) Act No. [320/2001, Coll.](#), on Financial Inspections in Public Administration and on Amendments to Certain Acts (Financial Inspection Act).

3) [Section 3\(3\) of Decree No. 190/1996, Coll.](#), implementing Act No. [265/1992, Coll.](#), on Records of Property and other Property Rights to Real Estate, as amended by Act No. [210/1993, Coll.](#), and Act No. [90/1996, Coll.](#), and Act No. [344/1992, Coll.](#), on the Land Registry of the Czech Republic (Land Registry Act) as amended by Act No. [89/1996, Coll.](#)

3a) Act No. [314/2002, Coll.](#), on Determination of Municipalities with Authorized Municipality Authority and Municipalities with Extended Competence.

3b) [Section 26 of Act No. 500/2004, Coll.](#), Code of Administrative Procedure.

4) For example, Act No. [412/2005, Coll.](#), on the Protection of Classified Information and Security Competence, Act No. [101/2000, Coll.](#), on Personal Data Protection and on Amendments to Certain Acts, as amended, and Act No. [89/1995, Coll.](#), on State Statistical Service, as amended.

6) Act No. [133/2000, Coll.](#), on the Record of Citizens and the Birth Registration Numbers and on Amendments to Certain Acts (Act on the Records of Citizens).

7) Act No. [152/1994, Coll.](#), on the Elections into the Municipality Councils and on Amendments and Supplements to Certain Other Acts, as amended by Act No. [247/1995, Coll.](#)

8) Act No. [298/1992, Coll.](#), on the Local Referendum, as amended by Act No. [152/1994, Coll.](#)

9) Act No. [222/1999, Coll.](#), on Securing the Defense of the Czech Republic.

10) [Section 11 of Act No. 298/1992, Coll.](#)

11) Act No. [129/2000, Coll.](#) on Regions (Regional Establishment).

13) [Section 3\(1\)\(a\)\(1\) of Act No. 151/1997, Coll.](#) on the Appraisal of Property and on Amendments to Certain Acts (Appraisal of Property Act).

13a) [Section 121\(1\) of Act No. 40/1964, Coll.](#), the Civil Code, as amended.

13b) [Section 121\(2\) of Act No. 183/2006, Coll.](#), on Zoning Planning and Construction Rules (Construction Act), as amended by Act No. [227/2009, Coll.](#)

13c) Act No. [553/1991, Coll.](#), on Municipal Police, as amended.

15) For example, Civil Code or Commercial Code.

- 15a) [Section 8 of Act No. 256/2013, Coll.](#), on the Land Registry (Land Registry Act).
- 15b) Act No. [420/2004, Coll.](#), on the Examination of Economic Management of Territorial Self-Governing Units and Voluntary Municipal Unions.
- 16) Act No. [71/1967, Coll.](#), on Administrative Procedure (Code of Administrative Procedure), as amended by Act No. [29/2000, Coll.](#)
- 17) [Commercial Code](#).
- 18) [Section 214 et seq. of the Civil Code](#).
- 18a) [Section 93\(g\)\(h\) and Section 93\(h\) of Act No. 129/2000, Coll.](#), on Regions (Regional Establishment), as amended.
- 18b) Annex No. 1 to Act No. [314/2002, Coll.](#)
- 18c) Annex No. 2 to Act No. [314/2002, Coll.](#)
- 21) [Section 124\(2\) of the Labour Code](#).
- 22) [Section 124 of the Labour Code](#).
- 23) [Section 17 of Government Decree No. 108/1994, Coll.](#), implementing the [Labour Code](#) and Certain Other Acts.
- 23a) [Section 2\(1\)\(a\) of Act No. 301/2000, Coll.](#), on Registries, Name and Surname and on Amendment to Certain Related Acts.
- 23b) [Section 117\(1\) and \(2\) of Act No. 50/1976, Coll.](#), on Zoning Planning and Construction Rules (Construction Act), as amended.
- 26) For example, Act No. [119/1992, Coll.](#), on Travel Reimbursements, as amended.
- 28) [Sections 10 and 11 of Act No. 50/1976, Coll.](#), on Zoning Planning and Construction Rules (Construction Act), as amended.
- 29) For example, [Sections 110 and 163 of the Commercial Code](#), [Section 4 of Act No. 248/1995, Coll.](#), on Beneficiary Societies and on Amendments and Supplements to Certain Acts, [Section 3 of Act No. 227/1997, Coll.](#), on Foundations and Foundation Funds and on Amendments and Supplements to Certain Related Acts (Act on Foundations and Foundation Funds).
- 29a) Act No. [245/2006, Coll.](#), on Public Non-Profit Institutional Health Care Centres and on Amendments to Certain Acts.
- 30) [Section 67 \(b\) of Act No. 150/2002, Coll.](#), the Code of Administrative Court Procedure.

31) [Section 59 of Act No. 152/1994, Coll.](#).

31a) For example, [Section 14 of Act No. 22/2004, Coll.](#), on Local Referendum and on Amendments to Certain Acts.

32) [Section 23\(8 of Act No. 491/2001, Coll.](#), on Election to Municipality Councils and on Amendments to Certain Acts.

32a) [Section 13\(2\) of Act No. 250/2000, Coll.](#) on Budgetary Rules of Territorial Budgets.

32b) Act No. [312/2002, Coll.](#) on Officials of Territorial Self-Governing Units and on Amendments to Certain Acts.

32c) [Section 13\(2\)](#) and [Section 16 of Act No. 250/2000, Coll.](#)

33) Act No. [143/1992, Coll.](#), Government Decree No. [253/1992, Coll.](#), on Salaries of Employees of State Administrative Bodies, Certain Other Bodies and Municipalities, as amended.

34) Act No. [106/1999, Coll.](#), on Free Access to Information.

34a) [Section 4 of Act No. 94/1963, Coll.](#), on Family, as amended.

34b) For example [Section 22\(7\)](#) of Act No. [250/2000, Coll.](#), on Budgetary Rules of Territorial Budgets, as amended by Act No. [477/2008, Coll.](#)

34c) Act No. [352/2001, Coll.](#), on the Use of State Symbols of the Czech Republic and on Amendments to Certain Acts.

37) Act No. [320/2001, Coll.](#), on Financial Inspection in Public Administration and on Amendments to Certain Acts (Financial Inspection Act), as amended.

Act No. [420/2004, Coll.](#), on the Examination of Economic Management of Territorial Self-Governing Units and Voluntary Unions of Municipalities, as amended by Act No. [413/2005, Coll.](#)

39) Act No. [337/1992, Coll.](#), the Tax Administration and Collection Act, as amended.

39a) [Section 108\(2\) of Act No. 50/1976, Coll.](#), on Zoning Planning and Construction Rules (Construction Act), as amended.

41) Ordinance No. [51/1998, Coll.](#), Stipulating the Prerequisites for the Performance of Offices Requiring Special Expertise in District Authorities and Municipal Authorities (Special Expertise Ordinance), as amended by Ordinance No. [121/1999, Coll.](#), Ministry of the Interior and the Environment Decree of May 31, 1989, Ref. No. [LK-7696/89-529](#) on Special Expertise of Employees of National Committees for the Performance of Certain Activities, published in Chapter 3/1989 of the Journal of the Government of the Czech Socialist Republic for National Committees and Announced in Chapter 17/1989, Coll.

- 42) Act No. [111/2009, Coll.](#), on Basic Registers, as amended.
- 43) [Section 2 \(b\) of Act No. 240/2000, Coll.](#), on Crisis Management and on Amendments to Certain Acts (Crisis Act), as amended.
- 44) [Section 2716 et seq. of the Civil Code.](#)
- 45) [Section 3075 of the Civil Code.](#)
- 46) [Section 1543 of the Civil Code.](#)
- 47) [Section 471\(3\) of the Civil Code.](#)
- 48) [Section 5 of Act No. 273/2001, Coll.](#), on the Rights of National Minorities and on Amendments to Certain Acts.
- [Section 214 of the Civil Code.](#)
- 49) [Section 74 of Act No. 90/2012, Coll.](#), on Business Corporations and Cooperatives (Business Corporations Act).