

Organic Law No. 113-14 on municipalities

Reference: Dahir No. 1-15-85 of 20 Ramadan 1436 (7 July 2015) promulgating Organic Law No. 113-14 on municipalities

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Practice areas: Administrative law

Organic Law 113-14 sets out the organisation of municipalities (communes), the powers of their council and president, the rules on deliberations, the administrative oversight exercised by the supervisory authority and the arrangements for managing local public services. It is relevant to any dispute concerning a municipal authorisation.

Organisation and powers

- The municipal council is elected by direct universal suffrage; it elects its president, who is the municipality's executive authority.
- The municipality exercises its own powers, powers shared with the State and transferred powers.
- The president exercises municipal administrative police powers through regulatory orders and individual measures, in particular in matters of town planning, public health and occupation of the public domain.

Oversight and litigation

- Deliberations and orders are sent to the supervisory authority, which may object to them within the time limits laid down by law.
- Municipal acts may be challenged by an action for annulment on grounds of ultra vires (excès de pouvoir) before the Administrative Court.
- Local public services may be managed directly by the municipality, through a local development company or under delegated management.

Points to watch

- A refusal of a municipal authorisation must state its reasons and be notified: insist on a written decision before bringing an appeal.
- The time limit for an action for annulment runs from notification or publication of the act.
- The administration's silence may amount to acceptance or refusal depending on the applicable texts: check the relevant procedure.

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