

ORDER No. 000003 /A/MINDDEVEL OF 08 JAN 2024
to define conditions for the establishment and functioning of a
municipal police service in an urban centre.

THE MINISTER OF DECENTRALIZATION AND LOCAL DEVELOPMENT,

Mindful of the Constitution;

Mindful of Law No. 2019/24 of 24 December 2019 to institute the General Code of Regional and Local Authorities;

Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government, as amended and supplemented by Decree No. 2018/190 of 2 March 2018;

Mindful of Decree No. 2018/191 of 2 March 2018 to reorganize the Government;

Mindful of Decree No. 2018/449 of 1 August 2018 to organize the Ministry of Decentralization and Local Development;

Mindful of Decree No. 2022/354 of 9 August 2022 to lay down conditions for carrying out municipal policing,

HEREBY ORDERS AS FOLLOWS:

CHAPTER I
GENERAL PROVISIONS

ARTICLE 1: This order defines the conditions for the establishment and functioning of a municipal police service in an urban centre.

CHAPTER II
ESTABLISHMENT OF A MUNICIPAL POLICE SERVICE IN AN URBAN CENTRE

ARTICLE 2: In urban centres raised to city councils, the municipal police service shall be managed either by employees of the city council or by those of subdivisional councils.

ARTICLE 3: (1) The establishment of a municipal police service in an urban centre shall be authorized by a deliberation of a council board or that of a city council board, as the case may be.

(2) Besides, the specific conditions defined in this order, the deliberation referred to in paragraph 1 above shall set out the duties, resources and rules of functioning of the service.

(3) The deliberation shall be subject to the prior approval of the Minister in charge of regional and local authorities.



SECTION ONE
PRIOR CONSULTATION

ARTICLE 4: (1) Municipal police services of the city council and of subdivisional councils shall be established after prior consultation between the executive organs of the aforementioned local authorities sanctioned by an agreement.

(2) The consultation shall be initiated by the city mayor, under the authority of the representative of the State, within 30 (thirty) days of the signing of this order.

(3) In the event where the city mayor fails to act by the end of the period referred to in paragraph 2 above, the representative of the State shall, at the request of a mayor of a subdivisional council, convene the said consultation within 15 (fifteen) days of the said mayor's request.

ARTICLE 5: (1) During the consultation, the city mayor and the mayors of subdivisional councils shall agree on the tasks assigned to each municipal police service.

(2) The definition of the tasks of a city council's municipal police service shall take into account the exclusive powers conferred on it by Section 241 of the aforementioned Law No. 2019/24 of 24 December 2019.

(3) The tasks of a municipal police service relating to the powers provided for in Article 7 below between the city council and subdivisional councils shall be divided between them on the basis of an agreement between the city mayor and the mayors.

(4) In the event of a disagreement, the tasks provided for in paragraph 3 above shall as of right be carried out by the municipal police services of subdivisional councils.

(5) The powers allocated shall be identical for all subdivisional councils.

ARTICLE 6: The tasks of municipal policing entrusted exclusively to the city council shall concern the following:

a) safe and convenient passage on national and regional roads, as well as streets, wharves, city council public squares and spaces, in this case:

- cleaning;
- public lighting;
- removal of clutter;
- demolition or renovation of buildings threatening to collapse;
- prohibition from displaying anything in windows or other parts of the buildings that may cause damage or produce harmful exhalations; and

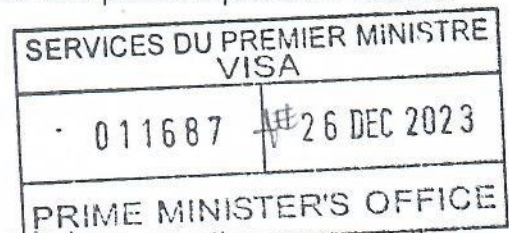


- regulation of street parking;
- b) maintenance of order and decency in cemeteries, without anybody being authorized to make epitaphs or special write-ups stating the circumstances of the death;
- c) burial and exhumation methods;
- d) demolition of buildings constructed without building or installation permits in compliance with the laws and regulations in force;
- e) collection, processing and disposal of household waste.

ARTICLE 7: The tasks of municipal policing that may be subject to consultation between the city council and subdivisional councils shall be:

- a) safe and convenient passage in streets, wharves and public squares of council interest, in cases of:

- cleaning;
- removal of clutter;
- prohibition from displaying anything in windows or other parts of the buildings that may cause damage or produce harmful exhalations; and
- improvement of traffic flow on public roads and at crossroads, under the supervision of the forces of law and order;



- b) facilitation of street crossing by pupils and other road users;
- c) method of transport for deceased persons;
- d) participation, where necessary, in the inspection of equipment and/or instruments for foodstuffs sold by weight or measure;
- e) safety of foodstuffs displayed for sale, in conjunction with the relevant sectoral ministries;
- f) implementation of civil protection activities at the council or city council level, consisting of:
 - prevention, through the appropriate precautionary measures, and intervention, through the provision of required assistance, in case of accident and calamity such as fires, floods and other natural disasters, epidemic or contagious diseases, epizootics, etc.; and
 - implementation of emergency safety, assistance and relief measures and, where necessary, seeking the intervention of the representative of the State, to whom a report shall be submitted on the prescribed measures.
- g) necessary measures against the insane whose condition could compromise public morality, the security of persons or the protection of property, namely:

- guidance of mentally ill and wandering persons to the appropriate health facilities;
 - bearing of, within the limits of available resources, the costs of treating the insane in the aforementioned health facilities;
- h) intervention to prevent or remedy any untoward occurrences that may be caused by stray animals; and
- i) pre-collection of household waste.

(2) The task referred to in paragraph 1 (e) above shall take into account the operational capabilities of the local authority concerned, and the geographic scope of the disaster requiring intervention.

ARTICLE 8: The following municipal policing tasks shall be carried out respectively by:

- a) the city council's municipal police service:
- surveillance of buildings belonging to the city council;
 - assistance to the city council treasury in collecting city council revenue, and
 - checking and verification of permits and authorizations issued by the city council.
- b) the subdivisional council's municipal police service:
- surveillance of buildings belonging to the subdivisional council;
 - assistance to the council treasury in collecting subdivisional council revenue; and
 - checking and verification of permits and authorizations issued by the subdivisional council.

SECTION TWO **THE AGREEMENT**



ARTICLE 9: (1) Prior consultation between the city council and subdivisional councils shall lead to the preparation of minutes signed by the parties to the consultation.

(2) In the event of a consensus, even if it is partial, the consultation shall be sanctioned by an agreement.

ARTICLE 10: (1) The agreement referred to in Article 9 above shall include clauses relating to:

- the purpose of the agreement;
- the tasks of the city council and those of subdivisional councils, in accordance with the conditions defined in Section 1 of this chapter;
- the level and type of intervention by the respective services of the city council and subdivisional councils;

- the agreement lifespan;
- the duties of the parties to the agreement;
- the conditions for controlling and monitoring the implementation of the agreement;
- the applicable provisions in the event of a breach of, or non-compliance with, the conditions by one of the parties to the agreement;
- the conditions under which some clauses of the agreement may be amended, in particular, to take into account the changes in the local authority's needs, technological innovations, or economic reasons;
- the conditions under which, in the event of breach by one of the parties, the continuity of the public service is ensured;
- dispute prevention and settlement conditions;
- conditions of validity and entry into force of the agreement.

(2) The agreement shall clarify, for each of the tasks shared by the city council and subdivisional councils, spaces and places in which their municipal police services shall intervene, while taking into account rules of jurisdiction laid down by law, as well as the council or city council nature of these spaces.

(3) The agreement shall address the types of action taken by each of the municipal police services, namely:

- surveillance of buildings owned by the local authority;
- provision of security at council events;
- implementation of the legal instruments signed by the mayor or city mayor in conjunction with the municipal police service;
- establishment of offences and imposition of the corresponding fines.



(4) The tasks to be discharged by the city council and subdivisional councils shall be determined by taking into account in particular of their environment, the type of constraints they face and their ability to discharge them.

ARTICLE 11: (1) The agreement shall be signed by the city mayor and mayors of subdivisional councils, in the presence of the representative of the State.

(2) A copy of the said agreement shall be sent to the Minister in charge of regional and local authorities.

ARTICLE 12: All agreements shall be null and void between the city council and:

- subdivisional councils aimed at transferring to them the exercise of the exclusive powers of the city council;
- a subdivisional council to entrust to the city council's municipal police service a task incumbent on subdivisional councils following the consultation referred to in Article 4 above.

ARTICLE 13: (1) The terms of the agreement shall be included in the deliberations submitted by the city mayor and mayors of subdivisional councils for adoption by their

respective deliberative organs at the session immediately following the signing of the agreement.

(2) The deliberations of the city council board and those of the council boards must be concurrent. Besides, they shall specify the resources and rules of functioning the service.

(3) Each mayor or city mayor shall submit the deliberation to the representative of the State, with a copy to the local official of the Ministry in charge of regional and local authorities.

(4) The representative of the State shall examine the deliberation submitted and may notify the council chief executive of any irregularities found. Failing this, he shall forward together with his opinion the deliberation to the Minister.

(5) The representative of the State shall forward to the Minister in charge of regional and local authorities, in a single transmittal, all the deliberations of the city council and the subdivisional councils.

ARTICLE 14: (1) The agreement shall be signed for an unspecified period.

(2) It shall enter into force after approval of the deliberations by the Minister in charge of regional and local authorities.

ARTICLE 15: (1) The clauses of the agreement may be renegotiated at the request of the council chief executives or the representative of the State in the event of:

a change in the legal environment leading to a new distribution of tasks;

technological innovations having occurred and requiring a revision of the agreement;

technical or financial difficulties preventing one or more subdivisional councils from satisfactorily implementing their powers;

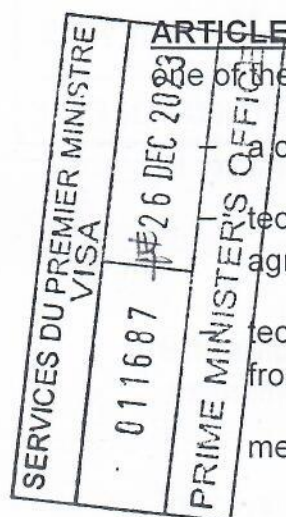
merging of several subdivisional councils or split of a subdivisional council.

(2) Any amendment to the agreement aimed at redistributing municipal police tasks to each level of local authority shall be validated unanimously by mayors and the city mayor, under the terms set out in Articles 5 to 9 of this order.

(3) In case of a change in the legal environment resulting in a new distribution of tasks, the amendment shall be as of right and shall be in strict compliance with the new regulations and with Articles 5 to 9 above.

(4) In case of the merging of several subdivisional councils, the new council resulting therefrom shall assume the obligations of the merged subdivisional council until further consultation has been completed. The board of the new council shall adopt a concurrent deliberation incorporating the content of the deliberations in force of the merged councils.

(5) In case of the split of a subdivisional council, the new councils shall assume, each within its area, the obligations incumbent upon the split council. The



concurrent deliberations of the said councils taking over the duties of the split council shall be subject to the same conditions as those set out in Article 13 above.

ARTICLE 16: (1) The city council or a subdivisional council may terminate, denounce, or withdraw from the agreement.

(2) The termination, denunciation or withdrawal from the agreement may only occur where the city council board or the council board has so decided by deliberation passed by a majority of 4/5 of the councillors present or represented.

(3) The deliberation referred to in paragraph 2 above shall state the reasons on which it is based. It shall be subject to the prior approval of the Minister in charge of regional and local authorities.

(4) The city council or subdivisional council that initiated the termination, denunciation, or withdrawal from the agreement shall continue to implement its obligations under the agreement until approval is obtained, or where approval is refused.

(5) Where one of the parties fails to implement its obligations under the agreement or violates the sharing of tasks, the representative of the State shall take the necessary measures to require the chief executive to implement the agreement.

ARTICLE 17: (1) In case of disagreement between the city council and subdivisional councils following the consultation referred to in Article 9 above:

the municipal police service of the city council shall exercise the powers provided for in Articles 6 and 8 (a) above;

the municipal police services of subdivisional councils shall exercise the powers provided for in Articles 7 and 8 (b) of this order.

(2) The deliberation to establish the municipal police services referred to in paragraph 1 shall be subject to the rules defined in Article 3 above.

CHAPTER III

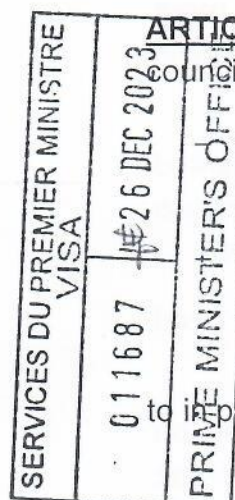
CONDITIONS OF FUNCTIONING OF A MUNICIPAL POLICE SERVICE

ARTICLE 18: (1) Each city council and subdivisional council shall implement municipal policing in compliance with the powers resulting from the consultation and included in the deliberations approved by the Minister in charge of regional and local authorities.

(2) The municipal police service of the city council shall carry out its activities under the authority of the city mayor.

(3) The municipal police service of a subdivisional council shall carry out its activities under the authority of the mayor.

ARTICLE 19: (1) The city mayor, mayors of subdivisional councils and the municipal police services of local authorities in their care shall be required to cooperate and collaborate in good faith in the exercise of their powers.



(2) Except in cases of emergency, when the municipal police service of the city council wishes to implement actions falling within its jurisdiction in places located within the area of a subdivisional council or developed by the latter, the city mayor must be informed in advance, by any means leaving a written trail, no less than 7 (seven) days before the date of the intervention, and a copy thereof must be sent to the representative of the State.

(3) The mayor of the subdivisional council concerned may not oppose the action of the municipal police service of the city council under its jurisdiction. However, he may, 72 (seventy-two) hours before the intervention, request the city mayor to postpone the activity for reasons of public order or any other reason likely to cause serious harm to the general interest or to that of the subdivisional council.

(4) The request referred to in paragraph 2 above must state the reasons on which it is based and a copy thereof must be sent to the representative of the State who may, in the event of disagreement between the city council and the subdivisional council, arbitrate on the reasons put forward by the mayor.

(5) In case of arbitration in favour of the subdivisional council, the representative of the State shall take the necessary measures to ensure that the activity is postponed and that it is held at a more favourable time.

ARTICLE 20: (1) The municipal police services of the city council and one or more subdivisional councils may carry out concerted actions at the same time in a given area.

(2) The actions referred to in paragraph 1 above shall be implemented under the joint authority of the city mayor and mayor(s), each for the municipal police service in his care, in strict compliance with the powers entrusted to each service.

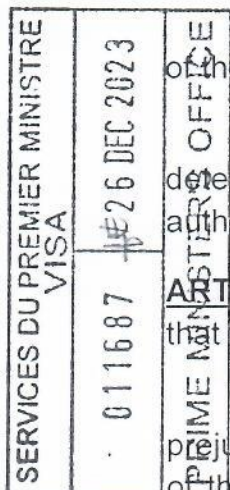
(3) Interventions shall be carried out under the coordination of the head of the municipal police service of the city council.

(4) The interventions referred to in paragraph 1 above shall be determined by agreement between the city mayor and the mayor concerned, under the authority of the representative of the State.

ARTICLE 21: (1) The city mayors and mayors of subdivisional councils shall ensure that the other party respects the distribution of powers as set out in the agreement.

(2) In case of violation of this distribution of powers and without prejudice to the legal proceedings provided for by the laws in force, the chief executive of the local authority that has been the victim of the violation shall inform the chief executive of the local authority that has committed the offence, with a copy thereof sent to the representative of the State, so that the latter may put an end to the violation without delay and, where necessary, remedy it within a period not exceeding 15 (fifteen) days.

(3) In case of refusal to put an end to the violation or in case of non-performance after the time limit referred to in paragraph 2, the representative of the State, upon referral by the chief executive of the local authority that is the victim, shall



take the necessary measures to put an end to the violation where the latter is established.

ARTICLE 22: (1) Where a conflict of jurisdiction persists despite the precautionary measures taken by the representative of the State under Articles 19 (4) and 21 (3) above, the dispute shall be brought to the attention of the Minister in charge of regional and local authorities for arbitration.

(2) The Minister in charge of regional and local authorities shall, after consultation with the relevant State services, resolve the dispute.

ARTICLE 23: Besides the conflicts mentioned in Article 22 above, any other conflict between the municipal police service of a city council and that of a subdivisional council, arising from discharging their tasks or the implementation of their activities, shall be referred to the relevant Senior Divisional Officer for arbitration, and in case of non-conciliation, to the Minister in charge of regional and local authorities.

CHAPTER IV **FINAL PROVISIONS**

ARTICLE 24: This order shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and French.

Yaounde, **08 JAN 2024**

Georges Elanga Obam

**Minister of Decentralization
and Local Development**

