

MOLEMOLÉ LOCAL MUNICIPALITY

Public Participation By-Law

The Municipal Manager of Molemole Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Public Participation By-Law for the Molemole Local Municipality, to be approved by the Council, as set out hereunder.

TABLE OF CONTENTS

Definitions

Establishment of Ward Committee System

Composition of Ward Committees

Political Affiliation in Ward Committees

Role and Functions of the Electoral Committee

Nomination and Election Process

Vacation of Office by a Ward Committee Member

Filling of Vacancies

Powers, Functions, Duties and Obligations of Ward Committees

Ward Committee Meetings

Dissolution of Ward Committees

Sub-Committees of Ward Committees

Role of Council Officials on Ward Committees

Administrative Arrangements

Dispute Resolution Mechanisms for Ward Committees

Vacation of Office by the Ward Councillor

Role of Proportional Representative Councillors in Ward

Committees

Declaration of Interests by Ward Committee Members

Code of Conduct for Ward Committee Members

DEFINITIONS

MOL... LOCAL MUNICIPALITY

In this by-law, unless the context otherwise indicates, the words/phrases below have been assigned the following meaning:-

- 'CBO' : a community-based organisation
- 'Chairperson' : a ward councillor of the Municipality appointed to chair the ward committee meetings in terms of section 73 (2) (a) of the Municipal Structures Act
- 'Chief Whip' : a municipal councillor who is appointed to this position by the Council in terms of section 12 of the Municipal Structures Act
- Community : residents of a ward, i.e. the ward community
- 'Council' : the Municipality's body of elected ward councillors and proportionally representative councillors (comprising the local government) as established in terms of the Municipal Structures Act
- 'Electoral Committee' : a committee established by the Speaker and MEC to conduct the election of members of the ward committee
- 'Election Officer' : a person appointed by the Electoral Committee to assist with the election of ward committee members
- 'IDP' : the integrated development plan of the Municipality as adopted by the Council in terms of the Municipal Systems Act
- 'IEC' : Independent Electoral Commission
- 'Interest group/Sector' : an organised formation that takes an active interest in the affairs of a ward
- 'Member' : a person elected or co-opted into a ward committee
- 'MDF' : Municipal Development Forum

LOCAL MUNICIPALITY

O' : Municipal Election Office

S' : Manager: Election Services

municipality' : The Municipality, established in terms of section 12 of the Municipal Structures Act
Municipal Manager : the head of the administration and accounting officer of the municipality and appointed by the Council in terms of Section 82 of the Municipal Structures Act

Municipal Structures Act' : the Local Government: Municipal Structures Act, No 117 of 1998, as amended

Municipal Systems Act' : the Local Government: Municipal Systems Act, No 32 of 2000

O' : a non-governmental organisation

Councillor' : a proportionally representative municipal councillor appointed in terms of section 22 (1) (a) of the Municipal Structures Act, by a political party to represent that party in the

Council

Speaker' : the chairperson of the Council and a municipal councillor elected to this position by the Council in terms of section 36 of the Municipal Structures Act

Unorganised Sector' : any sector that is not structurally organised at the level of a ward

Ward Committee (WC)' : a committee of a municipal ward, established in terms of Part 4 of the Municipal Structures Act

Ward Coordinator' : a member appointed by the ward councillor to assist him/her in ensuring the smooth running of the ward committee and the community's affairs

Ward Councillor' : a municipal councillor elected in terms of section 22 (1) (b) of the Municipal Structures Act, to represent a demarcated council ward

LOCAL MUNICIPALITY

101 LOCAL MUNICIPALITY

Local Tourism By-Law

The Municipal Manager of Molemole Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Local Tourism By-Law for the Molemole Local Municipality; to be approved by the Council, as set out hereunder.

TABLE OF CONTENTS

Definitions

Chapter I	:	General Provisions
Chapter II	:	Protection, Exploitation, Use and Development of Tourism Resources
Chapter III	:	Tourism Promotion
Chapter IV	:	Tourist
Chapter V	:	Tourism Business
Chapter VI	:	Municipal Administration of Tourism
Chapter VII	:	Dealing with Violations

DEFINITIONS

Under this By-Law, the underneath terms shall be construed as follows:

"Municipality" means -

- (p) the Local Municipal which as a municipal area determined in terms of the Local Government Municipal Demarcation Act, 1998 (Act No. 27 of 1998); exercising its legislative and executive authority through its Municipal Council; or
- (q) Its successor in title; or
- (r) A structure or person exercising a delegated power or carrying out an instruction, where any power in this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Act; or
- (s) A service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81(2) of the Act, or any other law, as the case may be;

MO... LOCAL MUNICIPALITY

"Municipal Manager" means -

- d) The person appointed by the Municipality as the Municipal Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any person acting in that position; or
- e) In relation to a service provider referred to in paragraph (d) of the definition of "Municipality", the chief executive officer of that service provider.

"Municipal Council" or "Council" means - a Municipal Council referred to in section 157(1) of the Constitution. According to section 157(1) of the Constitution, a Municipal Council consists of -

- f) Members elected in accordance with subsections (2), (3), (4) and (5); or
- g) If provided for by national legislation -
 - (i) Members appointed by other Municipal Councils to represent those other Councils; or
 - (ii) Both members elected in accordance with paragraph (a) and members appointed in accordance with subparagraph (i) of this paragraph.

"Tourism" refers to human activities outside their permanent residing area aimed at meeting their needs for visits, leisures, recreation in a certain period of time.

"Tourist" means a person, whose movement is for leisures or associated with tourism purpose, excluding those who go to study, work or practise to get paid at their destinations.

"Tourism Resources" are natural landscapes, historical relics, revolutionary sites, humanities values, creative human labour works which can be used to meet tourism needs; constitute the fundamental factor to form tourism attractions and resorts so as to create tourism attractiveness.

"Tourism Attraction" is a site endowed with appealing tourism resources, susceptible to attracting tourists.

"Tourism Resort" is an area which has tourism resources with overriding advantages in terms of natural landscapes, has been planned and invested for development in order to meet the diversified demands of tourists, thus bringing about the socio-economic and environmental efficiencies.

10' LOCAL MUNICIPALITY

Tourism Circuit is a route that links various tourism attractions and resorts.

Tourism Business is running of one, a number of or all tourism activities in the process or provision of tourism services on the market for profit-making.

Travel is a journey made according to the set plan, itinerary or program.

Tourism Accommodation Establishment is a business which provides rooms, beds and other tourism services for tourists. Tourism accommodation establishment includes hotels, tourism villages, villas, apartments, tents and camping sites for rent, of which hotel forms a major part.

Tourism Promotion is an activity aimed at seeking, stimulating opportunities for tourism development.

CHAPTER I:

GENERAL PROVISIONS

The Municipality views local tourism as an important part of integrated local economic development. Development of tourism aims at meeting demands for visit, leisure, recreation of people and international tourists, thus contributing in generating employment and bringing about socio-economic development within the Municipality.

The Local Tourism By-Law shall regulate tourism activities; define rights and obligations of tourists, and organizations, individuals doing tourism business within the Municipality

The Municipality intention is to uniformly administer tourism activities; ensure the development of tourism in line with cultural and ecological tourism while preserving and fully realizing cultural identity, food traditions and customs of the community within the Municipality

The Municipality shall respect, protect legitimate rights and interests of tourists; encourage, facilitate intra-regional and outbound travel, inbound travel foreigners for tourism.

The Municipality shall protect legitimate rights and interests of organizations, individuals engaged in tourism business; encourage economic components to get involved in tourism development.

LOCAL MUNICIPALITY

10' LOCAL MUNICIPALITY

The Municipality shall adopt policies and measures for implementation of the master-plan for tourism development and promotion; make due investments in the construction of infrastructures, physical and technical facilities for key tourism resorts and attractions.

The Municipality shall undertake measures to protect, embellish, properly exploit and utilize tourism resources for the tourism development in sustainable manner.

All tourism activities, which pose negative impacts on the environment, cultural identity and good traditions and customs of the people, are detrimental to social order and safety, are strictly prohibited.

CHAPTER II

PROTECTION, EXPLOITATION, USE AND DEVELOPMENT OF TOURISM RESOURCES

Tourism resources include those being exploited as well as untapped. Basing on the regulations of the Government, the Municipality, in consultation with key stakeholders, shall identify areas with tourism potentials.

The Municipality shall be charged with overall controls and coordination of tourism and tourism-related resources, shall coordinate with key stakeholders in the protection, appropriate exploitation, use and development of tourism resources.

Organizations, individuals involved in tourism business shall protect, properly and efficiently exploit and use the tourism resources and preserve environments at tourism resorts, circuits and attractions.

Organizations, individuals tasked to manage tourism resources at the tourism attractions and resorts shall be entitled to collect charges and fees.

Planning, designing, construction of structures at tourism attractions and resorts shall be conducted in compliance with legal provisions and subject to approval by the competent State Administration Agencies of Tourism.

101 LOCAL MUNICIPALITY

ny acts in violation of tourism resources shall be strictly dealt with in accordance with the legal provisions.

he Municipality shall invest in basic surveys on tourism resources; prioritize investment projects in protection, embellishment, use and development of tourism resources at tourism attractions and resorts; work out policies to encourage organizations, individuals to invest in protection, upgradation, use and development of tourism resources.

CHAPTER III

TOURISM PROMOTION

he State shall adopt policies and measures to boost tourism promotion under the following major contents:

Marketing the Municipality, people, sceneries, historical relics, revolutionary sites, cultural heritage, human creative labour works, cultural identity to people from all walks of life in the country and international friends;

Raising social awareness of tourism, creating civilized, healthy, safe environment of tourism, bringing into full play the tradition of hospitality of the people;

Provide assistance in developing diversified and unique tourism resorts and attractions of high quality;

Developing infrastructures, physical-technical facilities for tourism, diversifying and improving the quality of tourism services.

The Municipality intends encouraging and facilitating private business, organizations, individuals to invest in the following areas:

- Training and human resources development in tourism;
- Advertisement and publicity in tourism;
- Scientific research, application and development of advanced technologies in tourism;

LOCAL MUNICIPALITY

- Modernization of transportation means, communications facilities and other tourism-related equipments;
- Construction of infrastructures at tourism circuits, attractions and resorts;
- Building and improvement of physical-technical facilities at key tourism areas;
- Production of souvenirs, handicraft and fine-art goods; restoration and development of traditional trades;
- Improvement of quality services of travel, tour-guiding, tourism accommodation and transportation;
- Exploitation of tourism potentials at the areas where the socio-economic conditions are difficult and extremely difficult.

The Municipality shall set up a tourism development fund by using part of the annual revenues originated from tourism business activities and contribution from organizations, individuals doing tourism business, and other organizations, individuals inside and outside the country.

Management and use of this fund shall be regulated by the Municipality.

CHAPTER IV

TOURIST

Tourist includes both domestic and international visitor.

Domestic tourists are South African citizens and International tourists are foreigners making inbound visits for tourism.

Tourist shall have the following rights:

- To choose a part of or the whole tour program and tourism services provided by organizations or individuals doing tourism business;
- To request organizations or individuals doing tourism business to furnish with necessary information on tourism programs and services;

101 LOCAL MUNICIPALITY

- To enjoy tourism services in compliance with the contract;
- To be ensured of the safety of their lives, property during the tour;
- To be compensated for the losses incurred due to mistakes made by organizations, individuals doing tourism business;
- To complain, denounce, file a lawsuit against the acts in violation of tourism legislations;
- Other rights in accordance with the laws.

tourist shall have the following obligations:

- To respect and preserve natural landscapes, beauties, sceneries environment, historical relics, revolutionary sites, cultural heritage, good traditional customs of the people and social order, safety at tourism sites;
- To abide by rules and regulations of tourism resorts, attractions and accommodation establishments;
- To clear tourism services charges as contracted and other fees and surcharges in accordance with legal regulations;
- To compensate for the losses which they may cause to organizations, individuals doing tourism business;
- To adhere to and comply with other legal regulations.

The Municipality shall take necessary measures to prevent risks, assure safety of life, property of tourists and stop acts of unlawfully benefits-making from tourists.

CHAPTER V

TOURISM BUSINESS

Organizations, individuals doing tourism business shall observe the provisions in this By-Law and other provisions of the relevant national legislative framework.

Tourism trade includes the followings:

- Domestic and international travel business;

LOCAL MUNICIPALITY

MOLEMOLE LOCAL MUNICIPALITY

Organizations, individuals doing tourism accommodation business must have their tourism accommodation establishments to meet the conditions and criteria set by the authorized South African tourism agencies, SATOUR, and South African government.

Tourism accommodation establishment shall be classified consistent with the regulations imposed by the authorized South African tourism agencies, SATOUR, and South African government.

For organizations, individuals doing in-land and waterway tourism transportation business, their means of transportation as well as drivers must meet the conditions and criteria prescribed by law.

Drivers of the means of transportation specially meant for tourists must be professionally trained on tourism transportation.

Organizations, individuals doing tourism business shall have the following rights:

- Select the tourism business activities;
- Be protected by the State for their lawful tourism business activities;
- Join professional tourism associations and tourism promotion associations;
- Have other rights as provided for by law.

Organizations, individuals doing tourism business within the Municipality have the following obligations:

- Comply with the South African legislation;
- Do the business as permitted in the license, business registration certificate; make known to the public their facial board, headquarters, branches and representative offices;
- Fulfill obligations as contracted with tourists; be responsible for the quality of services, commodities provided to the tourists; publicize the service quotations and commodities prices; take measures for the safety of tourists' lives, properties and provide necessary information on the itinerary for tourists; tip tourists off rules and regulations of tourism sites.
- Compensate for the losses caused to tourists;
- Comply with the provisions of the State on reporting, accounting regimes, statistics compilation, publicity and advertisement.

OL LOCAL MUNICIPALITY

CHAPTER VII

MUNICIPALITY ADMINISTRATION OF TOURISM

Municipality administration over tourism includes:

- Promulgating and organizing implementation of legal documents on tourism;
- Formulating and directing implementation of strategies, planning, schemes and policies for tourism development;
- Organizing and managing training, fostering, development of tourism human resources, research and application of science, technologies in protection of tourism resources, environment; preserving and bringing into full play cultural identity, good traditional customs of the people in tourism activities;
- Organizing and managing tourism promotion and international cooperation in tourism;
- Checking up, inspecting, settling complaints, denunciations and handling moves in violation of tourism legislations;
- Approve of and direct implementation of strategy, planning and scheme of tourism development;

CHAPTER VIII

DEALING WITH VIOLATIONS

Any person whose conduct contravenes the provisions in By-Law and other legal provisions on tourism shall, depending on the nature, severity of their infringements, be dealt with subject to administrative actions or prosecution of penal liabilities; if damages are caused, compensation shall be required as prescribed by law.

Organizations, individuals engaged in tourism business neither with licenses and registration for business operations nor in consistence with registered business trades; that provide tour guiding services for tourists without tour guiding accreditations, conduct behaviours to make unlawful benefits from tourists or other acts to violate legal provisions on tourism shall, depending on the nature and severity of their

LOCAL MUNICIPALITY

tions, be handled subject to administrative sanctions or prosecution of penal liabilities; if damages caused, compensation shall be required as regulated by law.

law-contravening acts aimed at impeding tourism activities shall be dealt with according to the African common law, and legal provisions, in extreme cases criminal charges will be laid against person or juristic person

persons, either natural or juristic, who abuse titles and powers to breach provisions of this By-Law or other tourism legally-related provisions shall, depending on the nature, severity of their violations, be handled subject to disciplinary sanctions or prosecution of penal liabilities; if damages are caused, compensation shall be required as regulated by law.

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By-Law is called the Local Tourism By-Law, 2006