

LOCAL GOVERNMENT NOTICE

EMALAHLENI LOCAL MUNICIPALITY

The Municipal Manager hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] read with section 162 of the Constitution of the Republic of South Africa Act 1996 [Act No. 108 of 1996] the By-laws relating to Local Tourism which come into operation on the date of publication thereof in the Provincial Gazette.

BY-LAWS RELATING TO LOCAL TOURISM

PREAMBLE

WHEREAS the Council of the Municipality is vested with legislative authority in terms of the Constitution;

WHEREAS local tourism is functional area falling within the jurisdiction of local government.

AND WHEREAS the Council of the Municipality is aware of the need to promote local tourism as a driver for local economic development and a source of local revenue.

NOW THEREFORE be it enacted by the Council as follows:

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[1] DEFINITIONS

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

“Municipality” means-

- [a] Emalahleni Local Municipality as established in terms of section 12(1) of the Local Government: Municipal Structures Act 117 of 1998, exercising its legislative and executive power through its municipal council.
- [b] Its successor in title; or
- [c] Any structure or person exercising a delegated power or carrying out its instructions where any power in this by law has been delegated or sub-delegated as contemplated in section 59 of the Local Government: Municipal Systems Act 32 of 2000 or any subsequent national legislation, governing Municipalities in the Republic.
- [d] A service provider fulfilling the responsibility under this By-Law, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act 32 of 2000, or any subsequent national legislation governing Municipalities in the Republic.

“Municipal Manager” means-

- [a]** The person appointed by Emalahleni Local Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998, (Act 117 of 1998)
- [b]** In relation to the service provider referred to in paragraph 4 of the definition of Municipality, the person nominated by that service provider as an official of that service provider to deal with Emalahleni Local Municipality

“Municipal Council” means the Council of Emalahleni Local Municipal when it performs its legislative and executive function assigned to it in terms section 151(2) of the Constitution of the Republic.

“Tourism” means all human activities outside their permanent residential area which is aimed at meeting their needs for visits, leisure, recreation in certain period of time.

“Tourist” means a person who engages in tourism for purpose of his own leisure and recreation.

“Tourism facility” means a structure, or centre or natural phenomenon or landscape or place of historical value which;

- [a]** Is situated within the boundaries of Emalahleni Local Municipality.
- [b]** Is owned by Emalahleni Local Municipality or is assigned to it in terms of an agreement.
- [c]** Attracts tourists to Emalahleni Local Municipality.
- [d]** Is used by Emalahleni Local Municipality to facilitate, manage and/or attract tourists.

“Relevant Directorate” means any directorate charged by Council with a duty to administer matters relating to local tourism.

“ECPTA” means Eastern Cape Parks and Tourism Agency or any Provincial entity under any provincial department that deals with tourism within the Eastern Cape Province.

[2] GENERAL PROVISIONS

Council shall:

- [1]** From all the annual revenue of the Municipality set aside funds for tourism promotion and development in accordance with the integrated development of the Municipality.
- [2]** On the advice of the relevant directorate, declare certain natural landscapes as places of tourist attraction and take such declaration in the annual budget vote.
- [3]** In terms of the delegations framework envisaged in section 59 of the Local Government: Municipal Systems Act 32 of 2000, delegate the administration, management and development of policies concerning tourism within its jurisdictional area.
- [4]** Take administrative, legislative and other measures to promote cultural and ecological wellbeing of all the communities falling under its jurisdiction.
- [5]** Promote Emalahleni Municipal area as a tourism destination within the Province of the Eastern Cape.

- [6] Build linkages and twinning agreement with national, international agencies and Municipalities within the constitutional protocol of the Republic.

[3] ESTABLISHMENT OF THE TOURIST INFORMATION CENTRE

A Local Tourism Information Centre is hereby established with the following functions:

- [1] Identify all information necessary for the better understanding of Emalahleni Municipal Area as a destination for tourism.
- [2] Keep or caused to be kept all such information in an easily accessible manner to both tourists and members of the public.
- [3] Formulate and drafts reports and programs to be used for packaging products for tourism programs.
- [4] To be the custodian of all tourism facilities.
- [5] Assist all tourists with information and other auxiliary needs.

[4] RIGHTS OF TOURIST

Tourists shall have such rights are provided in the constitution of the Republic but without derogating from the generality of thereof, tourists shall have;

- [1] A right to choose any tourism program provided by any government agency and/or tourism business.
- [2] To information held by the Tourism Centre before or after his/or her arrival in Emalahleni Municipal Area.
- [3] To safety of his/her property and belongings.
- [4] To compensation for any loss due to negligent acts of any tourism business or government agency.

[5] LOCAL TOURISM TRADE

- [1] Organisations, individuals doing tourism business shall observe the provisions in this By-Law, and such other legislative prescripts as they come into effect from time to time.
- [2] Tourism trade include;
 - [a] Domestic and International Travel Business.
 - [b] Accommodation and hospitality establishments.
 - [c] Tourism transportation business.
 - [d] Tour Guides.

[6] MUNICIPAL ADMINISTRATION OF LOCAL TOURISM

Municipal Administration of local tourism shall include:

- [1]** Promulgation of standards and norms for the implementation of tourism programs.
- [2]** Formulating and directing implementation of strategies, planning schemes for tourism development.
- [3]** Organising and managing training, fostering development of tourism human resource.
- [4]** Research and application of international and national best practice in the protection of tourism resources.
- [5]** Organising and managing tourism promotion and international co-operation.
- [6]** Reviewing and settling complaints with regard to tourism.
- [7]** Bring about a conducive environment for tourism, tourism business and tourism promotion.

[7] REPEAL AND COMMENCEMENT

This By-Law shall be referred to as the Local Tourism By-Law.