STELLENBOSCH LOCAL MUNICIPALITY

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STELLENBOSCH MUNICIPALITY
MUNICIPAL HONOURS BY-LAW

PREAMBLE

To provide for Municipal honours, the conferral thereof, the amendment of conferral, of Municipal honours, and to provide for matters incidental thereto.

WHEREAS section 156(5) of the Constitution of the Republic of South Africa, Act No 108 of 1996, in general authorise a municipality to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions;

AND WHEREAS section 156(2) of the Constitution of the Republic of South Africa authorise a municipality to make by-laws for the effective administration of the matters which it has the right to administer;

AND WHEREAS it is desirable to take into consideration and recognise persons for exceptional achievements or the rendering of exceptionally meritorious service in the interest of the municipality;

AND WHEREAS this needs to be done in an orderly manner;

THEREFORE, enacted by the Council of the Stellenbosch Municipality.

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1. DEFINITIONS

1. *"The Council' means the political structure of Stellenbosch Municipality in terms of section (4) of the Establishment Notice (P.N. 489/2000) as contemplated in section 18 of the Municipal Structures Act.*

2. *"Stellenbosch Municipality" means the municipality established in terms of section (4) of the Establishment Notice (P.N. 489/2000).*

3. *"Municipal Manager" means the person that is the head of administration and also accounting officer for the municipality, appointed in terms of section 82 of the Municipal Structures Act, Act 117 of 1998.*

4. *" Councillor" means a member of the Municipal Council of Stellenbosch Municipality.*

5. *" Municipality" for the purposes of section 7 means:*

   (a) *the Municipality of Stellenbosch established by Provincial Notice 489 of 2000 dated 22 September 2000 and amended by Provincial notice 118/2021 dated 15 October 2021;*

   (b) *any municipality established under the provision of the Local Government Transition Act, 1993;*

   (c) *any municipality established under the provisions of the Municipal Ordinance, 1974 or any previous ordinance providing for the establishment of a municipality;*

   (d) *any council l or committee established under the provisions of the Black Local Authorities Act, 1982;*

   (e) *any management committee established under the provisions of Provincial Ordinance No 6 of 1963.*

6. *"Employee" means an employee of Stellenbosch Municipality and shall for the purposes of section 6(8) include commencement service at one of the following established municipalities:*

   Stellenbosch Municipality
   Franschhoek Municipality
   Pniel Local Council
   Boland District Municipality
   Winelands District Council
   Western Cape Metropol Council
   Stellenbosch Divisional Council.

7. *"Full term" A full term constitutes the period between Local government Elections.*

8. *"Structures Act' means the Local Government Municipal Structures Act, Act 117 of 1998 as amended.*

2. MUNICIPAL HONOURS

(1) There are the following Municipal honours for Stellenbosch Municipality:

(a) freedom of the Municipality or freedom of the town of Stellenbosch, Franschhoek or Pniel;

(b) honorary citizenship of the Municipality of Stellenbosch;

(c) illuminated address of the Municipality or illuminated address of the town of Stellenbosch, Franschhoek or Pniel;

(d) Aldermanship certificate;

(e) a Council's commendation certificate;

(f) a Mayor's commendation certificate; and

(g) certificate for long or outstanding service with the Council.

(2) There is the following medal for the Stellenbosch Municipality:

the Simonsberg medal (gold) for exceptional achievement or for performing an act of bravery within the Municipal area of Stellenbosch;

(3) The Mayor is the patron of the Municipal honours as described in section (1) and (2).

3. CONFERRAL OF MUNICIPAL HONOURS

The Mayor, after of approval of Council may confer municipal honours on any person and may make a posthumous conferral of a municipal honour.

4. ANNULMENT OF CONFERRAL OF MUNICIPAL HONOURS AND MEDALS

(1) The Mayor, after approval of Council may annul the conferral of a Municipal honour if the holder of the honour has performed any action or has behaved in a manner which harmed the interest of the Municipality of Stellenbosch or otherwise has become unworthy of the Municipal honour concerned.

(2) The Mayor shall, in annulling the conferral of a Municipal honour in terms of subsection (1), do so in accordance with the advice of the panel referred to in section 5.

5. MUNICIPAL HONOURS ADVISORY PANEL

(1) The Mayor must obtain advise on the conferral, annulment or restoration of Municipal honours from an advisory panel, consisting of:

(a) a maximum of five (5) councillors, broadly representative of the council, appointed by council; and

(b) a maximum of five (5) people, highly respected by and who are broadly representative of the people of Stellenbosch Municipality, appointed by Council, if Council so wishes.

(2) The advisory panel shall meet at the request of the Mayor.

6. CRITERIA FOR THE BESTOWING OF MUNICIPAL HONOURS

(1) The freedom of the Municipality or the freedom of the town of Stellenbosch, Franschhoek or Pniel will be conferred:

(a) on a non-resident person or organisation, when such a person or organisation is worthy of such an honour in the opinion of Council;

(b) if approved by Council by way of a broad consensus. The freedom of the Municipality or of a town shall not be conferred on an active politician.

(2) Honorary citizenship of the Municipality of Stellenbosch will be conferred:

(a) on a person of national and/or international stature residing in Stellenbosch Municipality for a period of at least 25 years, when such person is worthy of such an honour in the opinion of Council;

(b) on such a person if unanimously approved by Council at a Special Council Meeting. Alternatively, when approved by Council by way of a broad consensus.

(c) Honorary citizenship will not be conferred on an active politician.

(3) An illuminated address of the municipality or an illuminated address of the town of Stellenbosch, Franschhoek or Pniel will be conferred:

(a) on a person when such person is worthy of such an honour in the opinion of Council;

(b) if approved by Council by a two-thirds majority vote;

(4) Aldermanship will be conferred on a serving Councillor of Stellenbosch Municipality:

(a) who has served on one or more municipalities within the Republic of South Africa for a total period of 20 years. Such terms of office need not be consecutive;

(b) upon the assumption of the office of Executive Mayor. This criterium does not apply to acting Mayors or acting chairperson of Council. Such title shall be removed if such Councillor does not serve the Council for a full term of office as Executive Mayor;

(c) who obtains the minimum of 20 points on the following scale:

(i) one point for each completed year served as a Councillor on any municipality; plus

(ii) one additional point for each completed year service as a member of the executive of any municipality; plus

(iii) one additional point for each completed year service as a Speaker or Council Whip of a municipality; plus

(iv) a Councillor who served 3 full consecutive terms as a normal Councillor without appearing in front of a disciplinary hearing, be awarded 5 additional points.

(5) Any current serving Councillor who is of the view that he/she qualifies for Aldermanship, should notify the Municipal Manager in writing, together with the necessary details to the satisfaction of the Municipal Manager. The Municipal Manager shall make a recommendation to Council, after having considered all the relevant detail. The Municipal Manager shall for the purpose of this by-law create an appropriate database of all current serving councillors of the Council of Stellenbosch as from 5 December 2000.

(6) The Councils recommendation certificate will be conferred;

(a) resident of Stellenbosch Municipality when such person is worthy of such an honour in the opinion of Council;

(b) if approved by Council;

(7) The Mayor's recommendation certificate will be conferred on:

(a) a resident of Stellenbosch Municipality; and

(b) in the sole discretion of the Executive Mayor.

(8) A certificate for long outstanding service with the Council will be conferred on an employee:

(a) who has served the municipality for a period of 25 years, on condition that such an employee has not been found guilty of misconduct for a period of 10 years prior to his/her 35th year of service.

(9) A medal will be conferred on a resident of Stellenbosch Municipality when:

(a) such person is worthy of such an honour in the opinion of Council; and

(b) if approved by Council by way of a broad consensus when recognised as an Alderman/Alderwoman.

7. PROCLAMATION

The Mayor together with the other members of Council may, by special Council decision and after publication thereof in the Provincial Gazette, issue a proclamation for the better carrying out of the objects of this by-law and in particular, but without prejudice to the generality of the foregoing, relating to:

(a) the keeping and administering of the Municipal honours referred to in section 1 ;

(b) the keeping of a register of Municipal honours conferred;

(c) the replacement of lost or stolen Municipal honours and the charges, therefor;

(d) the publication of an annual Municipal honours list;

(e) the wearing of Municipal medals;

(f) benefits and privileges of Alderman;

(g) rules regarding the annulment and restoration of provincial honours;

(h) the issuing of accompanying certificates;

(i) the lay-out/description of Municipal honours/medals; and

(j) the protocol regarding the handing over of Municipal honours.

8. SHORT TITLE

This by-law is called the Stellenbosch Municipal Honours By-law and takes effect on date of publication thereof.