

## **Niseko Town Machizukuri (District enhancement) Basic Ordinance**

**Niseko Town, Japan**

Machizukuri is the enhancement of the town and district through positively sharing information and ideas and public participation, it is the creation of pride through ownership, translating to a higher level of life enjoyment. A direct translation of the Japanese is 'Machi' = town 'Zukuri' = to make.

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### **Suffix**

#### **Introduction.**

Niseko Town and its district have benefited greatly because of the efforts of our predecessors . their love of this land and their devotion to the districts environment and the districts development. it is largely due to the vision's and the wisdom of these people, that we have the Niseko we enjoy today.

We as citizens of this beautiful yet naturally harsh environment, have a duty to uphold what has been created for us, whilst continually moving forward to the future, creating a town and district that is not only sustainable but a place we can be proud to call home.

Machizukuri is made possible through the encouragement and implementation of individual

citizen's idea's and by giving individuals the opportunity to make a difference in the district's future, this is a move away from a future that is dictated to us, it is our opportunity to create a brighter more enjoyable future, enriched with pride achieved through a more hands on approach to governance. It is this hope that is the driving reason behind the creation of this Ordinance of Machizukuri.

## **Chapter 1 - Purpose**

### **Article 1 – Purpose**

The purpose of the 'Machitsukuri' ordinance (Town/District enhancement scheme) is to outline and clarify the conceptual structure of Machitsukuri and the rights and the responsibilities of the Citizen's of the district in relation to moving towards the ultimate goal of a more autonomous, self Governed society.

## **Chapter 2 - Principles of Machizukuri.**

### **Article 2 - Principles of Information-sharing**

The main principal of Machizukuri is to foster and encourage fresh ideas from the area's citizens at the same time foster and encourage information sharing between the area's citizens in order to achieve a state of autonomy rule in the District.

### **Article 3 - Rights to Information.**

Under this ordinance, the area's citizens are entitled to obtain access to information in relation to town works, this information can be obtained on as required individual basis.

### **Article 4- Accountability.**

The Town Council, will in relation to all administrative tasks, town planning, town works, associated processes, ensure that all pertaining details and the results of projects, are clearly communicated to citizens in a simple to comprehend and a timely and concise manner.

### **Article 5 – Public Participation Principle.**

The Town Council will protect the Citizens rights and will encourage Public participation in Planning and in Evaluation processes as well as other aspects of Town Projects.

## **Chapter 3 – Promotion of Information Sharing.**

The Town Council realizes the importance and is committed to clearly communicating the meanings and reasoning of matters relating to Town politics along with the clear communication of processes related to Town projects to the citizens, in a way that is easily followed and clearly understood.

**Article 7 – The system for the Information Sharing.**

In the interests of smooth transitions into a system that encourages Information sharing between interested parties, the Town Council has implemented and will adhere to following guidelines.

1. The Town Council will ensure that a process exists where all information relating to Council work is in an easy to comprehend format.
2. The Town Council will implement a regular public meeting disclosing details of public works that are to be undertaken by the town.
3. The Town Council will implement a system where by the provision of access to all Council documentation and notation on council business is possible upon request .
4. The Town Council will Implement a system where public opinion and suggestions are heard and considered and inevitably make a difference to the area.

**Article 8 – The Collection and the Storage of Information.**

The Town Council will ensure that in the interests of positive Machizukuri, accurate data and information collation is made. This information is to be stored carefully and will be made available for usage and revision quickly and efficiently as required.

**Article 9 - Protection of Personal Information.**

The Town Council will ensure that measures are taken and enforced to ensure that articles and information that pertains to the Rights and Profits of individuals, are not violated, through the Information Sharing process.

**Chapter 4 – Promotion of participation in Machitsukuri.**

**Article 10 - the rights to participate in Machizukuri**

We the Citizens are recognized as key in successful Machizukuri and the Town Council bestows the right of participation in the enhancement of the District for all.

2) We as Citizens of the district will not discriminate against other Citizens on the basis of Nationality, Race, Age, Sex, State of Mind and/or body, or on the basis of social or economic status and we accept that when participating in Machizukuri each individual has equal rights.

3) The purpose of participation in Machitsukuri is to improve the quality of life for the citizens of the district, by the citizens of the District and there is to be no unjust intervention by the Town Council.

4) There is to be no discriminatory action by participants in Machizukuri against non participants because of non participation.

**Article 11 – the rights for Citizens under the age of 20 years to participate in Machizukuri.**

The Town Council gives the right of participation in suitable Machizukuri projects, to Minors and children under 20 years of age.

**Article 12 - Citizen's Obligation's in respect to Machizukuri.**

The Citizens realize and understand that they are held in the upmost of respect in relation to area enhancement through the Machizukuri systems and individuals are responsible in whole for their words and for their actions.

**Article 13 – Citizens rights in regards to attendance and area progress.**

The Citizen's of the district will respect the freedom bestowed upon us through the Machizukuri system and will respect and foster growth as part of our obligation towards participation.

**Chapter 5 – Community.**

**Article 14 – Community**

The term 'Community 'refers to the citizens that live within the district. It is a grouping that is created by Freedom to express ideas and by allowing the citizens to enact their ideas to create a richer lifestyle and closer relations for all.

**Article 15 - The responsibilities of the Citizens within the community.**

The Citizens of the district realize that an enriched community environment is not possible without their participation, we undertake to understand and accept our role in creating a better community to reside. In addition, we will undertake to protect and grow our community into the future.

**Article 16 - The Town Council involvement in the community.**

The Town Council will respect the freedom and independence of the community and can provide support to non profit and non-religious activities if necessary.

**Chapter 6 - Obligations and the role of the Assembly.**

**Article 17 - The role of the Assembly.**

The Assembly is the decision making body of the District and a representative of the people.

2) The assembly has the authority to watch over and govern all decision making concerning, legislative and administrative activity in the district.

**Article 18 – The responsibility of the Assembly.**

The Assembly understands its responsibilities as a decision making body and its responsibility to act in the best interests of the enhancement of the district (Machizukuri) into the future.

3) The Assembly will undertake wide collections of opinion from throughout the community.

4) The Assembly has a responsibility to explain the decision making processes and the results of decision making to the citizens of the district.

**Article 19 – The organization of the Assembly.**

The Assembly has the a responsibility to ensure that the structure of the Assembly and the number of members in the Assembly is constant in relation to the task of enriching the quality of the District. (Machizukuri)

**Article 20 - Conferences of the Assembly.**

The purpose of Assembly conferences is to debate and discuss the articles on hand.

- 2) The chair of the Conference has the Right, to repeat the questions and the opinions of the Assembly, to those that are assembled in the conference.

**Article 21 – The opening of conferences to the public.**

The conferences of the Assembly will be open to public attendance, however there will be occasions when closed door discussion is deemed necessary.

- 2) If a session is deemed best as a closed session then notice of this will be given in advance and the reason behind this decision will be publicized.

**Article 22 – Activity outside the period of a Conference.**

The Assembly can arrange a Policy conference, after the close of the public conference in order to further investigate and evaluate the content of the Conference in the interests of positive Machizukuri.

- 2) Any proceedings that take place by the Assembly must be in the interests of self governance and independence.

**Article 23- Setting of Policy Conference.**

In the interests of Machizukuri, the Assembly can initiate a Policy setting conference.

**Article 24- Assembly Role and Obligations.**

The chairman will announce in advance the articles of discussion for the conference.

The members of the Assembly as representatives elected by members of the community must act in a studious manner and endeavor to work in the best interests of community at all times.

Members of the Assembly should work in the interests of implementing policy and legislative measures that protect the community and enhance the communities' welfare.

**Chapter 7 – The responsibilities and obligations of the Town Council.**

**Article 25 – Mayors responsibility.**

The Mayor is entrusted by the community as the head of Policy procurement and Legislative induction into the community and should act in a manner that encourages enhancement of the community. (Machizukuri.)

**Article 26 - Oath upon assuming the Mayoral Position.**

The Mayor as head of the district realizes, that his/her appointment to this position is due to the trust bestowed in him/her by the community and under the jurisdiction of the Constitution of Japan and this ordinance agrees to work sincerely and fairly for the expansion of local autonomy within the district.

- 2) Regulations outlined in the preceding clause also apply to the Deputy Mayor and the Secretary of Education correspondingly.

**Article 27 - Executives Obligation**

The Town Council executive is to use its Authority in a fair and sincere manner, when working on matters

for the community.

2) The staff of the Town council should act as ambassadors and set a good example to members of the community in relation to all matters that are related to positive area enhancement (Machizukuri)

**Article 28 - Publication of policy and legal affairs.**

In the interests of and in the realization of Community independence, Self-governance legislation and ordinance interpretation should be carried out in a manner that is positive and productive so as not to hinder advancement in the community.

**Article 29 – Crisis Management System establishment.**

The Town Council is responsible for the townspeople’s safety, lives and safety of life in the event of a civil emergency and the establishment and upkeep of a system that operates efficiently in the event of a disaster.

2) The Town Council will support and provide assistance to the Citizens, Enterprise and Related services and act as a link in the event of a civil emergency.

**Article 30 – Organization.**

The Town Council Organizational structure will be set out in such a way that it is easy to comprehend by members of the community and will ensure that the organizational chart is functional and is in line with the social and economic situations of the time.

**Article 31- Participation in Council.**

The Town will ensure that active participation is made by Investigative Councils and Examinational Authorities and other such Related Organizations.

**Article 32- Response Obligations.**

The Town Council will ensure that opinions and requests and complaints from the community are dealt with quickly and in an appropriate manner and that a response is made.

2) The Town will ensure before a response is made, that the meaning of a request or complaint request has been satisfied. The Right to utilize this response medium, by the public is upheld at all times.

3) The Town will ensure that all correspondence records are kept in relations to the above 2 clauses.

**Article 33- Body for the processing of Opinions, Requests and Complaints.**

The Town Council will put in place a body that protects the Rights of and also provides relief to the Citizens (Townspeople) in the event that governance by the Town Council causes disadvantage to the area, Simple and quick methods are available for dissolution as a form of resolution.

**Article 34 - Legislating Administrative procedure.**

When the Town Council as the governing body, is making any changes or deleting existing Ordinance and Regulations these shall be recorded in the form of a Ordinance which is reported back to the town.

**Article 35 - Observance of Law.**

The town must observe the laws and act fairly when working under the Machizukuri ordinance and must ensure that transparency remains paramount and that sufficient reporting is in place.

## **Chapter 8 - Participation in Planning.**

### **Article 36- Participation in the planning process.**

The Town Council will make participation possible in all stages of town projects, from the planning stages Right through to the execution of the work.

The Town, will ensure as outlined above, each stage of a project is treated as per the guidelines below in relation to Information sharing with the community.

#### **Information on the demand for the works, the proposal and the source of works.**

1. Information on Alternatives.
2. Comparison with other municipalities.
3. Provide conditions that encourage community participation.
4. Planning and Law inception, that provide a basis for the works.
5. Other conditions that are deemed necessary for the project to succeed.

### **Article 37 – Planning and Decision Making Principles.**

The Town will operate to a system where planning is more synchronized and more comprehensive.

The system will have a solid framework allowing for the realization and completion of a project.

(This will be referred to as Comprehensive planning hereafter).

Comprehensive planning should follow the outlines presented in this Ordinance and should be governed By constant analysis of progress to achieve results.

**2)** The Town will systematically look at the next project that is in line for planning consideration and compare this with the master plan and aim towards interacted tiered planning.

**(1)** Plans which comply with the laws and regulations.

**(2)** Planning in line with Governmental and other municipalities.

**3)** The Town will as outlined in the two clauses above, ensure that any documentation relating to projects are announced and that the following considerations relating to the advancement in a plan are correctly documented and stored.

**(1)** All work and the reasons for the work and achievements from the work are documented.

**(2)** The costs and the period that the work will take place over are clearly documented.

### **Article 38 - Planning procedure.**

The Town will when deciding on an important overall plan publish the following and seek public opinion.

1. Outline details of the plan
2. A schedule for the plan.
3. The areas in which public participation can be made.
4. Any other relevant information

The town will as per the clause above ensure that when a decision is being made in relation to a plan that The details are announced in advance and that public opinion in sort in relation to the topic.

The town will as per clause 2 ensure that any opinions collected and the reasons for adoption or rejection of these opinions are publically notified.

**Article - Publishing Plan status.**

The town will ensure that all fixed plans are publicized once a year.

**Chapter 9 - Finance**

**Article 40 - General Rules.**

The Mayor is to take into consideration the Comprehensive plan, when and while organizing the Budget.

**Article 41 - Budgetary process.**

The Mayor is responsible to ensure that when a budget is being collated particular attention is paid to

The transparency of documentation and that comprehensive reports are created and made available to the public.

2) As per the regulation stated in the clause above, any Budgetary reports that are created must have the decision process clearly explained.

**Article 42 - Budget Execution.**

The Mayor will ensure that in the interests of maintaining the schedule of works and achieving progress with town works the Budgetary plan will be produced in a timely manner.

**Article 43 – Result.**

At Year end, The Mayor will ensure final financial results are produced and any large projects that In the financial period have comprehensive supporting documentation that relates to the success of the Project, any outcomes and results that arose from the completion of the project and will publicize this information.

**Article 44 -Asset Management.**

The Mayor will ensure that the Towns assets are well documented and status information is updated.

Asset usage and their worth is evaluated and that a Asset management report is created.

2) As per the above clause Asset Management is to be clearly documented outlining, the Assets financial worth, Asset Acquisitions, future Asset disposal or aqisitional plans, Asset usage, how they are being kept, in order to ensure that regulation outlined is complied with.

3) The Acquisition and or the disposal of Town assets should be in compliance with laws and in compliance with the regulations outlined in clause 1 above.

**Article 45 – The publicizing of Asset Status.**

The Mayor will ensure that in the publication of Budgetary documentation and or documentation denotating the status of Assets or any District Debentures or Short-term loans. (Here forth referred to as Financial Reports)

The inclusion or the referral to other related laws and regulations is clearly denoted and Conclusions

relating to these laws and regulations are shown.

#### **Chapter 10 - Evaluation.**

##### **Article 46 - Evaluation Practise.**

The Town will ensure constant evaluation under the revised Machizukuri process in order to evaluate the advancements made under the Machizukuri process.

##### **Article 47- Evaluation Method Analysis.**

The evaluation process mentioned in the previous article is to ascertain comparisons of the progress made under the Machizukuri process, this evaluation process should continue to make improvements to current methods.

2)The Town will include the general public in its appraisals.

#### **Chapter - 11 Townspeople referendum.**

##### **Article 48 - Execution of referendum.**

The Town can propose a Ballot in order to seek townspeople opinion on works.

##### **Article 49 - Public Referendum Ordinance.**

In the case where opinion is sort by referendum, voting rights for the townspeople are determined by independent ordinances that relate to the work in question.

2) As per the above clause and in relation to the handling of the results of a referendum the Mayor will clearly state the way in which the results of the referendum are handled in advance.

#### **Chapter 12 - Co-operation.**

##### **Article 50 – Co-operation with people outside the town area.**

Townspeople will openly encourage exchange with people outside the community for Company, Economic, Cutral, Educational, Artistical, Sporting events in the interests of enhancing the community. (Machizukuri)

##### **Article 51 - Cooperation with Neighboring Municipalities.**

The town will adopt methods that involve further cooperation with neighboring municipalities in the interests of information sharing resulting in better understanding.

##### **Article 52 – Broad Spectrum Cooperation.**

The town will actively seek cooperation with other Municipalities, the Nation and other decision making Bodies.

##### **Article 53 – International Relations and Cooperation.**

The town realizes that in the interests of further development in the area, internationality is an important to factor. International relations and cooperation with international sources will be encouraged.

#### **Chapter 13 - Ordinance enactment procedure.**

##### **Article 54 – Procedure for Ordinance enactment.**

The Town will, when creating or changing ordinances that relate to Machizukuri, seek participation and opinions from the public, however in the case suitability to do so is affected by the following clauses this

may vary.

- (1) When it is found that there is a related Law or Ordinance that can be altered then there is no requirement for policy judgment.
- (2) When a simple wording change, to an Ordinance is made that does not affect the overall meaning of the Ordinance.
- (3) As per clause 2 above, when a person here after denoted hereafter as the proposer, submits a bill of change in relation to an ordinance and policy judgment is deemed unnecessary.
- 2) The Town may as stated above, Publish a suggested ordinance and seek public opinion on its content. (Except when it is a simple change is suggested)
- 3) The Town will as stated above in support of an introduced bill, publicize evidence of the results of a poll or reasoning to support the introduction of the bill.
- 4) A proposer as stated in the above 3 clauses, must when deciding on whether public participation in the introduction of ordinance is required or not (when not required reasons must be clearly stated) present these details in a bill.

**Article 55 - The positioning of this Ordinance.**

Other Ordinances rules and regulations have allowed for the introduction of the Machizuki ordinance and in Order achieve results, this ordinance and its related clauses must be closely adhered to.

**Article 56 – Ordinance systemization.**

The town in the recognition of this ordinance will ensure that educational, environmental, welfare and Industry ordinances are established independently within their field of distinction. Development of other Ordinances, regulations are to occur as deemed necessary.

**Chapter 15 – Alterations and reviews of this ordinance.**

**Article 57- Alterations and reviews of this ordinance.**

The Town will review this ordinance in periods not exceeding 4 years after its enforcement and it will be decided at these reviews the suitability of this ordinance and its structure to Niseko.

2. The town will in accordance with the clause above, will ensure that requests and measures are made for a review on this Ordinance and the Machizukuri system and the results are thoroughly reviewed.

**Suffix**

**Execution date**

This ordinance was executed on Heisei 13 April 1<sup>st</sup>

**Suffix**

(Heisei 17 12<sup>th</sup> month 19<sup>th</sup> Day - Ordinance number 28)

**Execution date**

This Ordinance is enforced from the date of issue

(Apparitional Change to the Niseko Town Basic Environmental Ordinance)

2 Alterations to the Niseko Town Basic Environmental Ordinance (Heisei 15 Ordinance Number 29) have been made in the following manner

5<sup>th</sup> Ordinance 4<sup>th</sup> Article and the 6<sup>th</sup> Ordinance, 2<sup>nd</sup> Article, 25<sup>th</sup> Ordinance have been included in the 36<sup>th</sup> Ordinance.

(Niseko Furusato (hometown) creation Ordinance alteration)

Niseko Furusato (hometown) creation Ordinance (Heisei 16, Ordinance 22) has been altered as below.

In the 1<sup>st</sup> Ordinance (Ordinance38) has been included into Ordinance 50.

**Suffix**

(Heisei 18 3<sup>rd</sup> month, 22 day Ordinance 1)

**Enforcement Date**

This Ordinance is enforced from Heisei 18 4<sup>th</sup> Month, 01<sup>st</sup> Day

**Suffix**

(Heisei 19, 3<sup>rd</sup> month 16<sup>th</sup> day, 11<sup>th</sup> ordinance)

This Ordinance is enforced from Heisei 19 Forth month, 01<sup>st</sup> day

**Suffix**

This Ordinance is enforced from Heisei 22 4<sup>th</sup> month 01<sup>st</sup> day.