

PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

P.N. 138/2015

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

12 May 2015

THEEWATERSKLOOF MUNICIPALITY**LIQUOR TRADING DAYS AND HOURS BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Municipal Council of the Theewaterskloof Municipality, hereby enacts as follows:

PREAMBLE

WHEREAS section 156 of the Constitution of the Republic of South Africa, 1996 authorize a municipality, to make and administer by-laws for the effective administration of the matters which a municipality has the right to administer;

AND WHEREAS it is the intention of the Theewaterskloof Municipality to determine trading days and hours for all licensed premises or undertakings, situated within the area of jurisdiction of the Theewaterskloof Municipality, that sells liquor to the public.

The objective of this by-law is—

- (i) to provide for the control of undertakings selling liquor to the public, in order to ensure a safe and healthy environment in the area of jurisdiction of the Theewaterskloof Municipality;
- (ii) to provide for pre-determined days and hours for trade in liquor, by licensed undertakings that sell liquor to the public; and
- (iii) to provide for matters related to the determination of days and hours for the sale of liquor to the public.

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CHAPTER 1 INTERPRETATION AND APPLICATION

1. INTERPRETATION

In this by-law, the English text prevail in the event of any conflict with the Afrikaans text, and unless the context indicates otherwise—

"agricultural area", means an area predominantly zoned for agriculture or any other equivalent zoning use, with the purpose to promote and protect agricultural activities on a farm, as an important economic, environmental and cultural resource, where restricted provision is made for non-agricultural uses to provide property owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural functions and resources;

"authorized official", – means an employee of the Theewaterskloof Municipality who has been authorized by the Theewaterskloof Municipality to enforce the Liquor Trading Days and Hours By-Law of the Theewaterskloof Municipality, a designated liquor officer of the South African Police Service or an inspector who is appointed in terms of subsection 73(4) of the Western Cape Liquor Act, 2008 (Act No 4 of 2008), as amended;

"bar", means a retail establishment of which the primary function is the serving of alcoholic beverages for consumption on the premises, which may also serve food when properly licensed thereto or provides entertainment;

"business premises", means a property from which business is conducted and may include a restaurant, inn, bar or tavern or other building for similar uses, but excludes a place of entertainment, guest accommodation establishment, hotel, sports and community club;

"casino", means a purposely built and developed tourism facility, which is a licensed gambling facility, and may include hotels, restaurants, bars, conference facilities, entertainment facilities and other associated and / or subsidiary facilities for tourists;

"general business area", means an area predominantly zoned for general business use or any other equivalent zoning use, with the purpose to promote economic activity in a business district or a development corridor, and includes a wide range of land uses such as business, residential and community uses;

"guest accommodation establishment", means premises used as temporary residential accommodation, and includes the provision of lodging, meals and other guest services, properly licensed to prepare and sell food, to transient guests for compensation, and includes a backpacker's lodge, a bed- and-breakfast establishment, guest house or guest farm or guest lodge, as well as facilities for business meetings, conferences, events or training sessions of transient guests, but excludes a hotel;

"hotel", means a purposely built and developed premises, used as a temporary residential accommodation for transient guests, where lodging, meals and other guest services are provided for compensation, and include:

- (a) a restaurant or restaurants properly licensed to prepare and sell food, forming part of the hotel;
- (b) conference and entertainment facilities that is subservient and ancillary to the dominant use of the premises as a hotel;
- (c) premises which are licensed to sell alcoholic beverages for consumption on the property, but **excludes** an off-site consumption facility, liquor outlet, guest accommodation establishment, dwelling house or dwelling unit;

"industrial area", means an area predominantly zoned for general industrial use or any other equivalent zoning use, with the purpose to accommodate all forms of industrial activity, including manufacturing and related processing activities, but excludes noxious or hazardous risk industrial activities;

"licensed premises", means the premises upon which liquor may be micro-manufactured, sold, consumed or stored, as contemplated in terms of the Western Cape Liquor Act, 2008 (Act No. 4 of 2008), as amended;

"licensee", means any person or business enterprise or institution, to whom a liquor license has been issued and who is licensed to sell liquor in terms of the Western Cape Liquor Act, 2008 (Act No. 4 of 2008), as amended, and includes any licensed premises, business, liquor outlet or land use activity from which liquor may be sold, a person or an agent for or on behalf of the license holder or manager of the licence holder as contemplated in subsection 52(1) of the Western Cape Liquor Act, 2008 (Act No 4 of 2008), as amended, or any person employed in the service of such license holder or agent or manager;

"liquor", means any liquid or substance, as defined in section 1 of the Western Cape Liquor Act, 2008 (Act No 4 of 2008), as amended;

"liquor authority", means the Western Cape Liquor Authority established in terms of subsection 2(1) of the Western Cape Liquor Act, 2008 (Act No 4 of 2008), as amended;

"liquor license", means a license to sell liquor as defined in section 33 of the Western Cape Liquor Act, 2008 (Act No 4 of 2008), as amended;

"local business or neighbourhood business area", means an area predominantly zoned for local business use or mixed use or any other equivalent zoning use, with the intended purpose to accommodate low intensity commercial and mixed use activities, serving the needs of local residential areas for convenience goods, personal services or small scale business activities or which serve as an interface between general business and industrial areas, and adjacent residential areas;

"Municipality", means the Theewaterskloof Municipality, and includes reference to any duly delegated and / or appointed officials and / or service providers in terms of service level agreements of the Theewaterskloof Municipality;

"place of entertainment", means a place used predominantly for commercial entertainment, which may attract and can accommodate a relatively large number of people, and who operate outside normal business hours or generate noise from music or revelry on a regular basis, and includes a cinema, theatre, amusement park, dance hall, gymnasium, facility for betting, gambling hall, casino, karaoke bar and nightclub;

"pub", has a corresponding meaning as "bar";

"premises", means any portion of land situated within the area of jurisdiction of the Theewaterskloof Municipality, of which the outer boundaries are demarcated on a general plan or diagram or sectional title plan, registered in accordance with applicable legislation, and includes a building or structure build or erected on such land;

"residential area", means an area predominantly zoned for informal, single or general residential use or any other equivalent zoning use, with the purpose to accommodate predominantly single-family dwelling units in low to medium density neighbourhoods, as well as higher density living accommodation, and which includes controlled opportunities for home employment, additional dwellings and low density mixed use development;

"restaurant", means a properly licensed establishment, which prepares and serves food, and beverages to customers, which are generally prepared, served and consumed on the premises, but may also include take-out food and food delivery services;

"room service", means the provision of beverages and food in the rooms of transient guests, at facilities where temporary residential accommodation are provided;

"small holdings area", means an area predominantly zoned for use as small holdings or any other equivalent zoning use, with the purpose to accommodate smaller rural properties that may be used for agricultural, commercial, light industrial and other similar purposes, but may also be used primarily as places of residence in a more rural setting;

"sparkling wine", means an effervescent wine, resulting from the fermentation of grapes, whether by natural or artificial process, and includes champagne;

"sport and community club", means a premises or a facility used for the gathering of community or civic organisations or associations, sports clubs or other social or recreation clubs, operating in main as non-profit organisations, and may include community service clubs and community centres or similar facilities, but excludes night clubs;

"tavern", has a corresponding meaning as "bar";

"the Act", means the Western Cape Liquor Act, 2008 (Act No 4 of 2008), as amended, and the regulations promulgated in terms thereof;

"tourism facility", means amenities for tourists such as lecturer rooms, restaurants properly licensed to prepare and sell food, shops for the sale of local liquor products and produce, gift shops and rest rooms, but does not include overnight accommodation;

"winery", includes premises or facilities which are used in the production of wine or any other alcoholic beverage from fruit or other agricultural produce; and such premises or facilities may include facilities for crushing grapes or similar agricultural products, fermentation and aging of wine or similar produce, tasting rooms, barrel and storage rooms, bottling rooms, tank rooms, laboratories or offices and other accessory or ancillary facilities incidental to the production of wine or alcoholic beverages, which may include—

- (a) restaurants and other food services properly licensed to prepare and sell food;
- (b) entertainment and conference facilities;
- (c) wedding venues;
- (d) outlets selling the products of the estate; or
- (e) subsidiary retail facilities to tours or visitors;

"zoned", means a method of development management, that designates the land use activities allowed on a premises, in accordance with provisions and rules to categorize land according to use and purpose, the extent to which is contained in the zoning scheme regulations of the Theewaterskloof Municipality, and **"zoning"** has a corresponding meaning; and

"zoning scheme", means the zoning scheme applicable to and in force for a specific area within the area of jurisdiction of the Theewaterskloof Municipality.

2. APPLICATION

This by-law is applicable to persons and premises that sell liquor to the public, within the area of jurisdiction of the Municipality.

3. GENERAL PROHIBITION

A licensee may not sell liquor for consumption on or off a licensed premises—

- (a) in any other way, than in accordance with this by-law;
- (b) outside the days and hours that have been determined by the Municipality; or
- (c) without a valid liquor licence that has been issued as contemplated in the Act.

4. DETERMINATION OF APPLICABLE LOCATION IN A CATEGORY

Where the location category as set out in the Schedule is unclear or in dispute or difficult to determine or premises in areas are not zoned homogeneously, the actual rights established by zoning, consented use or departure on the involved licensed premises, shall take precedence in order to determine the applicable category.

CHAPTER 2 STANDARD TRADING HOURS

5. TRADING DAYS AND HOURS FOR THE SALE AND CONSUMPTION OF LIQUOR ON LICENSED PREMISES

- (1) A licensee may sell liquor for consumption on a licensed premises, on the following days and hours—
 - (a) on any day of the week; and
 - (b) during the hours of trade as set out in the Schedule
- (2) Notwithstanding the provisions of subsection 5(1) of this by-law, a hotel or guest accommodation establishment licensed to sell liquor, may offer a room service facility at any time of the day.
- (3) Notwithstanding the provisions of this by-law, a licensee as contemplated in subsection 5(1) of this by-law, may only serve sparkling wine—
 - (a) from 08:00 to 11:00 for seven days a week;
 - (b) as part of a meal; and
 - (c) to guests who partake in an organised function, where admittance is controlled.
- (4) The trading days and hours for the sale and consumption of liquor at any special events or temporary licensed premises, shall be in accordance with the Schedule.

- (5) A licensed casino may sell liquor for 24 hours a day and 7 days a week.
- (6) A licensee who sells liquor for consumption on the licensed premises—
 - (a) may not allow any consumption of liquor on the licensed premises, at any time when the sale of liquor is not permitted on the premises; and
 - (b) may not allow that any liquor is taken off the licensed premises.
- (7) A licensee in respect of a hotel or guest accommodation establishment:—
 - (a) may provide access to a pre-stocked bar facility inside a private suite or room, for use by a guest occupying such private suite or room; and
 - (b) may not restock such bar facility, during the hours the licensee is not allowed to sell liquor.
- (8) A licensee in respect of a hotel or guest accommodation establishment, may not provide liquor to guests or visitors outside of the standard trading hours for such a type of licensed premises, unless such liquor is provided in accordance with the stipulations of subsection 5(2) and subsection 5(3) of this by-law.
- (9) A licensee may submit an application to the Municipality for permanent extended trading hours to sell liquor for consumption on a licensed premises until 04:00 the following day, as long as the license holder has a valid liquor licence for the premises concerned.

6. TRADING DAYS AND HOURS FOR THE SALE OF LIQUOR FOR USE OFF LICENSED PREMISES

- (1) A licensee for consumption of liquor off a licensed premises, may sell liquor on any day of the week, except that no liquor may be sold on a Sunday.
- (2) A licensee operating a tourist facility may, despite the stipulations of subsection 6(1) of this by-law, sell liquor for consumption off the licensed premises, on any day of the week from 09:00 to 18:00.
- (3) A licensee may sell liquor for consumption off the licensed premises on the following days and hours—
 - (a) Monday to Friday 09:00 until 18:00;
 - (b) Saturday from 09:00 until 18:00; and
 - (c) no trading are allowed on Sundays and Christmas Day, provided that this restriction shall not apply to a winery and a tourism facility, which may trade on such days, from 09:00 to 18:00.

- (4) A licensee may submit an application to the Municipality for permanent extended trading hours to sell liquor from a licensed premises until 20:00, as long as the license holder has a valid liquor licence for the premises concerned.

CHAPTER 3 EXTENDED TRADING HOURS

7. APPLICATION FOR EXTENDED TRADING HOURS

- (1) A licensee may, submit a written application to the Municipality to extend the trading hours, for a specific type of licence or category of business premises, subject to the following conditions—
 - (a) in the case of a licensee selling liquor for consumption off a licensed premises, for an opening time of 09:00 to a closing time of 20:00; and
 - (b) in the case of a licensee selling liquor for consumption on a licensed premises, for an opening time of 11:00 to a closing time of 04:00.
 - (c) extended trading hours may on application be granted to an applicant—
 - (i) as permanent consent, as long as the license holder has a valid liquor licence for the premises concerned;
 - (ii) for a period of one (1) calendar year;
 - (iii) for any period shorter than one (1) calendar month; and
 - (iv) for a special event.
- (2) The Municipality may approve or in part approve or refuse an application for an extension of trading hours, and any applicant shall have the right of appeal in terms of the provisions of section 8 of this by-law.
- (4) No rights shall accrue for an applicant for extended trading hours, until the written approval has been received from the Municipality.
- (5) The Municipality may, by written notice to an applicant, impose conditions for trading during extended hours, on condition that such conditions imposed shall be consistent, equitable and fair for all applications, and that no precedents shall be created.
- (6) Before the Municipality considers an application for the extension of trading hours, an applicant has to submit the following information and supporting documentation to the Municipality—
 - (a) the outcome of consultations with owners and occupants of premises adjacent to the licensed premises, who shall be affected by the application;

- (b) the potential impact on the surrounding environment;
 - (c) the proximity of the licensed premises, with regard to surrounding residential areas, and cultural, religious and educational facilities;
 - (d) the particular period for which the application is submitted, or whether the application is for the permanent extended trading hours;
 - (e) previous licence suspensions, licence amendments or revocations of applications for extended trading hours, for the same licensed premises;
 - (f) the reasons why it is in the public's interest to approve and / or grant an extension of trading hours;
 - (g) motivations dealing with—
 - (i) the impact of the risks to and nuisances for the surrounding land owners, residents and occupants of premises; and
 - (ii) mitigation measures to assist with the control and prevention of risks and / or nuisances;
 - (h) the municipal zoning requirements and conditions of the licensed premises;
 - (i) the proof of the validity of the current liquor licence, and that the municipal account for the premises concerned is paid-up;
 - (j) the comments and recommendations on the application, of the Western Cape Liquor Authority, the Liquor Officer of the South African Police Services and the Law Enforcement Department of the Municipality; and
 - (k) where applicable, the validity of any other business licence.
- (7) The municipality may withdraw any approval of the extension of liquor trading hours, when a licensee does not abide to the conditions of the extension or whenever proof are provided to the Municipality that the extended trading hours are no longer appropriate.

CHAPTER 4 GENERAL PROVISIONS

8. APPEALS

A person whose rights are affected by a decision of the Municipality in terms of any delegated powers, may appeal against such a decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended, by giving written notice of the appeal against the decision and the reasons for the appeal to the Municipal Manager, within twenty-one (21) days of the date of the notification of the decision.

9. SUSPENSION, AMENDMENT AND REVOCATION OF EXTENDED LIQUOR TRADING HOURS

- (1) An authorized official may, upon delivery of a written notice to the licensee or person in charge of a licensed premises, immediately suspend the extended trading hours of a license holder for non-compliance to the stipulations of the Act, or the stipulations of this by-law, or any condition of the liquor license or the extended trading hour's approval not complied with.
- (2) The written notice as contemplated in subsection 9(1) of this by-law, shall specify the reasons for the suspension and the timeframes in terms of which such suspension of extended trading hours shall be applicable.
- (3) The written notice as contemplated in subsection 9(1) of this by-law, shall instruct the licensee to supply written reasons, within seventy-two (72) hours to the Municipality, on why the extended trading hours should not be revoked in total.
- (4) The authorized official shall, in writing, report any suspension of extended liquor trading hours to the delegating authority or authorities.
- (5) The Municipality shall, upon consideration of the suspension report of the authorized official, and the representations made by the licensee—
 - (a) reconfirm, amend or revoke the trading hours in respect of the involved business premises, as applicable, and may impose such additional conditions as the Municipality may deem fit; and
 - (b) report any decision to confirm, amend or revoke the extended hours of trading to the Western Cape Liquor Authority.
- (6) No licensee shall continue selling liquor to the public during such period in which the extended hours of trading in liquor has been suspended.
- (7) The Municipality may not be held liable for any loss of income suffered by a licensee, during any period of suspension of trading hours.

10. OFFENCES AND PENALTIES

Any person who contravenes or fails to comply with the provisions of this by-law, or fails to comply with a notice served in terms of this by-law, or fails to comply to an instruction of an authorized official or posted on a notice board, is guilty of an offence and is liable on conviction, for—

- (a) a fine or imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;
- (b) in the case of a successive or continuing offence, to an additional fine or additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment, for every day such offence continues; and
- (c) any further amount as an order of court for costs, equal to any costs and expenses, deemed by the Court, to have been incurred by the Municipality as a result of such contraventions.

11. SERVING OF NOTICES AND OTHER DOCUMENTS

- (1) A notice, instruction, letter of demand, or other document issued by the Municipality in terms of this by-law, is deemed to be duly issued when a duly delegated official of the Municipality has signed it.
- (2) Any notice, instruction, letter of demand, or other document that is served on a person in terms of this by-law, is regarded as having been duly and effectively served—
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic of South Africa, with a person apparently older than sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic of South Africa, and proof of the posting thereof is provided;
 - (d) if that person's address in the Republic of South Africa is unknown, when it has been served on that person's agent or representative in the Republic of South Africa, in a manner as provided in subsections 11(2)(a), 11(2)(b) or 11(2)(c) of this by-law;
 - (e) if that person's address and agent or representative in the Republic of South Africa is unknown, when it has been posted in a conspicuous place on the property or premises to which it relates; or

- (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of the body corporate.
- (3) When any notice, instruction, letter of demand, or other document is served on a person in terms of this by-law, it is sufficient for purposes of the serving of the notice, instruction, letter of demand, or other document, to describe the person in the notice, instruction, letter of demand or other document, as the owner, occupier, or holder of the property or rights in question, and it is not a requirement to name that person.
- (4) A notice, instruction, letter of demand, or other document shall for purpose of authentication, be properly signed by the Municipality.

12. CONFLICT BETWEEN LEGISLATION

When any stipulation of this by-law, is in conflict with national and provincial Legislation or regulations, the national and provincial legislation, or regulations shall prevail.

13. REPEAL OF BY-LAWS

- (1) The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law.
- (2) The following by-law of the Theewaterskloof Municipality is hereby specifically repealed–

Name of by-law	Date published	As a whole or Partially
Bylaw on liquor trading days and hours	PG 7155 dated 2 August 2013	As a whole

14. SCHEDULE FORM PART OF THE BY-LAW

The Schedule to this by-law form part of the by-law for all practical applications.

15. SHORT TITLE

This by-law is called the Liquor Trading Days and Hours By-law of the Theewaterskloof Municipality.

16. OPERATIVE DATE

This by-law shall take effect on the date of publication

SCHEDULE
TRADING DAYS AND HOURS FOR CONSUMPTION OF LIQUOR
ON LICENSED PREMISES

Location category & licensed premises type	Maximum permitted trading hours
1. Residential areas	
Guest accommodation establishment.	Monday – Saturday: 11:00 – 24:00 Sunday: 11:00 – 24:00
Place of entertainment.	
Pub / Tavern / Restaurant.	
Bar	
Premises zoned for business.	Monday – Saturday 11:00 – 24:00
Sports and community club (Excluding special events requiring temporary licenses).	Monday – Saturday: 11:00 – 24:00 Sunday: 11:00 – 24:00
Hotel	Monday – Saturday: 11:00 – 02:00 the following day Sunday: 11:00 – 24:00
2. Local or neighborhood business areas - including mixed use areas	
Guest accommodation establishment.	Monday – Saturday: 11:00 – 24:00 Sunday: 11:00 – 24:00
Pub / Tavern / Restaurant.	
Bar	
Place of entertainment.	
Premises zoned for business.	Monday – Saturday 11:00 – 24:00
Sports and community club - excluding special events requiring temporary licenses.	Monday – Saturday: 11:00 – 24:00 Sunday: 11:00 – 24:00
Hotel	Monday – Saturday: 11:00 – 02:00 the following day Sunday: 11:00 – 24:00

3. General business areas	
Guest accommodation establishment.	Monday – Saturday: 11:00 – 02:00 the following day Sunday: 11:00 – 24:00
Pub / Bar / Tavern / Restaurant.	
Place of entertainment.	
Hotel	
Premises zoned for business.	Monday – Sunday 11:00 – 24:00
Sports and community club - excluding special events requiring temporary licenses.	Monday – Saturday: 11:00 – 02:00 the following day Sunday: 11:00 – 24:00
4. Industrial areas	
Premises zoned for business.	Monday – Saturday: 11:00 – 02:00 following day Sunday: 11:00 – 24:00
Place of entertainment.	
Sports and community club (Excluding special events requiring temporary licenses).	Monday – Saturday: 11:00 – 02:00 the following day Sunday: 11:00 – 24:00
5. Agricultural / rural areas	
Guest accommodation establishment.	Monday – Saturday: 11:00 – 02:00 the following day Sunday: 11:00 – 24:00
Place of entertainment.	
Winery / Tourism facilities	
Hotel	
Premises zoned for business.	Monday – Sunday 11:00 – 24:00
Sports and community club (Excluding special events requiring licenses).	Monday – Saturday: 11:00 – 02:00 the following day Sunday: 11:00 – 24:00

6. Small holding areas	
Guest accommodation establishment.	Monday to Sunday 11:00 – 24:00
Place of entertainment.	
Winery / Tourism facilities	
Sports and community club (Excluding special events requiring temporary licenses).	Monday to Sunday 11:00 – 24:00
Premises zoned for business	Monday to Sunday 11:00 – 24:00
7. Other ad-hoc locations	
Vehicles or mobile undertakings used for tourist or entertainment or recreational purposes as per definition of "premises" in section 1 of the Act, except where any other Theewaterskloof Municipality By-law determines otherwise.	Monday to Sunday 11:00 – 24:00
Special events or temporary licensed premises.	As determined by location category
8. Casino	24 hours a day and 7 days a week
9. Special Events	As determined by license category and zoning of premises

MUNISIPALITEIT VAN THEEWATERSKLOOF

VERORDENING INSAKE DRANKHANDELSDAE EN- URE

Kragtens artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996 verorden die Munisipale Raad van die Munisipaliteit van Theewaterskloof hiermee soos volg:

AANHEF

AANGESIEN 'n munisipaliteit, kragtens artikel 156 van die Grondwet, verordeninge mag maak en toepas vir die doeltreffende administrasie van aangeleenthede waarvan die administrasie regtens aan 'n munisipaliteit opgedra is;

EN AANGESIEN dit die Munisipaliteit van Theewaterskloof se voorneme is om handelsdae en -ure vas te stel vir alle gelisensieerde persele, ondernemings of afsetpunte wat binne die gebied van jurisdiksie van die Munisipaliteit van Theewaterskloof geleë is en drank aan die publiek verkoop;

Die doel van hierdie verordening is om—

- (i) beheer oor ondernemings wat drank aan die publiek verkoop te bewerkstellig, ten einde 'n veilige en gesonde omgewing in die gebied van jurisdiksie van die Munisipaliteit van Theewaterskloof te verseker;
- (ii) om handelsdae en -ure te bepaal vir gelisensieerde ondernemings wat drank aan die publiek verkoop; en
- (iii) om voorsiening te maak vir aangeleenthede wat betrekking het op die vasstel van drankhandelsdae en -ure vir die verkoop van drank aan die gemeenskap.

INHOUDSOPGAWE

HOOFSTUK 1: INTERPRETASIE EN TOEPASSING

1. Interpretasie
2. Toepassing
3. Algemene verbod
4. Bepaling van toepaslike areas in 'n kategorie

HOOFSTUK 2: STANDAARD HANDELSURE

5. Handelsdae en -ure vir die verkoop en gebruik van drank op gelisensieerde persele
6. Handelsdae en -ure vir die verkoop en gebruik van drank vanaf 'n gelisensieerde persele

HOOFSTUK 3: VERLENGDE DRANKHANDELSURE

7. Aansoek vir die verlenging van drankhandelsure

HOOFSTUK 4: ALGEMENE BEPALINGS

8. Appèlle
9. Opskorting, wysiging en herroeping van verlengde drankhandelsure
10. Strafbepalings
11. Bediening van kennisgewings en ander dokumente
12. Teenstrydighede met ander wetgewing
13. Herroeping van verordeninge
14. Skedule vorm deel van die verordening
15. Kort titel
16. Inwerkingtreding

SKEDULE

HOOFSTUK 1: INTERPRETASIE EN TOEPASSING

1. INTERPRETASIE

In hierdie verordening, geld die Engelse teks in die geval van enige teenstrydigheid met die Afrikaanse teks, tensy dit uit die samehang anders blyk, beteken—

“**algemene sakegebied**”, ’n gebied wat oorwegend vir algemene sakegebruik of enige ander ekwivalent gebruik gesoneer is, met die doel om ekonomiese aktiwiteite in ’n sakedistrik of ’n ontwikkelingskorridor te bevorder, en sluit ’n wye reeks van grondgebruike soos sake, residensiële en gemeenskapsgebruike in;

“**casino**”, beteken ’n doelgeboude toerismefasiliteit wat ’n gelisensieerde dubbelfasiliteit is, en kan hotelle, restaurante, kroeë, konferensiefasiliteite, vermaaklikheidsfasiliteite en ander soortgelyke fasiliteite vir toerisme insluit;

“**die Wet**”, die Wes-Kaapse Drankwet, 2008 (Wet No 4 van 2008), soos gewysig, en die regulasies daarkragtens afgekondig;

“**drank**”, enige vloeistof of substansie, soos in artikel 1 van die Wes-Kaapse Drankwet, 2008 (Wet No 4 van 2008), soos gewysig, omskryf;

“**dranklisensie**”, ’n lisensie om drank te verkoop, soos omskryf in artikel 33 van die Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008), soos gewysig;

“**drankraad**”, die Wes-Kaapse Drankowerheid ingestel in terme van subartikel 2(1) van die Weskaapse Drankwet, 2008 (Wet 4 van 2008), soos gewysig;

“gaste akkommodasie onderneming”, persele wat vir tydelike akkommodasie gebruik word, en verblyf, etes en ander gastedienste aan tydelike gaste teen vergoeding voorsien, en wat behoorlik gelisensieerd is om voedsel voor te berei en te verkoop, en sluit in 'n oornagplek vir rugsakreisigers, 'n bed en-ontbyonderneming, 'n gastehuis of 'n gasteplaas of 'n gasteoornagplek, sowel as fasiliteite vir sakebyeenkomste, konferensies, geleenthede of opleidingsessies vir inwonende gaste, maar sluit 'n hotel uit;

“gelisensieerde perseel”, die perseel waar drank mikro-vervaardig, verkoop, verbruik of gestoor mag word in terme van die Wes-Kaapse Drankwet, 2008 (Wet No 4 van 2008), soos gewysig;

“gemagtigde beampte”, enige werknemer van die Munisipaliteit van Theewaterskloof wat gemagtig is deur die Munisipaliteit van Theewaterskloof om die bepalings van die Verordening insake Drankhandelsdae en -ure van die Munisipaliteit Theewaterskloof af te dwing, 'n aangewysde drankoffisier van die Suid-Afrikaanse Polisie diens of 'n inspekteur wat kragtens subartikel 73(4) van die Wes-Kaapse Drankwet, 2008 (Wet No 4 van 2008), soos gewysig, aangestel is;

“gesoneer”, 'n metode van ontwikkelingsbeheer, wat die aangewese grondgebruikaktiwiteite toelaatbaar op 'n perseel omskryf, in ooreenstemming met die bepalings en reëls om grond te kategoriseer in terme van gebruik en doel, die omvang waarvan in die soneringskema regulasies van die Munisipaliteit van Theewaterskloof vervat is en het **“sonering”** het 'n ooreenstemmende betekenis;

“herberg”, het dieselfde betekenis as 'n “kroeg”;

“hotel” 'n doelgeboude en ontwikkelde perseel wat vir tydelike akkommodasie vir tydelike gaste gebruik word, waar huisvesting, maaltye en ander gastedienste teen vergoeding verskaf word, en die volgende insluit–

- (a) 'n restaurant of restaurante wat behoorlik gelisensieer is om voedsel voor te berei en te verkoop, wat deel uitmaak van die hotel;
- (b) konferensie- en vermaaklikheidsfasiliteite wat ondergeskik en aanvullend tot die oorheersende gebruik van die perseel as 'n hotel is; en
- (c) persele wat gelisensieer is om alkoholiese drank vir binneverbruik op die eiendom te verkoop, maar **uitgesluit** 'n buiteverbruikfasiliteit, gaste akkommodasie onderneming, 'n woonhuis of wooneenheid;

“industriële gebied”, 'n gebied wat oorwegend vir algemene industriële of enige ander ekwivalent gebruik gesoneer is, met die doel om alle vorme van industriële aktiwiteite te akkommodeer, insluitend vervaardiging en verwante aktiwiteite vir verwerking, maar uitgesluit skadelike of gevaarlike risiko industriële aktiwiteite;

“kamerdiens”, beteken die voorsiening van drank en voedsel in die kamers van gaste, by fasiliteite waar tydelike residentieële verblyf beskikbaar gestel word;

“kleinhoewe of landelike gebied”, 'n gebied wat oorwegend vir landelike bewoning of enige ander ekwivalent gebruik gesoneer is, met die doel om voorsiening te maak vir kleiner landelike eiendomme wat vir landboudoeleindes,

kommersiële, ligte industriële en ander soortgelyke gebruike gebruik kan word, maar ook hoofsaaklik as woonplekke gebruik kan word in 'n omgewing wat meer landelik van aard is;

“kroeg”, 'n kleinhandelonderneming wat hoofsaaklik alkoholiese drankies bedien vir gebruik op die perseel, wat ook voedsel mag bedien, indien behoorlik gelisensieer daarvoor en vermaak mag verskaf;

“landbougebied”, 'n gebied wat vir oorwegend landbougebruik of enige ander ekwivalente gebruik gesoneer is, met die doel om landbou aktiwiteite op plase te bevorder en te beskerm as 'n belangrike ekonomiese, omgewings- en kulturele hulpbron, en waar beperkte voorsiening vir gebruike anders as landbou gemaak word, ten einde grondeienaars 'n geleentheid te bied om die ekonomiese potensiaal van hul eiendomme te verhoog, sonder om 'n beduidende negatiewe impak op die primêre landboufunksies en hulpbronne tot gevolg te hê;

“lisensiehouer”, enige persoon of besigheidsentiteit of instelling, aan wie 'n dranklisensie uitgereik is en wie gelisensieer is om drank te verkoop in terme van die Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008), soos gewysig en sluit in enige gelisensieerde perseel, onderneming, afsetpunt of grondgebruikaktiwiteit waarvandaan drank verkoop mag word, 'n persoon of agent wat namens die lisensiehouer optree of 'n bestuurder van die lisensiehouer, soos voorsien in subartikel 52(1) van die Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008), soos gewysig, of enige persoon in diens van sodanige lisensiehouer of agent of bestuurder;

“Munisipaliteit”, die Munisipaliteit van Theewaterskloof, wat insluit enige verwysing na behoorlike gemagtigde en / of aangestelde beamptes en / of diensverskaffers in terme van diensleweringsooreenkomste van die Munisipaliteit van Theewaterskloof;

“perseel”, enige grond, geleë binne die regsgebied van die Munisipaliteit van Theewaterskloof, waarvan die buitegrense afgebaken is op 'n algemene plan of diagram of deeltitelplan, en wat ingevolge die toepaslike wetgewing geregistreer is, wat insluit 'n gebou of struktuur wat op sodanige grond gebou of opgerig is;

“plaaslike sake of buurt sakegebied”, 'n gebied wat oorwegend vir plaaslike sake of gemengde gebruik of enige ander ekwivalente gebruik gesoneer is, met die doel om voorsiening te maak vir aktiwiteite verbandhoudend tot lae digtheid kommersiële en gemengde gebruik, wat aan die behoeftes van die plaaslike gemeenskap vir geriefsgoedere, persoonlike dienste of klein sakeondernemings voldoen, of as koppelvlak tussen algemene sake, industriële en aangrensende residensiële gebiede dien;

“residensiële gebied”, 'n gebied wat oorwegend vir informele-, enkel- of algemene residensiële gebruik of enige ander ekwivalente gebruik gesoneer is, met die doel om voorsiening te maak vir oorwegend enkelgesin wooneenhede in lae tot medium digtheid gebiede, sowel as huisvesting vir hoë digtheid wooneenhede, en waarby beheerde geleenthede vir tuiswerkverskaffing, bykomende wooneenhede en lae digtheid gemengde gebruik ingesluit is;

“restaurant”, 'n onderneming wat behoorlik gelisensieer is om voedsel en drank voor te berei en aan klante te bedien, welke maaltye gewoonlik op die perseel bedien en benut word, maar ook wegneemetes en 'n afleweringdiens kan insluit;

“sake perseel”, persele waarvandaan sake bedryf word en kan 'n restaurant, herberg, kroeg of taverne of ander gebou vir soortgelyke gebruike insluit, maar sluit 'n plek van vermaaklikheid, 'n gaste akkommodasie onderneming, hotel, sport- en gemeenskapsklub uit;

“soneringskema”, die soneringskema van toepassing op en van krag in 'n spesifieke gebied, binne die gebied van jurisdiksie van die Munisipaliteit van Theewaterskloof.

“sport- en gemeenskapklub”, 'n perseel of 'n fasiliteit wat gebruik word vir die byeenkoms van gemeenskap- of burgerlike organisasies of verenigings, sportklubs of ander sosiale of ontspanningsklubs, wat meesal sonder winsbejag bedryf word, en kan gemeenskapsdiensklubs en gemeenskapsentrums of soortgelyke fasiliteite insluit, maar sluit 'n nagklub uit;

“taverne”, het dieselfde beteken as 'n “kroeg”;

“toerisme fasiliteit”, beteken fasiliteite vir toeriste soos lesinglokale, restaurante gelisensieer vir die voorbereiding en verkoop van voedsel, verkooppunte vir verkope van plaaslike drankprodukte en produkte, geskenkwinkels en ruskamers, maar sluit nie oornag akkommodasie in nie;

“vermaaklikheidsplek”, 'n plek wat oorwegend vir kommersiële vermaak gebruik word, wat relatief groot getalle mense kan lok en akkommodeer, buite normale sake ure bedryf word en op 'n gereelde grondslag geraas kan genereer weens musiek of feestelikhede, en sluit in 'n bioskoop, teater, pretpark, danssaal, gimnasium, totalisator of fasiliteite vir weddenskappe, dobbelsaal, karaoke-kroeg en nagklub;

“vonkelwyn”, 'n bruiswyn wat gemaak word deur druive te laat gis, hetsy deur natuurlike of kunsmatige prosesse, en sluit sjampanje in; en

“wynmakery”, persele of fasiliteite wat in die vervaardiging van wyn of enige ander alkoholiese drankie gebruik word, en sodanige persele of fasiliteite sluit in fasiliteite vir die pars en gisting van druive of soortgelyke landbouprodukte, die fermentasie en veroudering van wyn of soortgelyke landbouprodukte, proelokale, vatstore, bergingskamers, bottelingskamers, tenkkamers, laboratoriums of kantore en ander bykomstige of aanvullende fasiliteite wat met die produksie van wyn of enige ander alkoholiese drankies verband hou, waarby ingesluit -

- (a) restaurante en ander voedseldienste behoorlik gelisensieer om voedsel voor te berei en te verkoop;
- (b) vermaaklikheid en konferensie;
- (c) onthaalfasiliteite vir troues;
- (d) verkooppunte waar produkte van die landgoed verkoop word; of
- (e) sekondêre verkoopsfasiliteite vir toere of besoekers.

2. TOEPASSING

Hierdie verordening is van toepassing op persone en persele, wat binne die regsgebied van die Munisipaliteit drank aan die publiek verkoop.

3. ALGEMENE BEPALINGS

'n Lisensiehouer mag nie drank verkoop vir gebruik op of vanaf 'n gelisensieerde perseel—

- (a) in enige ander manier, as waarvoor in hierdie verordening voorsiening gemaak word nie;
- (b) buite die dae en ure soos vasgestel deur die Munisipaliteit; of
- (c) sonder 'n geldige dranklisensie soos uitgereik in terme van die Wet.

4. BEPALING VAN TOEPASLIKE AREAS IN KATEGORIË

In 'n geval waar die area soos uiteengesit in die Skedule onduidelik of in dispuut is, of moeilik is om te bepaal, sal die werklike regte gevestig deur sonering, vergunningsgebruik of 'n afwyking van die gelisensieerde perseel voorkeur geniet, om te bepaal in watter kategorie sodanige perseel val.

HOOFSTUK 2: STANDAARD HANDELSURE

5. HANDELSDAE EN -URE VIR DIE VERKOOP EN GEBRUIK VAN DRANK OP GELISENSIEERDE PERSELE

- (1) 'n Lisensiehouer mag drank vir verbruik op die gelisensieerde persele op die volgende dae en ure verkoop—
 - (a) op enige dag van die week; en
 - (b) gedurende die handelsure soos in die Skedule uiteengesit.
- (2) Nieteenstaande die bepalings in subartikel 5(1) van hierdie verordening, kan 'n hotel of gaste akkommodasie onderneming wat gelisensieer is om drank te verkoop, enige tyd van die dag 'n kamerdiensfasiliteit aanbied.
- (3) Ondanks die bepalings van hierdie verordening, kan 'n lisensiehouer soos beoog in subartikel 5(1) van hierdie verordening, vonkelwyn bedien —
 - (a) van 08:00 tot 11:00 vir sewe dae 'n week;

- (b) as deel van 'n maaltyd; en
 - (c) aan gaste wat deel is van 'n georganiseerde funksie, waar toegang voorbehou word.
- (4) Handelsdae en -ure vir spesiale geleenthede of tydelik gelisensieerde persele sal in ooreenstemming met die Skedule wees.
- (5) 'n Gelisensieerde casino mag drank verkoop 24 uur 'n dag, en 7 dae 'n week.
- (6) 'n Lisensiehouer wat drank vir gebruik op die perseel verkoop—
- (a) mag nie toelaat dat enige gebruik van drank op die gelisensieerde perseel plaasvind, op enige tyd wanneer die verkoop van drank nie op die perseel toegelaat word nie; en
 - (b) mag nie toelaat dat enige drank vanaf die perseel geneem word nie.
- (7) 'n Lisensiehouer in die geval van 'n hotel of gaste akkomodasie fasiliteit -
- (a) mag die gebruik van 'n kroegfasiliteit wat vooraf met voorraad gevul was toelaat, wat deel vorm van 'n privaat suite of kamer, vir gebruik deur gaste wat die suite of kamer okkupeer; en
 - (b) mag nie sodanige kroegfasiliteit hervul, gedurende die ure wat die lisensiehouer nie mag drank verkoop nie.
- (8) 'n Lisensiehouer in die geval van 'n hotel of gaste akkomodasie fasiliteit, mag nie drank aan gaste of besoekers verskaf buite die standaard drankhandelsure van sodanige tipe gelisensieerde perseel, tensy die drank voorsien word in terme van die bepalings van subartikel 5(2) en subartikel 5(3) van hierdie verordening nie.
- (9) 'n Lisensiehouer mag 'n aansoek aan die Munisipaliteit rig vir permanente verlenging van drankhandelsure om drank vir gebruik op 'n gelisensieerde perseel tot 04:00 die volgende dag te verkoop, vir solank die betrokke lisensiehouer 'n geldige dranklisensie vir die betrokke perseel het.

6. HANDELSDAE EN -URE VIR DIE VERKOOP EN GEBRUIK VAN DRANK VANAF GELISENSIEERDE PERSELE

- (1) 'n Lisensiehouer vir die gebruik van drank vanaf die perseel, mag drank op enige dag van die week verkoop, behalwe op Sondag.
- (2) 'n Lisensiehouer wat as 'n toerisme fasiliteit besigheid doen, mag ten spyte van die bepalings van subartikel 6(1) van hierdie verordening, drank verkoop vir gebruik vanaf die gelisensieerde perseel, op enige dag van die week vanaf 09:00 tot 18:00.

- (3) 'n Lisensiehouer kan drank vir verbruik vanaf van die gelisensieerde persele op die volgende dae en ure verkoop—
- (a) Maandag tot Vrydag van 09:00 tot 18:00;
 - (b) Saterdag van 09:00 tot 18:00; en
 - (c) Geen verkope mag op Sondag en Kersdag plaasvind nie, met dien verstande dat hierdie beperkings nie geld vir 'n wynmakery en 'n toerisme fasiliteite nie, wat van 09:00 tot 18:00 ook op sodanige dae handel kan dryf.
- (4) 'n Lisensiehouer mag 'n aansoek aan die Munisipaliteit rig vir permanente verlenging van drankhandelsure om drank vanaf 'n gelisensieerde perseel tot 20:00 te verkoop, vir solank die betrokke lisensiehouer 'n geldige dranklisensie vir die betrokke perseel het.

HOOFSTUK 3: VERLENGDE DRANKHANDELSURE

7. AANSOEK VIR DIE VERLENGING VAN DRANKHANDELSURE

- (1) 'n Lisensiehouer mag skriftelik aansoek doen by die Munisipaliteit vir verlengde drankhandelsure, vir 'n spesifieke tipe lisensie of katogorie van besigheidpersele, onderworpe aan die volgende—
- (a) in die geval van 'n lisensiehouer wat drank verkoop vir gebruik vanaf 'n gelisensieerde perseel, kan daar aansoek gedoen word vir 'n oopmaaktyd van 09:00 tot 'n sluitingstyd van 20:00;
 - (b) in die geval van 'n lisensiehouer wat drank verkoop vir gebruik op 'n gelisensieerde perseel, kan daar aansoek gedoen word vir 'n oopmaaktyd van 11:00 tot 'n sluitingstyd van 04:00; en
 - (c) verlengde drankhandelsure kan op aansoek van 'n applikant toegestaan word—
 - (i) as permanente vergunning, vir solank die betrokke lisensiehouer 'n geldige dranklisensie vir die betrokke perseel het;
 - (ii) vir 'n periode van een (1) kalenderjaar;
 - (iii) vir enige periode korter as een (1) kalendermaand; en
 - (iv) vir 'n spesiale geleentheid.
- (2) Die Munisipaliteit kan 'n aansoek om 'n verlenging van handelsure goedkeur of weier, en die aansoeker sal die reg tot appèl hê in terme van die bepalings van artikel 8 van hierdie verordening.
- (3) Geen regte val enige persoon toe, wat 'n aansoek om 'n verlenging van handelsure ingedien het nie, alvorens bewys van skriftelike goedkeuring deur sodanige persoon van die Munisipaliteit ontvang word nie.

- (4) Die Munisipaliteit mag, met skriftelike kennisgewing aan 'n applikant, voorwaardes vir handeldryf gedurende verlengde ure oplê, op voorwaarde dat hierdie voorwaardes opgelê konsekwent, onpartydig en regverdig sal wees vir alle aansoeke, en dat geen presedente geskep sal word nie.
- (5) Voordat die Munisipaliteit 'n aansoek oorweeg vir die verlenging van drankhandelsure, moet die aansoeker die volgende inligting en ondersteunende dokumentasie by die Munisipaliteit indie—
- (a) die uitkoms van oorlegpleging met eienaars en / of okkupeerders van persele aanliggend tot die gelisensieerde perseel, wat geaffekteer word deur die aansoek;
 - (b) die potensiële impak op die omliggende omgewing;
 - (c) die nabyheid van die gelisensieerde perseel aan omliggende residensieel gesoneerde areas, en kulturele, godsdienstige en opvoedkundige fasiliteite;
 - (d) die spesifieke tydperk waarvoor die aansoek gebring word en of die aansoek vir permanente verlengde drankhandelsure is;
 - (e) vorige lisensieopskortings, -wysigings of -herroepings van verlengde handelsdae en -ure, vir dieselfde gelisensieerde perseel;
 - (f) die rede waarom dit in die publiek se belang is om 'n verlenging van handelsure goed te keur en / of toe te staan;
 - (g) motiverings van die applikant wat handel oor die impak van—
 - (i) die risiko's en moontlike oorlaste vir die omliggende gemeenskap; en
 - (ii) verligtingsmaatreëls om die risiko's en moontlike oorlaste te verhoed en / of te beheer;
 - (h) die soneringsvereistes en -voorwaardes van die Munisipaliteit, vir die perseel;
 - (i) bewys van die geldigheid van die huidige dranklisensie en dat die munisipale diensterekening vir die betrokke perseel opbetaald is;
 - (j) kommentaar en aanbevelings van die Wes-Kaapse Drankraad, die Drankoffiser van die Suid Afrikaanse Polisie en die Wetstoepassings Departement van die Munisipaliteit ten opsigte van die aansoek, en
 - (k) waar van toepassing, die geldigheid van 'n besigheidslisensie.
- (6) Die Munisipaliteit kan enige goedkeuring vir die verlenging van drankhandelsure terugtrek, indien 'n lisensiehouer nie aan die voorwaardes vir die verlenging van drankhandelsdae en -ure voldoen nie, of indien bewys aan die Munisipaliteit gelewer kan word dat die verdere toelating van verlengde drankhandelsure nie meer gepas is nie.

HOOFSTUK 4: ALGEMENE BEPALINGS

8. APPÈLLE

'n Persoon wie verontreg voel oor 'n besluit geneem deur die Munisipaliteit, ingevolge enige gedelegeerde magte, mag in terme van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig, teen sodanige besluit appèlleer deur binne een-en-twintig (21) dae vanaf datum van kennisgewing van die besluit, skriftelike kennis aan die Munisipale Bestuurder te gee van die appèl, en redes vir die appèl te verstrek.

9. OPSKORTING, WYSIGING EN HERROEPING VAN VERLENGDE DRANKHANDELSURE

- (1) 'n Gemagtigde beampte mag, met diening van 'n skriftelike kennisgewing op die lisensiehouer of die persoon in beheer van 'n perseel, onmiddellik die verlengde handelsure van 'n lisensiehouer opskort, weens die nie-nakoming van bepalings van die Wet, of die bepalings van hierdie verordening, of enige gestelde voorwaarde van die dranklisensie of die goedkeuring van verlengde handelsure, wat nie nagekom is nie.
- (2) Die skriftelike kennisgewing soos voorsien in subartikel 9(1) van hierdie verordening, moet die redes vir en die tydraamwerke waarvolgens sodanige opskorting van verlengde handelsure in werking sal wees, spesifiseer.
- (3) Die skriftelike kennisgewing soos voorsien in subartikel 9(1) van hierdie verordening, moet die lisensiehouer opdrag gee om binne twee-en-sewentig (72) uur, skriftelike redes aan die Munisipaliteit te verskaf oor waarom die verlengde handelsure nie in geheel herroep moet word nie.
- (4) Die gemagtigde amptenaar moet enige opskorting van verlengde handelsure, skriftelik aan die delegeringsowerheid of -owerhede rapporteer.
- (5) Die Munisipaliteit moet, na oorweging van die gemagtigde amptenaar se opskortingsverslag en die versoë deur die lisensiehouer—
 - (a) handelsure ten opsigte van die betrokke besigheidperseel herbevestig, herbepaal of in totaal herroep soos toepaslik, en kan enige sodanige voorwaardes oplê as wat as wenslik beskou word; en
 - (b) enige besluit om die verlengde ure van handel te bevestig, wysig of te herroep, by die Wes-Kaapse Drankowerheid aanmeld.
- (6) Geen persoon sal voortgaan om drank aan die publiek te verkoop, gedurende sodanige tydperk waarin die verlengde ure van handel in drank opgeskort is nie.

- (7) Die Munisipaliteit sal nie verantwoordelik gehou word vir enige verlies aan inkomste wat deur 'n lisensiehouer gely word gedurende enige tydperk van opskorting van handelseure nie.

10. STRAFBEPALINGS

'n Persoon wat enige bepaling van hierdie verordening oortree, of versuim om daaraan te voldoen of versuim om te voldoen aan 'n kennisgewing uitgereik ingevolge hierdie verordening, of 'n instruksie uitgereik deur 'n gemagtigde beampte of aangebring op 'n kennisgewingsbord, begaan 'n oortreding en kan by skuldigbevinding -

- (a) 'n boete of gevangenisstraf opgelê word, of gevangenisstraf sonder die keuse van 'n boete, of beide sodanige boete en sodanige gevangenisstraf, opgelê word;
- (b) in die geval van 'n voortgesette misdryf, 'n bykomende boete of bykomende tydperk van gevangenisstraf of sodanige bykomende gevangenisstraf sonder die opsie van 'n boete of sodanige bykomende boete of gevangenisstraf vir elke dag waarop sodanige misdryf voortduur, opgelê word; en
- (c) 'n verdere bedrag as kostebevel opgelê word, gelykstaande aan enige kostes en / of uitgawes wat die Hof bevind deur die Munisipaliteit aangaan was, as gevolg van sodanige oortreding.

11. BEDIENING VAN KENNISGEWINGS EN ANDER DOKUMENTE

- (1) 'n Kennisgewing, bevel, aanskrywing, of ander dokument wat ingevolge hierdie verordening deur die Munisipaliteit uitgereik word, word geag behoorlik uitgereik te wees indien 'n beampte wat deur die Munisipaliteit gemagtig is, dit onderteken het.
- (2) Wanneer dit nodig is om enige gemagtigde kennisgewing, bevel, aanskrywing of ander dokument te bedien op 'n persoon ingevolge hierdie verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees—
- (a) wanneer dit persoonlik aan die persoon afgelewer is;
- (b) wanneer dit by die persoon se plek van inwoning of besigheid in die Republiek van Suid-Afrika gelaat is, by 'n persoon wat duidelik ouer as sestien jaar is;
- (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan die persoon se laaste bekende woon- of besigheidsadres in die Republiek van Suid-Afrika, en 'n erkenning van die versending verskaf word;

- (d) indien die persoon se adres in die Republiek van Suid-Afrika onbekend is, wanneer dit aan die persoon se agent of verteenwoordiger in die Republiek van Suid-Afrika bedien is op so 'n manier, soos in subartikels 11(1)(a), 11(1)(b) of 11(1)(c) van hierdie verordening bepaal;
- (e) indien die persoon se adres en agent in die Republiek van Suid-Afrika onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom of perseel, indien enige, waarop dit betrekking het; of
- (f) in die geval van 'n bestuursliggaam, wanneer dit by die geregistreerde kantoor of die sakeperseel van sodanige bestuursliggaam afgelewer is.
- (3) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument aan 'n persoon ingevolge hierdie verordening bedien moet word, is dit nie nodig om dit by name te noem nie, maar sal dit voldoende wees as die persoon daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom of ander reg, wat ook al die geval mag wees.
- (4) 'n Bevel, kennisgewing of ander dokument wat waarmede vereis, moet behoorlik deur die Munisipaliteit onderteken wees.

12. TEENSTRYDIGHEDE MET ANDER WETGEWING

In die geval van teenstrydigheid tussen enige bepaling van hierdie verordening en nasionale en provinsiale wetgewing of regulasies, sal sodanige nasionale en provinsiale wetgewing of regulasies voorrang geniet.

13. HERROEPING VAN VERORDENINGE

- (1) Die bepalings van enige ander verordeninge voorheen uitgevaardig deur die Munisipaliteit, of deur enige van die afgeskafte munisipaliteite wat nou in die Munisipaliteit geïnkorporeer is, word hierby herroep in soverre dit betrekking het op aangeleenthede waarvoor in hierdie verordening voorsiening gemaak word.
- (2) Die volgende verordening van die Munisipaliteit van Theewaterskloof word hiermee spesifiek herroep—

Naam van verordening	Datum gepubliseer	In die geheel of gedeeltelik
Verordening insake Drankhandelsdae en- ure	PK 7155 gedateer 2 Augustus 2013	In die geheel

14. SKEDULE VORM DEEL VAN DIE VERORDENING

Die Skedule tot hierdie verordening vorm deel van hierdie verordening vir alle praktiese doeleindes.

15. KORT TITEL

Hierdie verordening staan bekend as die Verordening insake Drankhandelsdae en -ure van die Munisipaliteit van Theewaterskloof.

16. INWERKINGTREDING

Hierdie verordening tree op datum van publikasie daarvan in werking.

SKEDULE
DRANKHANDELSDAE EN –URE VIR DIE GEBRUIK VAN DRANK OP
GELISENSIEERDE PERSELE

Liggings kategorie & tipe gelisensieerde perseel	Maksimum toelaatbare drankhandelsure
1. Residensiële areas	
Gaste akkomodasie fasiliteit.	Maandag – Saterdag: 11:00 – 24:00 Sondag: 11:00 – 24:00
Plek van vermaak.	
Herberg / Taverne / Restaurant.	
Kroeg	
Persele gesoneer vir besigheid.	Maandag – Saterdag 11:00 – 24:00
Sport- en gemeenskapsklubs (Uitgesluit spesiale geleenthede wat 'n tydelike lisensie vereis).	Maandag – Saterdag: 11:00 – 24:00 Sondag: 11:00 – 24:00
Hotel	Maandag – Saterdag: 11:00 – 02:00 die volgende dag Sondag: 11:00 – 24:00
2. Plaaslike of buurtsakesentrums - insluitend gemengde gebruikareas	
Gaste akkomodasie fasiliteit.	Maandag – Saterdag: 11:00 – 24:00 Sondag: 11:00 – 24:00
Herberg / Taverne / Restaurant.	
Kroeg	
Plek van vermaak.	
Persele gesoneer vir besigheid.	Maandag – Saterdag 11:00 – 24:00
Sport- en gemeenskaps klubs (Uitgesluit spesiale geleenthede wat 'n tydelike lisensie vereis).	Maandag – Saterdag: 11:00 – 24:00 Sondag: 11:00 – 24:00
Hotel	Maandag – Saterdag: 11:00 – 02:00 die volgende dag Sondag: 11:00 – 24:00

3. Algemene besigheidsareas	
Gaste akkomodasie fasiliteit.	Maandag – Saterdag: 11:00 – 02:00 die volgende dag Sondag: 11:00 – 24:00
Herberg / Kroeg / Taverne / Restaurant.	
Plek van vermaak.	
Hotel	
Persele gesoneer vir besigheid.	Maandag – Sondag 11:00 – 24:00
Sport- en gemeenskaps klubs (Uitgesluit spesiale geleenthede wat 'n tydelike lisensie vereis).	Maandag – Saterdag: 11:00 – 02:00 die volgende dag Sondag: 11:00 – 24:00
4. Industriële areas	
Persele gesoneer vir besigheid.	Maandag – Saterdag: 11:00 – 02:00 die volgende dag Sondag: 11:00 – 24:00
Plek van vermaak.	
Sport- en gemeenskaps klubs (Uitgesluit spesiale geleenthede wat 'n tydelike lisensie vereis).	Maandag – Saterdag: 11:00 – 02:00 die volgende dag Sondag: 11:00 – 24:00
5. Landbou / landelike areas	
Gaste akkomodasie fasiliteit.	Maandag – Saterdag: 11:00 – 02:00 die volgende dag Sondag: 11:00 – 24:00
Plek van vermaak.	
Wynmakery en toerisme fasiliteit	
Hotel	
Persele gesoneer vir besigheid.	Maandag – Sondag 11:00 – 24:00
Sport- en gemeenskaps klubs (Uitgesluit spesiale geleenthede wat 'n tydelike lisensie vereis).	Maandag – Saterdag 11:00 – 02:00 die volgende dag Sondag: 11:00 – 24:00

6. Kleinhoewe areas	
Gaste akkomodasie fasiliteit.	Maandag tot Sondag 11:00 – 24:00
Plek van vermaak.	
Wynmakery en toerisme fasiliteit.	
Sport- en gemeenskaps klubs (Uitgesluit spesiale geleenthede wat 'n tydelike lisensie vereis).	Maandag tot Sondag 11:00 – 24:00
Persele gesoneer vir besigheid.	Maandag – Sondag 11:00 – 24:00
7. Ander ad-hoc liggings	
Voertuie of mobiele ondernemings gebuik vir toeriste of vermaaklikheid of ontspannings doeleindes, soos per definisie van "perseel" in artikel 1 van die Wet, tensy enige ander verordening van Theewaterskloof Munisipaliteit anders bepaal.	Maandag tot Sondag 11:00 – 24:00
Spesiale geleenthede of tydelike gelisensieerde persele	Soos bepaal deur die liggings kategorie
8. Casino	24 uur 'n dag en 7 dae 'n week
9. Spesiale geleenthede	Soos bepaal deur die lisensie kategorie of die sonering van die perseel