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PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Proviniale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

P.N. 147/2017

31 July 2017

LANGEBERG MUNICIPALITY**CONTROL OF UNDERTAKINGS THAT SELL LIQUOR
TO THE PUBLIC BY-LAW, 2017**

To provide for the control of undertakings that sell liquor to the public in the Langeberg Municipality, permitted trading times, a safe and healthy environment and to provide for matters incidental thereto.

PREAMBLE

WHEREAS a Municipality may, in terms of section 156 of the Constitution, make and administer by-laws for the effective administration of matters which it has the right to administer; and

WHEREAS it is the intention of the Municipality to set trading times and enforcement mechanisms for the control of premises which are situated within the jurisdiction of the Langeberg Municipality that sell liquor to the public;

NOW THEREFORE, BE IT ENACTED by the Council of the Langeberg Municipality, as follows:—

INTERPRETATION**Definitions**

1. In this By-law, unless the context indicates otherwise:—

“Act” means the Western Cape Liquor Act (Act 4 of 2008), and the regulations in terms thereof;

“authorised official” means an employee of the Municipality who has been authorised to enforce this By-law or an inspector appointed in terms of section 73(4) of the Act;

“designated liquor officer” means a person designated as such in terms of section 73(1) of the Act;

“guest accommodation establishment” means a business on premises zoned to provide lodging, meals and other related services for guests for compensation and includes:—

- (a) a backpacker’s lodge;
- (b) a bed-and-breakfast establishment;
- (c) a guest house and guest farm or lodge; and
- (d) facilities for business meetings, conferences, events or training sessions, but excludes a hotel;

“hotel” means a business on premises zoned to provide lodging, meals and other related services for guests for compensation, and includes:—

- (a) a restaurant or restaurants forming part of the hotel;
- (b) conference and entertainment facilities that are subservient and ancillary to the dominant use of the premises as hotel; and
- (c) premises which are licensed to sell liquor for consumption on the property,

but excludes an off-site consumption facility, guest accommodation establishment, dwelling house or dwelling unit;

“licensed premises” means premises upon which liquor may be sold, consumed or stored in terms of the Act;

“licensee” means a person to whom a liquor licence has been issued in terms of the Act, the manager approved in terms of the Act, a person acting for or on behalf of such licence holder or manager, and/or any person employed or in the service of such licence holder or manager;

“liquor” means any liquor product, liquid or substance as defined in the Act or the Liquor Products Act (Act 60 of 1989), and the regulations in terms thereof;

“Municipality” means the Langeberg Municipality, a Municipality established in terms of the Local Government: Municipal Structures Act (Act 117 of 1998), or any political structure, political office bearer or employee of the Municipality acting in terms of delegated authority;

“night club” means a business on any premises zoned as a place of entertainment which may generate noise from karaoke, amplified or live music or revelry and includes a theatre, amusement park and dance hall;

“premises” means a place, land, building or part of a building;

“sell” means to:—

- (a) supply, avail, offer, advertise or expose liquor; or
- (b) exchange for money or to dispose of liquor in any way for any type of consideration,

and **“sold”** has a corresponding meaning;

“standard trading times” means trading hours as contemplated in section 5 and the Schedule of this By-law, and excludes extended trading hours that may be approved by the Municipality in terms of section 6;

“tourist facility” means a business on a wine producing farm such as a liquor tasting facility, lecture room, restaurant, gift shop and liquor outlet where only liquor manufactured on the premises is sold to the public;

“weapon” means any object such as a knife or firearm which may cause bodily harm;

“Western Cape Liquor Authority” means the independent juristic person established by the Act; and

“zoning” means a category of land use as defined in the Municipality’s land use and planning legislation,

and **“zoned”** has a corresponding meaning.

If there are any discrepancies between the Afrikaans, English as well as isiXhosa texts of this By-law, the Afrikaans text will prevail.

Application

2. This By-law is applicable to persons and institutions that sell liquor to the public within the area of jurisdiction of the Municipality.

General Prohibition

3. No person or institution may sell liquor for consumption on or from any premises:—
 - (1) other than in accordance with this By-law;
 - (2) outside the hours that have been determined by the Municipality; or
 - (3) without a valid liquor licence that has been issued as contemplated in the Act.

STANDARD TRADING TIMES

Trading hours for sale and consumption of liquor on the licensed premises

4. (1) A licensee may, subject to the terms as stated below, sell liquor for consumption on the licensed premises during the hours as set out in the Schedule.

- (2) A licensee who sells liquor for consumption on the licensed premises may not allow any consumption of liquor on the premises at a time when the sale of liquor is not permitted.
- (3) A licensee in respect of a hotel or guest accommodation establishment may:—
 - (a) provide access to a pre-stocked bar facility inside a private suite or room for the enjoyment of guests occupying such private suite or room;
 - (b) not restock such bar facility during the hours the establishment is not allowed to sell liquor; and
 - (c) provide liquor as a room service to guests during the hours when the sale of liquor is permitted.
- (4) A licensee in respect of a hotel or guest accommodation establishment may not provide liquor to guests or visitors in rooms unless in accordance with subsection (3).

Trading hours for sale of liquor off the licensed premises

5. (1) A licensee for the sale of liquor for consumption off the licensed premises may sell liquor from 08:00 to 20:00 on any day of the week, except on Good Friday and Christmas day when liquor may only be sold between 08:00 and 13:00.
- (2) A licensee operating a tourist facility may, despite the provisions of subsection (1), sell liquor for consumption off the licensed premises on any day of the week from 07:00 to 24:00, except on Good Friday and Christmas day when liquor may only be sold between 08:00 and 13:00.

EXTENDED TRADING TIMES**Application for extended hours**

6. (1) A licensee may, upon payment of the required fee, submit a written application to the Municipality to extend the trading hours in respect of the licensed premises.
- (2) The Municipality may refuse or approve such application with or without terms and conditions.
- (3) No rights accrue to any person who has applied for an extension of trading days and hours before the receipt of written approval from the Municipality.
- (4) The Municipality must, when considering an application for the extension of trading hours, consider all relevant factors which may include:—
 - (a) the outcome of community consultation;
 - (b) the public interest;
 - (c) the proximity of the licensed premises to a residential area, cultural, religious or educational facility;
 - (d) the planning and zoning requirements of the Municipality;
 - (e) the potential impact on the tranquillity and well-being of the community;
 - (f) previous suspension, amendment or revocation of extended trading days and hours;
 - (g) the validity of the liquor licence;
 - (h) reports from the Western Cape Liquor Authority, the South African Police Services and law enforcement section of the Municipality; and
 - (i) the applicant's comments in respect of paragraphs (a) to (h) and the steps proposed to mitigate:—
 - (i) the risks to the surrounding community;
 - (ii) nuisances affecting the surrounding community; and
 - (iii) the possible effect of extended liquor trading hours on the surrounding community.

Revocation of consent for extended liquor trading hours

7. (1) An authorised official or designated liquor officer may with immediate effect, by written notice, revoke a consent for extended trading hours, upon failure by the licensee to comply with any condition of the consent for the extended trading hours.
- (2) An authorised official or designated liquor officer must, within 48 hours of revoking the consent for the extended trading hours, deliver copies of such revocation to the Western Cape Liquor Authority, the designated liquor officer or authorised official, whomever may be applicable, who was not involved in the issuing of the notice, and the Municipal Manager of the Municipality.
- (3) The Municipality is not liable for any loss of income suffered by a licensee as a result of a revocation of the consent.

Prevention of illegal sale of liquor and seizure of liquor

8. (1) An authorised official or designated liquor officer may temporarily close a licensed premises and/or, in terms of the Criminal Procedure Act (51 of 1977), seize and/or impound any liquor offered for sale on a licensed premises in contravention of:—
- (a) the zoning;
 - (b) this By-law; or
 - (c) the conditions, imposed by the Western Cape Liquor Authority or the Municipality, in respect of that licensed premises;
- (2) The Municipality may recover from the licensee or trader all costs incurred by the Municipality to temporarily close the premises and to seize or impound liquor as contemplated in subsection (1).

OBLIGATIONS OF THE LICENSEE**Display of signage and certificates**

9. (1) A licensee must, to the satisfaction of the authorised official or designated liquor officer, ensure that the following certificates are prominently displayed inside the licensed premises:
- (a) the certificate issued by the Municipality stating the zoning or land use in respect of that premises for purposes of the By-law; and
 - (b) the certificate in respect of that premises issued in terms of any Fire Safety By-law applicable in the Municipality.
- (2) A licensee must, to the satisfaction of the authorised official or designated liquor officer, ensure that the following information are prominently displayed on the front door or window of the licensed premises in characters not less than five centimetres in height:
- (a) the liquor licence number under which liquor may be sold; and
 - (b) the hours during which liquor may be sold.

Safety and Security

10. (1) A licensee must ensure compliance with all applicable legislation.
- (2) A licensee must ensure that reasonable and adequate safety and security measures are in place for the protection of patrons by ensuring, amongst others but not limited to:—
- (a) the storage of goods and equipment and the condition of the licensed premises and any structure thereon do not endanger the lives of patrons inside the premises; and
 - (b) adequate lighting on the outside of the licensed premises where patrons and staff access and exit the premises.

Additional Safety Measures

- 11.** (1) A licensee may implement measures to ensure that no weapons are in possession of patrons on licensed premises where liquor may be consumed or sold.
(2) A licensee may implement measures to limit the number of patrons who may enter the licensed premises.

Nuisances

- 12.** (1) A licensee must take all reasonable steps to ensure that the residents of the surrounding community are not unreasonably affected or inconvenienced by noise or other nuisances emanating from the licensed premises.
(2) A licensee must at all times keep the licensed premises clean and free from pollution and litter.
(3) A licensee must at all times keep the licensed premises and public areas surrounding free of litter, pollution and liquor containers which emanates from that premises.
(4) A licensee must ensure that all sales of liquor are confined to the licensed premises.
(5) A licensee must in respect of licensed premises where liquor may only be consumed off-site, ensure that no liquor is consumed on the premises or in public in the vicinity of the premises.
(6) A licensee must in respect of licensed premises where liquor may be consumed on that premises, ensure that no liquor is taken from that premises, except in the case of a tourist facility.

Delegations

- 13.** The Municipality may delegate any power or function in terms of this By-law to a political structure, political office bearer or an employee of the Municipality.

Indemnity

- 14.** The Municipality and any of its employees are not liable for any damages or costs as a result of any action undertaken in the execution of their duties in terms of this By-law.

Offences and Penalties

- 15.** Any person who contravenes or fails to comply with a—
 - (a) provision of this By-law;
 - (b) condition or instruction issued in terms of this By-law; or
 - (c) notice from an authorised official or designated liquor official,is guilty of an offence and is liable to a fine, or upon conviction, to imprisonment for a period not exceeding three years, or to both such fine and such imprisonment.

Repeal

- 16.** The Langeberg Municipality Liquor Trading Days and Hours By-law dated 25 January 2013, promulgated in Provincial Gazette No 7082, is hereby repealed.

Short title and commencement

17. (1) This By-law is called the Langeberg Municipality: Control of Undertakings that Sell Liquor By-law, 2017 and will, except as set out in subsection (3), come in operation on publication in the Provincial Gazette.
- (2) Trading days and hours applicable to a liquor licence issued before the commencement of this By-law, shall lapse and will be replaced on commencement of the provisions of this By-law, except as set out in subsection (3).
- (3) Where the hours permitted in an existing licence are different from those prescribed in this By-law, and a licence holder who requires extended hours apply within three months after the commencement of this By-law for extended hours, the hours will in such case only become enforceable after the final decision by the Municipality on such application.

SCHEDULE**Trading Hours for Selling Liquor for Consumption on Licensed Premises, Special Events and Temporary Licences**

1. On-site consumption liquor licences situated adjacent to or across the street from residential properties:
Sunday to Thursday 07:00 to 22:00
Friday and Saturday 07:00 to 24:00
2. On-site consumption liquor licences, including hotels and night clubs in other areas:
Sunday to Saturday 07:00 to 02:00 the next day
3. Special events or temporary licensed premises will comply with the hours set in Section 5 for off-site consumption premises, and with points 1. and 2. of the Schedule for on-site consumption premises.

Note: The isiXhosa translation will be published soon.

LANGEBERG MUNISIPALITEIT:**VERORDENING INSAKE BEHEER VAN ONDERNEMINGS WAT DRANK VERKOOP AAN DIE PUBLIEK, 2017**

Om voorsiening te maak vir die beheer van ondernemings wat drank verkoop aan die publiek binne Langeberg Municipaliteit, toegelate handelsure, 'n veilige en gesonde omgewing en aangeleenthede wat daarvan verband hou.

AANHEF

AANGESIEN 'n Municipaliteit kragtens artikel 156 van die Grondwet verordeninge kan uitvaardig en administreer vir die doeltreffende administrasie van daardie aangeleenthede waaroor dit die reg het om te administreer; en

AANGESIEN dit die Municipaliteit se voorneme is om toepassingsmeganismes vir handelstye in te stel om die ondernemings wat drank aan die publiek te verkoop binne die reggebied van die Municipaliteit te beheer;

DAAROM VERORDEN die Raad van die Langeberg Municipaliteit soos volg:—

UITLEG**Woordomskrywings**

1. In hierdie verordening, tensy uit die samehang anders blyk, beteken:—
“aangewese drankbeampte” 'n persoon as sodanig aangestel om hierdie verordening af te dwing kragtens artikel 73(1) van die Wet;
“algemene handelstye” handelsure soos beoog in artikel 5 en die Bylae tot hierdie verordening en sluit verlengde ure wat deur die Municipaliteit kragtens artikel 6 goedgekeur mag word, uit;
“drank” enige drankproduk, vloeistof of stof soos omskryf in die Wet of die Wet op Drankprodukte (Wet 60 van 1989), sowel as die regulasies daarkragtens uitgevaardig;
“gaste akkommodasie-onderneming” 'n onderneming wat op 'n perseel bedryf word wat gesoneer is om verblyf, etes en ander verwante dienste te verskaf aan gaste teen vergoeding en sluit in—
 - (a) 'n ruggsakreisigers-verblyfplek;
 - (b) 'n bed-en-ontbyt verblyfplek;
 - (c) 'n gastehuis, gasteplaas of vakansiehuisoorlogspalek;
 - (d) geriewe vir sakebyeenkomste, konferensies, geleenthede of opleidingsessies,

maar sluit nie 'n hotel in nie.

“gelisensieerde perseel” 'n perseel waarop drank verkoop, gebruik of gestoor mag word soos bedoel in die Wet;

“gemagtigde beampte” 'n werknemer van die Municipaliteit aangestel om hierdie verordening af te dwing of 'n inspekteur aangestel kragtens artikel 73(4) van die Wet;

“hotel” 'n onderneming op 'n perseel gesoneer om verblyf, etes en ander verwante dienste te verskaf aan gaste teen vergoeding en sluit in—

- (a) 'n restaurant of restaurante wat deel vorm van die hotel;
- (b) 'n konferensie- en vermaakkheidsgereiewe wat ondergeskik en aanvullend tot die oorheersende gebruik van die perseel as hotel is; en
- (c) 'n perseel wat gelisensieer is om drank vir gebruik op die perseel te verkoop,

maar sluit 'n buitegebruik- of gaste akkommodasie-onderneming, woonhuis of wooneenhed uit.

“lisensiehouer” die persoon aan wie 'n dranklisensie uitgereik is kragtens die Wet, die bestuurder goedgekeur kragtens die Wet, 'n persoon wat namens sodanige persoon of bestuurder optree en/of enige persoon werkzaam vir of in diens van sodanige persoon of bestuurder;

"Munisipaliteit" Langeberg Munisipaliteit, 'n munisipaliteit ingestel kragtens die Wet op Plaaslike Regering: Municipale Strukture (Wet 117 van 1998), of enige politieke struktuur, politieke ampsdraer of werknemer van die Munisipaliteit wat kragtens gedelegeerde bevoegdheid optree;

"nagklub" 'n onderneming op 'n perseel gesoneer as 'n vermaakklike plek waar geraas veroorsaak mag word deur karaoke, klankversterkte of lewendige musiek of joligheid en sluit 'n teater, pretpark en danssaal in;

"sonering" beteken 'n kategorie van grondgebruik soos omskryf in die Munisipaliteit se Grondgebruik- en Beplanningswetgewing en **"gesoneer"** het 'n soortgelyke betekenis;

"perseel" 'n plek, grondgedeelte, gebou of gedeelte van 'n gebou;

"toeriste-fasiliteit" 'n onderneming op 'n wynproduserende plaas soos 'n wynproef-fasiliteit, lesingkamer, restaurant, geskenkwinkel en plek waar slegs drank wat op die perseel vervaardig is aan die publiek verkoop word.

"verkoop" om drank te—

- (a) verskaf, aan te bied, vertoon, adverteer of ten toon te stel; of
- (b) verruil vir geld of om daarvan ontslae te raak vir enige vorm van vergoeding;

"wapen" enige voorwerp soos 'n mes of vuurwapen wat liggaamlike beserings kan veroorsaak;

"Wes-Kaapse Drankowerheid" die onafhanklike regspersoon ingestel deur die Wet;

"Wet" die Wes-Kaapse Drankwet (Wet 4 van 2008) en die regulasies uitgevaardig daarkragtens.

Indien daar enige verskil tussen die Engelse, Afrikaanse asook isiXhosa weergawes van hierdie Verordening voorkom, sal die Afrikaanse weergawe deurslaggewend wees.

Toepassing

2. Hierdie Verordening is van toepassing op persone en instellings wat drank verkoop aan die publiek binne die regsgebied van die Munisipaliteit.

Algemene verbod

3. Geen persoon of instelling mag drank verkoop vir gebruik op of buite die perseel nie—
 - (1) anders as soos bepaal in hierdie Verordening nie;
 - (2) op ander ure as bepaal deur die Munisipaliteit nie; of
 - (3) sonder 'n geldige dranklisensie soos beoog in die Wet nie.

STANDAARD HANDELSTYE

Handelsdae en ure vir die verkoop en verbruik van drank op die perseel

4. (1) 'n Licensiehouer mag, onderworpe aan die onderstaande voorwaarde, drank verkoop vir verbruik op die gelisensieerde perseel gedurende die ure soos bepaal in die Bylae.
- (2) 'n Licensiehouer wat drank verkoop vir verbruik op die gelisensieerde perseel mag nie enige verbruik op die perseel toelaat op enige tyd waarop drank nie op die perseel verkoop mag word nie.
- (3) 'n Licensiehouer ten aansien van 'n hotel of 'n gaste akkommodasie-onderneming mag:—
 - (a) toegang verskaf tot 'n vooraf-toegeruste kroeg binne 'n privaat suite of kamer vir gebruik van gaste wat sodanige suite of kamer bewoon;
 - (b) nie sodanige kroeg aanvul gedurende die ure waarop drank nie verkoop mag word nie; en
 - (c) drank verskaf aan gaste as 'n kamerdiens gedurende ure waarop die verkoop van drank toegelaat word.

(4) 'n Licensiehouer ten aansien van 'n hotel of gaste akkommodasie-onderneming mag nie drank verskaf aan gaste of besoekers in hul kamers anders as soos in subartikel (3) uiteengesit nie.

Handelsure vir verbruik buite die perseel

5. (1) 'n Licensiehouer vir die verkoop van drank buite die perseel mag drank verkoop vanaf 08:00 tot 20:00 op enige dag van die week, behalwe op Goeie Vrydag en Kersdag wanneer drank slegs vanaf 08:00 tot 13:00 verkoop mag word.
(2) 'n Licensiehouer ten aansien van 'n toeriste-fasiliteit mag, ondanks subartikel (1), drank verkoop vanaf 07:00 tot 24:00 vir verbruik buite die perseel op enige dag van die week, behalwe op Goeie Vrydag en Kersdag wanneer drank slegs vanaf 08:00 tot 13:00 verkoop mag word.

VERLENGDE HANDEL

Aansoek om verlengde handelsure

6. (1) 'n Licensiehouer, mag na betaling van die voorgeskrewe tarief, skriftelik aansoek doen by die Munisipaliteit om die handelsure van toepassing op die gelisensieerde perseel te verleng.
(2) Die Munisipaliteit mag sodanige aansoek weier of goedkeur met of sonder beperkings of voorwaardes.
(3) Geen regte word gevestig op enige persoon wat aansoek gedoen het om verlengde handelsure voor die ontvangs van skriftelike goedkeuring vanaf die Munisipaliteit nie.
(4) Die Munisipaliteit moet, wanneer 'n aansoek om verlengde handelsure oorweeg word, alle relevante oorwegings in ag neem wat die volgende mag insluit:—
 - (a) die uitkoms van openbare oorlegpleging;
 - (b) die openbare belang;
 - (c) die nabyheid van die perseel aan 'n woongebied, kulturele-, religieuse- of opvoedkundige fasiliteit;
 - (d) die beplannings- en soneringsvereistes van die Munisipaliteit;
 - (e) die moontlike impak op die rustigheid en welstand van die gemeenskap;
 - (f) vorige opskorting, wysiging of herroeping van verlengde handelsure;
 - (g) die geldigheid van die dranklisensie;
 - (h) verslae van die Wes-Kaapse Drankowerheid, die Suid-Afrikaanse Polisiediens en die Wetstoepassingsafdeling van die Munisipaliteit; en
 - (i) die kommentaar van die applikant rakende paragrawe (a) tot (h) en die maatreëls voorgestel om die volgende te verminder—
 - (i) die risiko's vir die omliggende gemeenskap;
 - (ii) oorlaste vir die omliggende gemeenskap; en
 - (iii) die moontlike gevolge van die verlengde handelsure op die omliggende gemeenskap.

Herroeping van goedkeuring vir verlengde handelsure

7. (1) 'n Gemagtigde beampete of aangewese drankbeampete mag by wyse van skriftelike kennisgewing, met onmiddellike effek die goedkeuring vir verlengde handelsure herroep indien die licensiehouer nie voldoen aan enige voorwaarde waarop die goedkeuring verleen is nie.
(2) Die gemagtigde beampete of aangewese drankbeampete moet binne 48 uur na die herroeping van die verlengde handelsure afskrifte van sodanige herroeping besorg aan die Wes-Kaapse Drankowerheid, die gemagtigde beampete of aangewese drankbeampete, na gelang van die geval, wat nie by die uitreik van die kennisgewing betrokke was nie, en die Munisipale Bestuurder van die Munisipaliteit.
(3) Die Munisipaliteit is nie aanspreeklik vir enige verlies van inkomste gely deur die licensiehouer as gevolg van die herroeping nie.

Verbod op Onwettige verkoop van drank en Beslaglegging op drank

8. (1) 'n Gemagtigde beampte of aangewese drankbeampte mag 'n gelisensieerde perseel tydelik sluit en/of ingevolge die Strafproses Wet (Wet 51 van 1977) beslag lê op, of skut, enige drank wat te koop aangebied word strydig met:—

- (a) die sonering;
- (b) hierdie Verordening; of
- (c) die voorwaardes opgelê deur die Wes-Kaapse Drankowerheid of die Munisipaliteit ten opsigte van daardie gelisensieerde perseel.

(2) Die Munisipaliteit mag enige koste wat aangegaan is deur die Munisipaliteit om die perseel tydelik te sluit en die drank in beslag te neem of te skut, soos bedoel in subparagraaf (1), van die lisensiehouer of handelaar verhaal.

VERPLIGTINGE VAN DIE LISENSIEHOUER

Vertoon van tekens en sertifikate

9. (1) 'n Licensiehouer moet, tot bevrediging van die gemagtigde beampte of aangewese drankbeampte, verseker dat die volgende sertifikate prominent vertoon word binne die gelisensieerde perseel:—

- (a) die sertifikaat uitgereik deur die Munisipaliteit waarin die sonering van toepassing op die gelisensieerde perseel vermeld word vir die doeleindes van hierdie Verordening; en
- (b) die sertifikaat ten aansien van die gelisensieerde perseel uitgereik kragtens enige Verordening rakende Brandvoorkoming van toepassing in die Munisipaliteit.

(2) 'n Licensiehouer moet, tot bevrediging van die gemagtigde beampte of aangewese drankbeampte, verseker dat die volgende inligting prominent vertoon word teen die voordeur of -venster van die gelisensieerde perseel in letters van nie minder nie as vyf sentimeter groot:—

- (a) die dranklisensienommer waarkragtens drank verkoop mag word; en
- (b) die ure waartydens drank verkoop mag word.

Veiligheid en Sekuriteit

10. (1) Dit is die plig van 'n licensiehouer om te verseker dat alle toepaslike wetgewing nagekom word.

(2) 'n Licensiehouer moet verseker dat redelike en voldoende veiligheidsmaatreëls in plek is vir die beskerming van klante deur toe te sien tot die volgende, maar nie beperk daar toe nie:—

- (a) dat die stoor van goedere en toerusting, die toestand van die gebou en enige struktuur daarop nie die lewens van klante binne die gelisensieerde perseel in gevaar stel nie; en
- (b) dat voldoende beligting bestaan buite die gelisensieerde perseel waar klante die perseel inkom of uitgaan.

Bykomende Veiligheidsmaatreëls

11. (1) 'n Licensiehouer mag maatreëls instel om te verseker dat geen wapen in besit is van klante op gelisensieerde persele waar drank verkoop of gebruik word nie.

(2) 'n Licensiehouer mag maatreëls instel om die getal persone wat die gelisensieerde perseel mag binne gaan te beperk.

Oorlaste

12. (1) 'n Licensiehouer moet redelike stappe neem om te verseker dat die omliggende gemeenskap nie onredelik geaffekteer of verontriew word deur geraas of ander oorlaste afkomstig van die gelisensieerde perseel nie.

- (2) 'n Licensiehouer moet te alle tye die gelisensieerde perseel skoon hou sonder besoedeling en vullis.
- (3) 'n Licensiehouer moet te alle tye die openbare areas rondom die gelisensieerde perseel skoon hou deur vullis, besoedeling en drankhouders afkomstig van die perseel op te ruim.
- (4) 'n Licensiehouer moet verseker dat alle verkope van drank slegs op die gelisensieerde perseel plaasvind.
- (5) 'n Licensiehouer van 'n gelisensieerde perseel waar drank slegs buite die perseel gebruik mag word, moet verseker dat geen drank gebruik word op die perseel of in die openbaar in die omgewing van die perseel nie.
- (6) Behalwe in die geval van 'n toeriste-fasiliteit moet 'n licensiehouer van 'n gelisensieerde perseel waar drank op die perseel gebruik mag word, verseker dat geen drank vanaf die perseel geneem word nie.

Delegasies

13. Die Munisipaliteit mag enige mag of funksie in hierdie Verordening deleger aan 'n politieke struktuur, politieke ampsbekleer of 'n werknemer van die Munisipaliteit.

Vrywaring

14. Die Munisipaliteit of werknemers daarvan is nie aanspreeklik vir enige skade of koste as gevolg van optrede in die uitvoering van hul pligte ingevolge hierdie Verordening nie.

Oortredings en strawwe

15. Enige persoon wat die volgende oortree of nie daaraan voldoen nie:

- (a) enige bepaling van hierdie Verordening;
- (b) enige voorwaarde gestel of opdrag uitgereik ingevolge hierdie Verordening; of
- (c) enige kennisgewing van 'n gemagtigde beampte of aangewese drankbeampte,

is skuldig aan 'n misdryf en kan by skuldigbevinding 'n boete opgelê word of gevangenisstraf vir 'n tydperk wat nie drie jaar oorskry nie, of beide 'n boete en gevangenisstraf.

Herroeping

16. Die Langeberg Munisipaliteit: Drank Handelsdae en -ure Verordening gedateer 25 Januarie 2013, afgekondig in Provinciale Koerant Nr 7082, word hiermee herroep.

Kort titel en inwerkintrede

17. (1) Hierdie Verordening staan bekend as die Langeberg Munisipaliteit: Beheer van Ondernemings wat drank verkoop Verordening, 2017, en tree in werking, behalwe soos uiteengesit in subparagraph (3), by afgekondiging in die Provinciale Koerant.

(2) Handelsdae en -ure van toepassing op 'n dranklisensie wat uitgereik is voor die inwerkintrede van hierdie Verordening, sal verval en vervang word deur die bepalings van hierdie Verordening, behalwe soos uiteengesit in subparagraph (3).

(3) Indien die handelsure in 'n bestaande dranklisensie meer of langer is as voorgeskryf in hierdie Verordening, en die licensiehouer doen aansoek om verlengde ure binne drie maande na inwerkintrede van hierdie Verordening, tree die gewysigde handelsure slegs in werking na die finale besluit van die Munisipaliteit rakende die aansoek.

BYLAE**Handelsure vir die verkoop van drank vir gebruik op Gelisensieerde Persele, Spesiale Byeenkomste en Tydelike Lisensies**

1. Persele wat gelisensieer is vir die gebruik van drank op die perseel en geleë is aangrensend of oorkant die straat van residensiële eiendomme:

Sondag tot Donderdag: 07:00 tot 22:00

Vrydag en Saterdag: 07:00 tot 24:00

2. Persele wat gelisensieer is vir gebruik van drank op die perseel, insluitende hotelle en nagklubs in ander gebiede:

Sondag tot Saterdag: 07:00 tot 02:00 die volgende dag

3. Spesiale byeenkomste en tydelik gelisensieerde persele moet die ure nakom soos voorgeskryf in paragraaf 5 van hierdie Verordening vir buite verbruik persele, en die tye soos uiteengesit in punte 1. en 2. van die Bylae vir verbruik op die perseel.

Nota: Die isiXhosa vertaling sal binnekort geplaas word.

