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IZIQULATHO

(Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho sePhondo, 7 Wale Street, eKapa 8001.)

IGunya loMmandla

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MATZIKAMA MUNICIPALITY

AMENDED BY-LAW RELATING TO TRADING DAYS AND -HOURS FOR SALE OF LIQUOR IN MATZIKAMA MUNICIPAL AREA

Notice is hereby given in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Matzikama Municipality hereby amends the By-Law relating to Trading days and –hours for the sale of liquor in Matzikama Municipality Area, promulgated in the Western Cape *Provincial Gazette* no's. 7339 of 12 December 2014 and 7623 of 3 June 2016, as follows:

To provide for the control of undertakings selling liquor to the public in order to ensure a safe and healthy environment in the Matzikama municipal area; to provide for days and hours of trade in liquor by licensed undertakings that sell liquor to the public; and to provide for matters related thereto.

Preamble

WHEREAS a Municipality has the executive authority, in terms of Section 156(1)(a) read with Part B of Annexure 5 of the Constitution of the Republic of South Africa, 1996, to control undertakings that sell liquor to the public;

WHEREAS a Municipality may, in terms of Section 156(2) of the Constitution, make and administer by-laws for the effective administration of the matters which it has the right to administer;

WHEREAS a Municipality may, in terms of Section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), pass by-laws and take decisions;

WHEREAS it is the intention of the Municipality to set trading days and hours for all licensed premises, business or outlets situated within the Matzikama municipal area that sell liquor to the public, in terms of Section 59(2) of the Western Cape Liquor Act, 2008 (Act of 2008);

AND NOW THEREFORE, BE IT ENACTED by the Council of the Matzikama Municipality, as follows:

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1. Definitions

(1) In this By-law, unless the context indicates otherwise;

"Act" Means the Western Cape Liquor Act, 2008 (Act 4 of 2008), as amended read together with relevant Regulations;

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

"Appeal Tribunal" means an Appeal Tribunal established in terms of Section 25(1) of the Act;

"Authority" means the Western Cape Liquor Authority established by Section 2(1) of the Act;

"bar" - any open bar or any part of licensed premises exclusively or mainly used for the sale and consumption of liqour which shall include any counter or barrier accross which drink is or can be served to the public or in relation to any hotel, pub or tavern, includes any part of the hotel, pub or tavern that is used principally or exclusively for the sale, supply or consumption of liquor;

"bus" see "motor vehicle"

"business premises" means a property on which business is conducted and may include a restaurant, pub, bar or taverns or other building with similar uses, but exclude a place of entertainment, guest accommodation establishment, hotel, sports and community club;

"Business zoned areas" means an area predominantly zoned general business in terms of the Zoning Scheme, with the purpose to promote economic activity in a business district and development corridor, and includes a wide range of land uses such as business, residential and community uses;

"Council" means the Municipal Council of the Municipality as elected;

"designated liquor officer" means a person designated as such in terms of Section 73(1) of the Act;

"Exceptional circumstances" means any circumstances which is not made provision for in this By-Law.

"farmstall" means a building or structure which does not exceed 100m² in floor space, including storage facilities, where a farmer sells products produced and processed on his farm (in other words not products produced and processed on his farm), whether to his own employees or to the general public.

"guest accommodation establishment" means premises uses as temporary residential accommodation for, and includes the provision of meals to, overnight guests for compensation and includes a backpacker's lodge, a bed-and-breakfast establishment, guest house and guest farm or lodge, as well as facilities for business meeting, conferences, events or training sessions of resident guests, but exclude a hotel;

"hotel" means a property used as temporary residential accommodation for overnight guests where lodging or meals are provided for compensation, and includes:

(a) a restaurant or restaurants forming part of a hotel;

(b) Conference and entertainment facilities that are subservient and ancillary to the dominant use of a premises as a hotel;

(c) Premises which are licensed to sell alcoholic beverages for consumption on the property, but excludes an off-consumption facility, guest accommodation establishment, dwelling house or dwelling unit;

“Industrial zones” means an area predominantly zoned industrial that accommodate all forms of industry, but do not include noxious or hazardous trade risk activities;

“karaoke” - a form of interactive entertainment during which an amateur singer sings with recorded music using a microphone.

“licensee” means any person who is licensed to sell liquor in terms of the Act and includes any licensed premises, business, outlet or land use activity from which liquor is sold;

“liquor” means liquor as defined in Section 1 of the Act;

“Liquor License Tribunal” means the Liquor Tribunal as defined in Section 1 of the Act;

“rural business or neighbourhood business area” means an area predominantly zoned local business or mixed use or any other equivalent zoning, with the purposes to accommodate low density commercial and mixed use development serving local needs of convenience goods, personal service or small scale business nature or serve as an interface between general business, industrial and adjacent residential area;

“Matzikama Municipality” means the Matzikama Municipality established by the Establish Notice published in Provincial Notice No. 481 of 2000, as amended, and **“Municipality”** has a corresponding meaning;

“micro-manufacturer” - a producer of liquor who in a calendar year does not produce more than the prescribed volume.

‘‘motor vehicle’’ means a vehicle designed or adapted for propulsion or haulage on a road by means of fuel, gas or electricity, including a trailer or an agricultural or other implement designed or adapted to be drawn by such vehicle and include vehicles designed or adapted to transport passengers;

“neighbourhood” means a part of a town where people live;

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

“Off-consumption license” a license entitling the licensee to sell liquor for consumption only away from the licensed premises and "off-consumption" has a corresponding meaning;

“Official” means any person authorized by the Authority to perform the function of an officer under this By-law and includes any member of the South African Police Services and any person appointed in terms of the Act;

“On-consumption license” - a license entitling the licensee to sell liquor for consumption only on the licensed premises and "on-consumption" has a corresponding meaning.

“person” means a natural person or a juristic person which may include—
(a) a licensee or any person in charge or managing the licensed premises for the purposes of the sale of liquor;
(b) any body of persons corporate or unincorporated,
(c) any company incorporated or registered as such under any law or any village management board, or like authority.

"premises" includes any place, land, building or conveyance or any part thereof which is registered or which is seeking to be registered to trade in liquor;

"place of entertainment" means a place used predominantly for commercial entertainment (which may operate on a daily basis or as schedule) which may attract relatively large numbers of people, 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, karaoke bar and night club;

"place of recreation" means a sport field, amusement park or similar public place intended for communal recreation, mainly in the open air;

"registered premises" means premises on or from which a licensee conduct his or her business;

"Residential zoned area" means an area predominantly zoned Residential 1, 2 or 3 or any other equivalent zoning, with the purpose of accommodate predominantly single-families in low and medium density neighbourhoods, as well as higher densities living accommodation and which include controlled opportunities for home employment, additional dwellings and low intensity mixed use development;

"Responsible Manager" means a manager that will take overall responsibility for the processing of liquor license application and appeals;

"restaurant"- Any premises where the sale and supply of food to the public for consumption on the premises is the principal purpose of business which may include a bar/pub (where the supply of liquor is for on-consumption only);

"room service facility" means a mini bar of self-help facility or the consumption of liquor in guest rooms and call-up service for resident guests;

"sell" includes supply, exchange, offer for sale, display for the purpose of sale or authorize, direct, or allow a sale;

"selling hours" means the time during which a licensee is allowed to sell liquor in terms of the annexure;

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

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

"Special event" – a fundraising event (organised from time to time) in aid of an educational / welfare organisation, any exhibition, sports meeting, cultural gathering or artistic performance;

"Sports and Community club" means premises or facility used for the gathering of community or civic organization or associations, sports clubs or other social or recreational clubs run mostly not for profit and may include community service clubs and community centres or similar amenities, but excludes a night club;

"Specific business" means a business use of a particular nature but within Zoning scheme regulations promulgated in terms of Sections 7 & 8 of the Land Use Planning Ordinance, 1985 (No 15 van 1985) (definitions) or replacement By-Law with applicable content and that is prescribed for a specific site by the Council;

"standard trading" means trading days and trading hours as contemplated in Sections 4 and 5 of this By-law, and excludes extended trading days and hours that may be approved by the Municipality in terms of Section 6 of this By-law;

"tavern" – a place whose main business purpose is the supply/serving of liquor and various forms of entertainment and serving of snacks (not sitting down meals).

"temporary license" refer to Section 48 of the Act

"tourist facility" – amenities for tourists such as lecturer rooms, restaurants, gift shops, and restrooms permitted by die Council as a consent use, but does not include overnight accommodation;

"trading days" means the days on which liquor may be sold during trading hours;

"trading hours" means the hours during which liquor may be sold during trading days;

"undertaking" means a business involved with the sale of liquor to the public;

"winery" includes premises or facilities which are used in the production of wine and such premises and facilities include facilities for crushing grapes and fermentation and aging of wine, 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, which may include:
(a) Restaurants and other food services; or
(b) Subsidiary retail facilities to tours or visitors

"zoned" means zoned and zoning as the case may be in terms of the applicable zoning scheme or any applicable law and **"zoning"** has a corresponding meaning;

"zoning scheme" means the zoning scheme applicable to the area in force with the area of jurisdiction of the Matzikama Municipality.

(2) In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act has that meaning read together with the applicable Land Use Scheme Regulations and the By-Law relating to streets, public places and the Prevention and suppression of nuisances.

2. Purpose of By-law

The Municipality, acting in terms of the powers granted to it in the Act, adopts this By-law with the aim of regulating the hours during which liquor may be sold and matters related thereto.

3. Application of By-law

This By-law applies to all premises, situated within the area of jurisdiction of the Municipality, on which a business in the trading of liquor;
(a) Those selling liquor to the public of consumption on the licensed premises;
(b) Those selling liquor to the public of consumption off the licensed premises; and
(c) Those selling liquor to the public of consumption on and off the licensed premises.

4. Trading days and hours for sale and consumption of liquor on licensed premises

(1) A licensee may sell liquor for consumption on the licensed premises on the following days and hours:
(a) on any day of the week, with the exception that places of entertainment, sports bars, *taverns/bars*, pubs, and nightclubs will not be allowed to trade on closed days for instance Sundays, Good Friday, Christmas day and other religious days; or
(b) during the hours of trade as set out in the Annexure.

(2) A licensee who sells liquor for consumption on licensed premises may not allow any consumption of liquor on the licensed premises at a time when the sale of liquor is not permitted.

(3) Despite the provisions of this By-law, a licensee as contemplated in subsection (1), may serve sparkling wine:
(a) From 08:00 to 00:00 for seven days a week; and
(b) As part of a meal; and
(c) To guests that are part of an organized function where admittance is controlled.

(4) A hotel or guest accommodation establishment licensed to sell liquor for consumption on the licensed premises may provide access to a pre stocked bar facility inside each private suite or room for the enjoyment of a guest occupying such private suite or room. Such hotel or guest accommodation establishment is prohibited restocking such bar facility during the hours the establishment is not allowed to trade in liquor.

(5) A hotel or guest accommodation establishment licensed to sell liquor for consumption on the licensed premises may not provide liquor to guests or visitors outside of the standard trading hours unless it is from the pre stocked bar facility and the users are guests occupying on that day and time the private suites or rooms in accordance with (4);

5. Trading days and hours for sale of liquor for consumption <u>off</u> licensed premises

(1) A licensee may sell liquor for consumption off the licensed premises on the following days and hours:
(a) on any day of the week with the exception of Sundays, Good Friday, Christmas day or other religious days provided such exception does not apply to a winery and/or tourist facility consisting of a wine and/or liquor shop, or any other facility related to the wine industry; or
(b) during the hours of trade as set out in the Annexure

(2) No undertaking may sell liquor in excess of 150 litres in one day to any person who is not in possession of a valid liquor license in terms of the Act and a (an approval for the specified business) business permit in terms of the Municipal by-laws.

6. Trading days and hours for sale and consumption <u>on and off</u> the licensed premises

A licensee of premises upon which liquor may be sold for consumption on and off the licensed premises may sell liquor in terms of the trading hours prescribed in subsection (4) and (5).

EXTENDED TRADING TIMES

7. Application for extended trading days and hours

(1) Any licensee may, upon payment of the required fee (as set out in the approved yearly tariff schedule of the Municipality), submit a written application to the Municipality to extend the trading days and hours in respect of licensed premises.

(2) The Municipality may approve or refuse an application for an extension of trading days and hours.

(3) No rights accrue to any person who has submitted an application for extension of trading days and hours before the proof of written approval is received from the Municipality by such person.

(4) The Municipality may, upon written notice to the applicant, impose conditions for trade during extended days and hours.

(5) The Municipality must, before approving an application for the extension of trading days and hours, consider factors which may include, *inter alia*—
- (a) outcome of community consultation and whether it is in the public interest to approve and grant an extension of trading days or hours;
- (b) the proximity of the licensed premises to surrounding residential zoned area, cultural, religious and educational facilities;
- (c) the planning and zoning requirements of the Municipality;
- (d) where applicable, the validity of a business license issued in terms of the Businesses Act of 1991 (Act No. 71 of 1991);
- (e) the potential impact on the surrounding environment;
- (f) previous suspension, amendment or revocation of extended trading days and hours;
- (g) the validity of the Liquor license;
- (h) reports from the Western Cape Liquor Authority; and
- (i) a motivation from the applicant dealing with the facts mentioned above and the impact of—
  - (i) the risks to and nuisances on the surrounding community;
  - (ii) mitigation measures to assist the control of risks and nuisances; and
  - (iii) possible benefits of extended liquor trading hours and days on the surrounding community.

8. Suspension, Amendment and Revocation of Extended Liquor Trading days and Hours

(1) An authorized official may, upon delivery of a written notice to the licensee or person in charge, immediately suspend extended trading hours for a maximum of 7 working days for the non-compliance of a condition in terms of the Act, this By-Law or any conditions of the liquor license.

(2) The written notice as contemplated in subsection (1), must specify the reasons and the timeframes in which such suspension of extended trading days and trading hours will be in effect.

(3) The written notice as contemplated in subsection (1), must call on the licensee to supply written reasons within 48 hours to the Municipal Manager on why the extended trading hours should not be revoked.

(4) The authorized official must, in writing, report such suspension to the Municipal Manager.

(5) Council or its delegate must, upon consideration of the suspension report of the authorized official and the representation by the licensee—
   (a) determine trading hours and days in respect of the business and may impose such conditions as it may deem fit; and
   (b) report any decision to confirm, amend or revoke the extended hours of trade to the Western Cape Liquor Authority.

(6) No person may continue selling liquor to the public during the period in which the extended days and hours of trading in liquor have been suspended, amended or revoked.

(7) The Municipality will not be held responsible for any loss of income suffered by a licensee during any period of suspension of trading days and hours.

PREVENTION OF ILLEGAL SALE OF LIQUOR AND SEIZURE OF LIQUOR

9. Prevention of illegal sale of liquor and seizure of liquor

(1) An authorized official may prevent or seize the illegal sale of liquor—
   (a) where liquor is sold from a premises where the sale of liquor is not permitted in terms of the Municipal zoning scheme; or
   (b) where liquor is sold in contravention of this By-law; or
   (c) where liquor is sold outside the hours and days as specified by this By-law or the conditions, imposed by the Western Cape Liquor Authority or the Municipality, in respect of that business; and
   (d) cause the temporary closure of the premises and / or seize any liquor on the premises in accordance with the Standard Operating Procedure on Impoundment of the Municipality and the Search and Seizure provisions as contemplated in the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(2) Where the sale of liquor is prevented and liquor is seized as contemplated in subsection (1), the Municipality may recover any costs incurred by the Municipality from the licensee.

10. Display of signage and other obligations of the licensee

(1) The licensee or person in charge must ensure that inside the business, to the satisfaction of the Municipality, a certificate issued by the Municipality stating the zoning or land use for purposes of this By-law and stating the approved hours of trade; are prominently displayed.

(2) The licensee or person in charge must ensure that on the outside of the business, to the satisfaction of the Municipality, the following are prominently displayed on the front door or window of the premises in characters not less than five centimetres in height:
   (i) the hours of trade of the business as approved by the Municipality; and
   (ii) the liquor license number under which the business trade.

11. Safety and Security

(1) Licensees must ensure that the licensed premises meets and complies with all environmental, planning, safety laws and that the conditions imposed by the Municipality are adhered to.

(2) The licensee or person in charge must ensure that reasonable and adequate safety and security measures are in place for the protection of the public/clients of the likened premises by ensuring, amongst others but not limited to, that—
   (a) the storage of goods and equipment and the condition of the premises and any structure thereon do not cause a danger to the safety of patrons inside the premises;

(b) the premises adheres to the requirements of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and any other permission granted or by-law promulgated by the Municipality; and
(c) there is adequate lighting on the outside of the premises where the public/clients and staff access and exit the licensed premises.

12. Liquor premises must be weapon free

Right of admission to liquor premises is reserved and no weapons or sharp objects are permitted inside on consumption liquor premises. A safe should be available at all times on consumption liquor premises in case persons in possession of guns or sharp objects need access to the premises.

13. Nuisances

(1) Any person selling liquor to the public must take all reasonable steps to ensure that noise from the liquor premises remain within the walls of such liquor premises at all times.

(2) Any person selling liquor to the public must take reasonable steps to ensure that the residents of the surrounding community are not unreasonably affected and inconvenienced by noise or other nuisances emanating from the premises.

(3) The licensee remains liable and responsible for all land pollution and littering within the liquor premises. The licensee is also responsible for all land pollution and littering outside the liquor premises flowing from the licensed premises. The liquor premises and surrounding areas must be kept clean at all times.

(4) There shall be no loitering by patrons outside the liquor premises and all sales and consumption of liquor shall be confined to the liquor premises.

14. Offences and Penalties

(1) Any person who contravenes or fails to comply with any—
(a) provision of this By-law;
(b) condition or instruction served in connection with this By-law; or
(c) written notice from an authorised official,
(d) on conviction, and subject to penalties prescribed in terms of any other law, is guilty of a first, second and/or third category offence.

(2) A person who is guilty of an offence may be sentenced up to a maximum of two (2) years imprisonment and/or a fine and/or community service.

(3) A court which sentences any person to community service for an offence in terms of this By-law must impose a form of community service which benefits the environment and/or community if it is possible for the offender to serve such a sentence in the circumstances.

15. Appeal

(1) The Appeal Tribunal must consider any appeal against, or an application for the review of a decision of the Authority in terms of Section 20(3) of the Act;

(2) An applicant or interested and affected party who is aggrieved by a decision of the Authority, lodge with the Authority a notice of appeal or review as prescribed;

16. Repeal

Any by-law relating to trading days and -hours for sale of liquor in Matzikama Municipality Area in so far as they apply in or have been assigned to Matzikama Municipality area hereby repealed as far as they relate to matters provided for in this By-law.

17. Short title and commencement

This By-law shall be called the Amended By-law relating to liquor trading days and -hours for sale of liquor in Matzikama Municipality Area, and shall come into operation on the date of publication thereof in the *Provincial Gazette Extraordinary*.

ANNEXURE

A	**License in terms of Section 36 of the Act for micro-manufacturing and sale of liquor for consumption *both on* and *off* the premises.**		
		TRADING HOURS	
	1. Agricultural zoned area & Rural area	**On-consumption**	**Off-consumption**
	Winery (farmstall)	10:00 – 02:00	8:00 – 20:00
	2. Industrial zones		
	Winery (includes production of wine, tasting and restaurants)	10:00 – 02:00	8:00 – 20:00
B	**License in terms of Section 36 of the Act for the sale of liquor for consumption *on* the premises where liquor is sold.**		
	1. Residential zoned area	**On-consumption**	**Description**
	Guest accommodation establishment	10:00 – 00:00 (see Section 4)	Closed days are included for trading only to overnight guests.
	Business premises (includes a restaurant, pub, bar, taverns) **Specific business**	10:00 – 00:00 (see Section 4)	Closed days except Sundays between 14.00 and 17.00, are excluded for trading except in restaurants.
	Place of entertainment (includes a cinema, theatre, amusement park, dance hall, gymnasium, facility for betting, gambling hall, karaoke bar and night club) **Place of recreation** (sport field, amusement park or similar public place) **Sports & community club** (for special events mostly not for profit which requiring temporary licenses excluding night clubs)	10:00 – 00:00 (see Section 4)	Closed days are excluded for trading.
	Hotel (includes accommodation, restaurant, certain entertainment / conferences and consumption on the property)	10:00 – 02:00 (see Section 4)	Closed days are excluded for trading except accommodation and restaurant as well as bar facilities, only to overnight guests.
	2. Rural or neighbourhood business areas		
	Guest accommodation establishment	10:00-00:00 (see Section 4)	Closed days are included for trading only to overnight guests.

	Business premises (includes a restaurant, pub, bar, taverns) **Specific business**	10:00-00:00 (see Section 4)	Closed days except Sundays between 14.00 and 17.00 are excluded for trading except in restaurants.
	Place of entertainment (includes a cinema, theatre, amusement park, dance hall, gymnasium, facility for betting, gambling hall, karaoke bar and night club **Place of recreation** (sport field, amusement park or similar public place) **Sports & community club** (for special events mostly not for profit which requiring temporary licenses excluding night clubs)	10:00-00:00 (see Section 4)	Closed days are excluded for trading
	Tourist facility (includes lecturer rooms, restaurants, gift shops)	10:00-00:00 (see Section 4)	Closed days are included for trading
	Hotel (includes accommodation, restaurant, certain entertainment / conferences and consumption on the property)	10:00-00:00 (see Section 4)	Closed days are excluded for trading except accommodation and restaurant facilities as well as bar facilities, only to overnight guests
	3. Business zoned areas / General Business		
	Guest accommodation establishment	10:00 – 02:00 (see Section 4)	Closed days are included for trading only to overnight guests
	Business premises (includes a restaurant, pub, bar, taverns) **Specific business**	10:00 – 02:00 (see Section 4)	Closed days except Sundays between 14.00 and 17.00 are excluded for trading except in restaurants.
	Place of entertainment (includes a cinema, theatre, amusement park, dance hall, gymnasium, facility for betting, gambling hall, karaoke bar and night club) **Place of recreation** (sport field, amusement park or similar public place) **Sports & community club** (for special events mostly not for profit which requiring temporary licenses excluding night clubs)	10:00 – 02:00 (see Section 4)	Closed days are excluded for trading

	Hotel (includes accommodation, restaurant, certain entertainment / conferences and consumption on the property)	10:00 – 02:00 (see Section 4)	Closed days are excluded for trading except accommodation and restaurant facilities as well as bar facilities only to overnight guests.
	4. Industrial zones		
	Business premises (include a restaurant, pub, bar, taverns)	10:00 – 02:00 (see Section 4)	Closed days except Sundays between 14.00 and 17.00 are excluded for trading except in restaurants.
	Specific business		
	Place of entertainment (includes a cinema, theatre, amusement park, dance hall, gymnasium, facility for betting, gambling hall, karaoke bar and night club) **Place of recreation** (sport field, amusement park or similar public place) **Sports & community club** (for special events mostly not for profit which requiring temporary licenses excluding night clubs)	10:00 – 02:00 (see Section 4)	Closed days are excluded for trading
	5. Agricultural zoned area & Rural area	**On-consumption**	
	Guest house accommodation establishment	10:00 – 02:00 (see Section 4)	Closed days are included for trading only to overnight guests.
	Business premises (includes a restaurant, pub, bar, taverns)	10:00 – 02:00 (see Section 4)	Closed days except Sundays between 14.00 and 17.00 are excluded for trading except in restaurants.
	Specific business		
	Place of entertainment (includes a cinema, theatre, amusement park, dance hall, gymnasium, facility for betting, gambling hall, karaoke bar and night club) **Place of recreation** (sport field, amusement park or similar public place) **Sports & community club** (for special events mostly not for profit which requiring temporary licenses excluding night clubs)	10:00 – 02:00 (see Section 4)	Closed days are excluded for trading

	Hotel (includes accommodation, restaurant, certain entertainment / conferences and consumption on the property)	10:00 – 02:00 (see Section 4)	Closed days are excluded for trading except accommodation and restaurant facilities as well as bar facilities only to overnight guests.
	Winery **Tourist facility** (includes lecturer rooms, restaurants, gift shops)	10:00 – 02:00 (see Section 4)	Closed days are included for trading
		TRADING HOURS	
C	**License in terms of Section 36 of the Act for the retail sale of liquor for consumption *off* the premises where liquor is sold.**		
		Description	**Off-consumption**
	Bottle store, retail food store, off-sales, wholesaler,	Closed days, except Sundays between 14.00 and 17.00, excluded for trading	Monday – Saturday: 08:00 - 20:00 Sunday: 14.00-17.00 (see Section 5)
	Tourist facility (includes lecturer rooms, restaurants, gift shops)	Closed days included for trading	Monday-Sunday: 08:00–20:00 (see Section 5)
D	**License in terms of Section 48 of the Act for the sale of liquor for consumption *on* the premises where liquor is sold.**		
	Temporary & Special event	**On-consumption** 10:00-00:00 Mo-Thursday 10:00-02:00 Fri-Saturday 10:00-22:00 Sunday	**Off-consumption** 09:00-20:00 Mo-Su 09:00-16:00 Sunday
	Note: Determine of application of applicable location category. Where the location category as set out above is unclear or in dispute or difficult to determine or areas are not zoned homogenously (e.g. a business zoned premises in the middle of a residential area) then the actual zoning, consent use or departure rights of the subject licensed premises will take precedence in order to determine the category. Description in annexure is only explanatory. Definition is regulatory.		

MATZIKAMA MUNISIPALITEIT

GEWYSIGDE VERORDENING INSAKE HANDELSDAE EN –URE VIR DIE VERKOOP VAN DRANK IN MATZIKAMA MUNISIPALE AREA

Kennis geskied hiermee ingevolge artikel 13 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) dat die Munisipaliteit Matzikama die Verordening insake handelsdae en -ure vir die verkoop van drank in Matzikama Munisipale Area, afgekondig in die Wes-Kaapse *Provinsiale Koerant* no. 7339 van 12 Desember 2014 en 7623 van 3 Junie 2016, soos volg wysig:

Om bepalings neer te lê vir die beheer van ondernemings wat drank aan die publiek verkoop ten einde ’n veilige en gesonde omgewing in die munisipale gebied Matzikama te verseker; om handelsdae en -ure te bepaal vir gelisensieerde ondernemings wat drank aan die publiek verkoop, en om bepalings neer te lê vir aangeleenthede wat daarmee verband hou.

Aanhef

NADEMAAL ’n munisipaliteit ingevolge artikel 156(1)(a) van die Grondwet van die Republiek van Suid-Afrika, 1996, in samehang met deel B van bylae 5 by die Grondwet, oor die uitvoerende gesag beskik om ondernemings te beheer wat drank aan die publiek verkoop;

NADEMAAL ’n munisipaliteit ingevolge artikel 156(2) van die Grondwet verordeninge mag maak en toepas vir die doeltreffende administrasie van aangeleenthede waarvan die administrasie volgens wet aan hom opgedra is;

NADEMAAL ’n munisipaliteit ingevolge artikel 11(3)(m) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) verordeninge mag uitvaardig en besluite mag neem;

NADEMAAL dit Matzikama Munisipaliteit se voorneme is om ingevolge artikel 59(2) van die Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008) handelsdae en -ure vas te stel vir alle gelisensieerde persele, ondernemings of afsetpunte wat in die munisipale gebied Matzikama geleë is en drank aan die publiek verkoop;

DAAROM VERORDEN die raad van Matzikama Munisipaliteit nou soos volg:

Inhoudsopgawe

1. Woordomskrywings
2. Doel van verordening
3. Toepassing van verordening
4. Handelsdae en -ure vir die verkoop en verbruik van drank op gelisensieerde persele
5. Handelsdae en -ure vir die verkoop en verbruik van drank weg van gelisensieerde persele
6. Handelsdae en -ure vir die verkoop en verbruik van drank op en weg van gelisensieerde persele
7. Aansoek om verlengde handelsdae en -ure
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9. Voorkoming van onwettige drankverkope, en beslaglegging op drank
10. Vertoon van naamborde, en ander verpligtinge van lisensiehouer
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12. Drankpersele moet wapenvry wees
13. Stoornisse
14. Misdrywe en strawwe
15. Appèl
16. Herroeping
17. Kort titel en inwerkingtreding

1. Woordomskrywings

(1) In hierdie verordening, tensy die samehang anders aandui, beteken:

“aangewese drankbeampte” ’n persoon wat ingevolge artikel 73(1) van die Wet as sodanig aangewys is;

“appèlraad” ’n appèlraad wat ingevolge artikel 25(1) van die Wet tot stand gebring is;

“beampte” enige persoon wat deur die owerheid afgevaardig is om die funksie van ’n beampte ingevolge hierdie verordening te vervul, wat insluit enige lid van die Suid-Afrikaanse Polisiediens en enige persoon wat ingevolge die Wet aangestel is;

“binneverbruiklisensie” ’n lisensie wat die lisensiehouer die reg gee om drank slegs vir verbruik op die gelisensieerde perseel te verkoop, en het **“binneverbruik”** ’n ooreenstemmende betekenis;

“buiteverbruiklisensie” ’n lisensie wat die lisensiehouer die reg gee om drank slegs vir verbruik weg van die gelisensieerde perseel te verkoop, en het “buiteverbruik” ’n ooreenstemmende betekenis;

“bus” sien “motorvoertuig”;

“buurt” ’n deel van ’n dorp waar mense woon;

“drank” drank soos wat artikel 1 van die Wet dit omskryf;

“Dranklisensiëringsraad” die Drankraad soos wat artikel 1 van die Wet dit omskryf;

“gasteverblyfonderneming” ’n perseel wat teen vergoeding gebruik word as tydelike residensiële verblyf vir, en onder meer ook die voorsiening van etes aan, oornaggaste, en wat insluit ’n oornagplek vir rugsakstappers, ’n bed-en-ontbytonderneming, gastehuis, gasteplaas of -herberg, sowel as fasiliteite vir sakevergaderings, konferensies, geleenthede of opleidingsessies vir inwonende gaste, met uitsluiting van ’n hotel;

“geregistreerde perseel” ’n perseel waarop of waarvandaan ’n lisensiehouer sy/haar onderneming bedryf;

“gesoneer” sonering ingevolge die toepaslike soneringskema of enige toepaslike wet, en het

“sonering” ’n ooreenstemmende betekenis;

“handelsdae” die dae waarop drank gedurende handelsure verkoop mag word;

“handelsure” die ure waarbinne drank op handelsdae verkoop mag word;

“hotel” ’n perseel wat as tydelike residensiële verblyf vir oornaggaste dien en waar huisvesting of etes teen vergoeding verskaf word, wat insluit:
(a) ’n restaurant of restaurante wat deel uitmaak van ’n hotel;
(b) ’n konferensie- en vermaaklikheidsfasiliteit wat ondergeskik is aan en aanvullend is tot die hoofgebruik van ’n perseel as ’n hotel; en
(c) ’n perseel wat gelisensieer is om drank vir verbruik op die perseel te verkoop, maar wat ’n buiteverbruikfasiliteit, gasteverblyfonderneming, woonhuis of wooneenheid uitsluit;

“kamerdiensfasiliteit” ’n minikroeg of selfbedieningsfasiliteit vir die verbruik van drank in gastekamers, en ’n oproepdiens vir inwonende gaste;

“karaoke”- ’n vorm van interaktiewe vermaak waartydens 'n amateur sanger behulp van 'n mikrofoon sing saam met reeds opgeneemde musiek.

“kleinhoewe of landelike gebied” ’n gebied wat oorwegend vir landbou- of enige ander gelykstaande gebruik gesoneer is met die doel om voorsiening te maak vir kleiner landelike eiendomme wat vir landbou gebruik kan word, maar wat ook hoofsaaklik as woonplekke in ’n meer landelike of plattelandse omgewing kan dien;

“kroeg” enige oop kroeg of enige deel van ’n gelisensieerde perseel wat uitsluitlik of oorwegend vir die verkoop en verbruik van drank gebruik word, wat insluit enige toonbank of versperring waaroor drank aan die publiek bedien word of kan word, of, met betrekking tot enige hotel, kantien of taverne, enige deel van sodanige hotel, kantien of taverne wat hoofsaaklik of uitsluitlik vir die verkoop, verskaffing of verbruik van drank gebruik word;

“landbougebied” ’n gebied wat oorwegend vir landbou of enige gelykstaande gebruik gesoneer is met die doel om landbou-aktiwiteit op ’n plaas as ’n belangrike ekonomiese, omgewings- en kulturele hulpbron te bevorder en te beskerm, en waar beperkte voorsiening gemaak word vir ander gebruike as landbou om eienaars die geleentheid te bied om die ekonomiese potensiaal van hul eiendomme te verhoog sonder om ’n beduidende negatiewe impak op die primêre landbouhulpbron te hê;

“landelike sake- of buurtsakegebied” ’n gebied wat oorwegend vir plaaslike sakegebruik, gemengde gebruik of enige ander gelykstaande gebruik gesoneer is met die doel om voorsiening te maak vir kommersiële en gemengdegebruikontwikkeling met ’n lae digtheid wat in die plaaslike behoefte aan geriefsgoedere en persoonlike dienste of kleinskaalse sake voorsien of as oorgangsone tussen algemene sake-, nywerheids- en aanliggende residensiële gebiede dien;

“lisensiehouer” enige persoon wat gelisensieer is om drank ingevolge die Wet te verkoop, wat insluit enige gelisensieerde perseel, onderneming, afsetpunt of grondgebruikaktiwiteit van waar drank verkoop word;

“Matzikama Munisipaliteit” die Matzikama Munisipaliteit wat ingestel is ingevolge die instellingskennisgewing wat in Provinsiale Kennisgewing Nr 481 van 2000, soos gewysig, verskyn het, en het **“Munisipaliteit”** ’n ooreenstemmende betekenis;

“mikrovervaardiger” ’n drankprodusent wat nie meer as die voorgeskrewe volume in ’n kalenderjaar produseer nie;

“motorvoertuig” ’n voertuig wat ontwerp of aangepas is vir aandrywing of vervoer per pad met behulp van brandstof, gas of elektrisiteit, wat insluit ’n sleepwa of ’n landbou- of ander implement wat ontwerp of aangepas is om deur sodanige voertuig gesleep te word, sowel as voertuie wat ontwerp of aangepas is om passasiers te vervoer;

“nagklub” enige vermaaklikheidsplek wat geraas kan veroorsaak weens karaoke, versterkte of lewende musiek of luidrugtigheid, wat insluit ’n teater, pretpark en danssaal;

“nywerheidsone” ’n gebied wat oorwegend vir nywerheidsgebruik gesoneer is en wat alle nywerheidsvorme insluit, dog skadelike of gevaarlike handelsrisikoaktiwiteite uitsluit;

“onderneming” ’n bedryf wat gemoeid is met die verkoop van drank aan die publiek;

“ontspanningsplek” ’n sportterrein, pretpark of soortgelyke openbare plek wat vir gemeenskaplike ontspanning gebruik word, meestal in die buitelug;

"owerheid" die Wes-Kaapse Drankowerheid wat ingevolge artikel 2(1) van die Wet tot stand gebring is;

"perseel" onder meer enige plek, grond, gebou of vervoermiddel of enige deel daarvan wat geregistreer is of registrasie wil bekom om in drank handel te dryf;

"persoon" 'n natuurlike persoon of regspersoon, wat kan insluit:
(a) 'n lisensiehouer of enige persoon wat in beheer is of die bestuur behartig van die gelisensieerde perseel vir die doeleindes van drankverkope;
(b) enige liggaam van persone, hetsy ingelyf of oningelyf; en
(c) enige maatskappy wat volgens wet as sodanig opgerig of geregistreer is, of enige dorpsbestuursraad of soortgelyke owerheid;

"plaasstal" beteken 'n gebou of struktuur waarvan die vloerruimte hoogstens 100 m^2, insluitende opberggeriewe, beslaan, waar 'n boer produkte wat op sy plaas geproduseer en verwerk word (dit wil sê nie produkte wat aangekoop word nie), hetsy aan sy eie werknemers of aan die algemene publiek verkoop.

"raad" die verkose munisipale raad van die Munisipaliteit;

"residensiële gebied" 'n gebied wat oorwegend vir residensiële gebruik 1, 2 of 3 of enige ander gelykstaande gebruik gesoneer is met die doel om hoofsaaklik voorsiening te maak vir enkelgesinwoonhuise in lae- en mediumdigtheidsbuurte sowel as huisvesting met hoër digthede, en wat beheerde geleenthede vir werkverskaffing tuis, bykomende woonhuise en gemengdegebruik-ontwikkeling met lae digthede insluit;

"restaurant" enige perseel waar die verkoop en verskaffing van kos aan die publiek vir verbruik op die perseel die hoofsakedoel uitmaak, wat 'n kroeg/kantien kan insluit (waar die verskaffing van drank slegs vir verbruik op die perseel bedoel is);

"sakegebied" 'n gebied wat oorwegend vir algemene sake ingevolge die soneringskema gesoneer is met die doel om ekonomiese aktiwiteit in 'n sakedistrik en ontwikkelingskorridor te bevorder, en wat 'n wye verskeidenheid grondgebruike soos sake-, residensiële en gemeenskapsgebruike kan insluit;

"sakeperseel" 'n eiendom waarvandaan sake gedoen word, wat 'n restaurant, kantien, kroeg, taverne of ander gebou met soortgelyke gebruike kan insluit, maar 'n vermaaklikheidsplek, gasteverblyf-onderneming, hotel en sport- en gemeenskapsklub uitsluit;

"spesiale geleentheid" 'n geldinsamelingsgeleentheid (wat van tyd tot tyd gereël word) ten bate van 'n opvoedkundige/welsynsorganisasie, enige uitstalling, sportbyeenkoms, kultuurbyeenkoms of kunstenaarsuitvoering;

"sonering" 'n ooreenstemmende betekenis;

"soneringskema" die soneringskema van toepassing op en van krag binne die regsgebied van Matzikama Munisipaliteit.

"spesifieke besigheid" 'n sakegebruik van 'n bepaalde aard, dog binne die soneringskemaregulasies wat ingevolge artikel 7 en 8 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Nr 15 van 1985) (woordomskrywings) uitgevaardig is, of 'n plaasvervangende verordening met toepaslike inhoud, en wat die raad vir 'n spesifieke terrein voorskryf;

"sport- en gemeenskapsklub" 'n perseel of fasiliteit wat gebruik word vir die byeenkoms van gemeenskaps- of burgerlike organisasies of verenigings, sportklubs of ander sosiale of ontspanningsklubs wat meestal sonder winsbejag bedryf word en wat gemeenskapsdiensklubs en gemeenskapsentrums of soortgelyke geriewe kan insluit, maar 'n nagklub uitsluit;

"standaardhandel" die handelsdae en -ure wat in artikel 4 en 5 van hierdie verordening beoog word, wat uitsluit verlengde handelsdae en -ure wat die Munisipaliteit dalk ingevolge artikel 7 van hierdie verordening kan goedkeur;

"taverne" 'n plek met die verskaffing/bediening van drank, verskeie vorme van vermaak as hoofsakedoel en slegs versnapperinge (nie aansit etes nie) bedien word;

"toeristefasiliteit" geriewe vir toeriste, soos lesingsale, restaurante, geskenkwinkels en kleedkamers, wat die raad as 'n vergunningsgebruik toelaat, maar wat oornagverblyf uitsluit;

"tydelike lisensie" sien artikel 48 van die Wet;

"uitsonderlike omstandighede" enige omstandighede waarvoor hierdie verordening nie voorsiening maak nie;

"verantwoordelike bestuurder" 'n bestuurder wat algehele verantwoordelikheid vir die verwerking van dranklisensieaansoeke en -appèlle sal aanvaar;

"verkoop" onder meer om te verskaf, uit te ruil, te koop aan te bied, uit te stal om te verkoop, of die magtiging, opdrag of toestemming om te verkoop;

"verkoopsure" die tye waarbinne 'n lisensiehouer drank ingevolge die bylae mag verkoop;

"vermaaklikheidsplek" 'n plek wat (hetsy daagliks of volgens 'n rooster) oorwegend vir kommersiële vermaak gebruik word en wat betreklik groot getalle mense kan lok, buite normale sake-ure bedryf kan word of gereeld geraas veroorsaak vanweë musiek of luidrugtigheid, wat insluit 'n bioskoop, teater, pretpark, danssaal, gimnasium, wedfasiliteit, dobbelsaal, karaoke-kroeg en nagklub;

"vonkelwyn" 'n bruiswyn wat ontstaan as gevolg van die gisting van druiwe, hetsy deur natuurlike of kunsmatige prosesse, en sluit sjampanje in;

"Wet" die Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008), soos gewysig saamgelees met relevante Regulasies;

"wynmakery" onder meer 'n perseel of fasiliteit wat gebruik word vir die produksie van wyn, wat insluit fasiliteite vir die pars van druiwe en die gisting en veroudering van wyn, proelokale, vat- en bergingskamers, botteleringskamers, tenkkamers, laboratoriums of kantore en ander bykomstige of aanvullende fasiliteite wat met die produksie van wyn verband hou, wat kan insluit:
(a) restaurante en ander voedseldienste; of
(b) geaffilieerde kleinhandelsfasiliteite vir toergroepe of besoekers.

(2) In hierdie verordening, tensy die konteks anders aandui, het enige woord of uitdrukking waaraan 'n betekenis in die Wet toegeken is, daardie betekenis, soos gelees in samehang met die toepaslike grondgebruikskemaregulasies en die Verordening met betrekking tot strate, publieke plekke en tot die voorkoming en onderdrukking van oorlaste.

2. Doel van verordening

Ingevolge die bevoegdhede wat kragtens die Wet aan hom opgedra is, aanvaar die Munisipaliteit hierdie verordening met die doel om die ure te reguleer waarbinne drank verkoop mag word, sowel as aangeleenthede wat daarmee verband hou.

3. Toepassing van verordening

Hierdie verordening is van toepassing op alle persele wat binne die regsgebied van die Munisipaliteit geleë is en waarop ’n drankhandelonderneming bedryf word, wat insluit:
(a) ondernemings wat drank aan die publiek verkoop vir verbruik op die gelisensieerde perseel;
(b) ondernemings wat drank aan die publiek verkoop vir verbruik weg van die gelisensieerde perseel; en
(c) ondernemings wat drank aan die publiek verkoop vir verbruik op en weg van die gelisensieerde perseel.

4. Handelsdae en -ure vir die verkoop en verbruik van drank op gelisensieerde persele

(1) ’n Lisensiehouer mag op die volgende dae en tye drank vir verbruik op die gelisensieerde perseel verkoop:
  (a) Op enige dag van die week, met die uitsondering dat vermaaklikheidsplekke, sportkroeë, kantiens/kroeë/tavernes en nagklubs nie op geslote dae soos Sondae, Goeie Vrydag, Kersdag en ander godsdienstige dae mag handel dryf nie, of
  (b) Gedurende die handelsure wat in die Bylae vervat is.

(2) ’n Lisensiehouer wat drank vir verbruik op die gelisensieerde perseel verkoop, mag nie enige drankverbruik op die gelisensieerde perseel toelaat gedurende die tye wat drankverkope verbode is nie.

(3) Ondanks die bepalings van hierdie verordening, kan ’n lisensiehouer soos wat in subartikel (1) beoog word vonkelwyn bedien:
  (a) vanaf 08:00 tot 00:00, sewe dae per week;
  (b) as deel van ’n maaltyd; en
  (c) aan gaste wat deel is van ’n georganiseerde geleentheid waar toegang beheer word.

(4) ’n Hotel of gasteverblyfonderneming wat gelisensieer is om drank vir verbruik op die gelisensieerde perseel te verkoop, mag toegang voorsien tot ’n vooraftoegeruste kroegfasiliteit in elke privaat suite of kamer, vir die genot van ’n gas wat sodanige privaat suite of kamer bewoon. Sodanige hotel of gasteverblyfonderneming mag egter nie die voorraad in sodanige kroegfasiliteit aanvul gedurende die ure wat drankhandel verbode is nie.

(5) ’n Hotel of gasteverblyfonderneming wat gelisensieer is om drank vir verbruik op die gelisensieerde perseel te verkoop, mag nie buite die standaardhandelsure drank aan gaste of besoekers voorsien nie, tensy dit uit die vooraftoegeruste kroegfasiliteit is en die gebruikers gaste is wat op daardie dag en tyd die privaat suites of kamers ooreenkomstig (4) hierbo bewoon.

5. Handelsdae en -ure vir die verkoop en verbruik van drank weg van gelisensieerde persele

(1) ’n Lisensiehouer mag op die volgende dae en tye drank vir verbruik weg van die gelisensieerde perseel verkoop:
  (a) Op enige dag van die week buiten Sondae, Goeie Vrydag en Kersdag, met dien verstande dat sodanige uitsondering nie van toepassing is op ’n wynmakery en/of toeristefasiliteit wat uit ’n wyn- en/of drankwinkel bestaan, of enige ander fasiliteite met betrekking tot die wynbedryf nie, of
  (b) Gedurende die handelsure wat in die bylae vervat is

(2) Geen onderneming mag op een dag meer as 150 liter drank verkoop aan enige persoon wat nie ingevolge die Wet oor 'n geldige dranklisensie en ingevolge die munisipale verordeninge oor 'n sakepermit (wat vir die spesifieke besigheid goedgekeur is) beskik nie.

6. Handelsdae en -ure vir die verkoop en verbruik van drank op en weg van gelisensieerde persele

'n Lisensiehouer van 'n perseel waar drank vir verbruik op en weg van die gelisensieerde perseel verkoop mag word, mag drank gedurende die handelsure in subartikel (4) en (5) verkoop.

VERLENGDE HANDELSURE

7. Aansoek om verlengde handelsdae en -ure

(1) Enige lisensiehouer kan by die betaling van die vereiste fooi (ingevolge die goedgekeurde jaarlikse tarieflys van die Munisipaliteit) 'n skriftelike aansoek by die Munisipaliteit indien om die handelsdae en -ure ten opsigte van gelisensieerde persele te verleng.

(2) Die Munisipaliteit kan 'n aansoek om die verlenging van handelsdae en -ure goedkeur of van die hand wys.

(3) Geen regte sal toeval aan enige persoon wat 'n aansoek om die verlenging van handelsdae en -ure ingedien het voordat sodanige persoon bewys kan lewer van skriftelike goedkeuring vanaf die Munisipaliteit nie.

(4) Die Munisipaliteit kan deur middel van skriftelike kennisgewing aan die aansoeker sekere voorwaardes vir handel gedurende verlengde handelsdae en -ure neerlê.

(5) Voor die goedkeuring van 'n aansoek om die verlenging van handelsdae en -ure moet die Munisipaliteit verskillende faktore in ag neem, wat onder meer die volgende kan insluit:
- (a) Die uitkoms van oorlegpleging met die gemeenskap, en of dit in die openbare belang sal wees om 'n verlenging van handelsdae of -ure goed te keur en toe te staan
- (b) Die afstand tussen die gelisensieerde perseel en omliggende residensiële gebiede sowel as kulturele, godsdienstige en opvoedkundige fasiliteite
- (c) Die beplannings- en soneringsvereistes van die Munisipaliteit
- (d) Waar toepaslik, die geldigheid van 'n sakelisensie wat ingevolge die Wet op Besighede, 1991 (Wet 71 van 1991) uitgereik is
- (e) Die moontlike impak op die omliggende omgewing
- (f) Enige vorige opskorting, wysiging of herroeping van verlengde handelsdae en -ure
- (g) Die geldigheid van die dranklisensie
- (h) Verslae vanaf die Wes-Kaapse Drankowerheid
- (i) Die aansoeker se motivering wat handel oor die feite hierbo sowel as:
  - (i) die impak van die risiko's en stoornisse vir die omliggende gemeenskap;
  - (ii) temperingsmaatreëls om risiko's en stoornisse te help beheer; en
  - (iii) moontlike voordele van verlengde handelsdae en -ure vir die omliggende gemeenskap.

8. Opskorting, wysiging en herroeping van verlengde drankhandelsdae en -ure

(1) By die lewering van 'n skriftelike kennisgewing aan die lisensiehouer of persoon in beheer, kan 'n gemagtigde beampte verlengde handelsure onmiddellik vir hoogstens sewe werksdae opskort in geval van nievoldoening aan 'n voorwaarde van die Wet, hierdie verordening of enige voorwaardes van die dranklisensie.

(2) Die skriftelike kennisgewing wat in subartikel (1) beoog word, moet die redes vir die opskorting verstrek, sowel as die tydraamwerke waarbinne sodanige opskorting van die verlengde handelsdae en -ure van krag sal wees.

(3) Die skriftelike kennisgewing wat in subartikel (1) beoog word, moet die lisensiehouer versoek om die munisipale bestuurder binne 48 uur van skriftelike redes te voorsien waarom die verlengde handelsure nie herroep moet word nie.

(4) Die gemagtigde beampte moet sodanige opskorting skriftelik by die munisipale bestuurder aanmeld.

(5) By die oorweging van die gemagtigde beampte se opskortingsverslag en die lisensiehouer se vertoë, moet die raad of sy afgevaardigde:
(a) handelsdae en -ure met betrekking tot die onderneming vasstel, en kan die raad of sy afgevaardigde sodanige voorwaardes neerlê as wat hy nodig ag; en
(b) enige besluit om die verlengde handelsure te bekragtig, te wysig of te herroep by die Wes-Kaapse Drankowerheid aanmeld.

(6) Geen persoon mag voortgaan om drank aan die publiek te verkoop gedurende die tydperk waarvoor die verlengde drankhandelsdae en -ure opgeskort, gewysig of herroep is nie.

(7) Die Munisipaliteit sal nie verantwoordelik gehou word vir enige verlies aan inkomste wat die lisensiehouer gedurende enige tydperk van opgeskorte handelsdae en -ure ly nie.

VOORKOMING VAN ONWETTIGE DRANKVERKOPE, EN BESLAGLEGGING OP DRANK

9. Voorkoming van onwettige drankverkope, en beslaglegging op drank

(1) ’n Gemagtigde beampte kan die onwettige verkoop van drank voorkom of op drank beslag lê:
(a) waar drank verkoop word vanaf ’n perseel waar drankverkope nie ingevolge die munisipale soneringskema toegelaat word nie; of
(b) waar drank in stryd met hierdie verordening verkoop word; of
(c) waar drank verkoop word buite die ure en dae wat in hierdie verordening neergelê word, of in stryd met die voorwaardes wat die Wes-Kaapse Drankowerheid of die Munisipaliteit met betrekking tot daardie onderneming vasgestel het; en
(d) deur die tydelike sluiting van die perseel en/of beslaglegging op enige drank op die perseel ingevolge die Munisipaliteit se standaardbedryfsprosedure vir beslaglegging en die bepalings oor deursoeking en beslaglegging in die Strafproseswet, 1977 (Wet 51 van 1977).

(2) Waar die verkoop van drank voorkom word en daar beslag gelê word op drank ingevolge subartikel (1), kan die Munisipaliteit enige koste wat die Munisipaliteit hiervoor moes aangaan, van die lisensiehouer verhaal.

10. Vertoon van naamborde, en ander verpligtinge van lisensiehouer

(1) Die lisensiehouer of persoon in beheer moet toesien dat ’n sertifikaat wat deur die Munisipaliteit uitgereik is en wat die sonering of grondgebruik vir die doeleinde van hierdie verordening sowel as die goedgekeurde handelsure bepaal, op ’n opvallende plek binne-in die onderneming en tot bevrediging van die Munisipaliteit vertoon word.

(2) Die lisensiehouer of persoon in beheer moet toesien dat die volgende opvallend en in letters van minstens vyf sentimeter hoog buite die perseel op die voordeur of -venster vertoon word, tot die bevrediging van die Munisipaliteit:

(i) Die handelsure van die onderneming, soos wat die Munisipaliteit dit goedgekeur het
(ii) Die dranklisensienommer waaronder die onderneming handel dryf

11. Veiligheid en sekuriteit

(1) Lisensiehouers moet toesien dat die gelisensieerde perseel aan alle omgewings-, beplannings- en veiligheidswette voldoen en dat die voorwaardes wat die Munisipaliteit neerlê, nagekom word.

(2) Die lisensiehouer of persoon in beheer moet toesien dat redelike en voldoende veiligheid- en sekuriteitsmaatreëls getref word vir die beskerming van die publiek/klante van die betrokke perseel, deur onder meer te verseker dat:
(a) die berging van goedere en toerusting en die toestand van die perseel en enige struktuur daarop nie 'n gevaar vir die veiligheid van klante binne die perseel inhou nie;
(b) die perseel voldoen aan die vereistes van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet 103 van 1977) en enige ander toestemming of verordening wat die Munisipaliteit toestaan of uitvaardig; en
(c) daar voldoende verligting buite die perseel is waar die publiek/klante en personeel die gelisensieerde perseel binnegaan of verlaat.

12. Drankpersele moet wapenvry wees

Die reg van toegang tot drankpersele word voorbehou, en enige wapens of skerp voorwerpe is verbode op binneverbruikpersele. 'n Kluis behoort te alle tye beskikbaar te wees op binneverbruikpersele indien persone wat in besit is van wapens of skerp voorwerpe toegang tot die perseel moet verkry.

13. Stoornisse

(1) Enige persoon wat drank aan die publiek verkoop, moet alle redelike stappe doen om toe te sien dat geraas vanaf die drankperseel te alle tye binne die mure van sodanige drankperseel bly.

(2) Enige persoon wat drank aan die publiek verkoop, moet redelike stappe doen om toe te sien dat geraas of ander stoornisse vanaf die perseel nie die inwoners van die omliggende gemeenskap op onredelike wyse raak en verontrief nie.

(3) Die lisensiehouer bly aanspreeklik en verantwoordelik vir alle grondbesoedeling en rommelstrooiing binne die drankperseel. Die lisensiehouer is ook verantwoordelik vir alle grondbesoedeling en rommelstrooiing buite die drankperseel wat uit die gelisensieerde perseel spruit. Die drankperseel en omliggende gebiede moet te alle tye skoongehou word.

(4) Geen klante mag buite die drankperseel rondhang nie en alle drankverkope en -verbruik sal tot die drankperseel beperk wees.

14. Misdrywe en strawwe

(1) Enige persoon wat 'n oortreding begaan van of versuim om te voldoen aan enige:
(a) bepaling van hierdie verordening;
(b) voorwaarde of opdrag wat in verband met hierdie verordening gestel of uitgereik word; of
(c) skriftelike kennisgewing deur 'n gemagtigde beampte,
is by skuldigbevinding en onderworpe aan strawwe wat ingevolge enige ander wet voorgeskryf word, skuldig aan 'n eerste-, tweede- en/of derdekategorie-misdryf.

(2) 'n Persoon wat skuldig is aan 'n misdryf is strafbaar met hoogstens twee (2) jaar tronkstraf en/of 'n boete en/of gemeenskapsdiens.

(3) ’n Hof wat enige persoon tot gemeenskapsdiens vonnis vir ’n misdryf wat ingevolge hierdie verordening begaan is, moet ’n vorm van gemeenskapsdiens oplê wat tot voordeel van die omgewing en/of gemeenskap sal wees, indien dit in die omstandighede moontlik is dat die oortreder so ’n vonnis uitdien.

15. Appèl

(1) Die appèlraad moet enige appèl teen of aansoek om die hersiening van ’n besluit deur die owerheid ingevolge artikel 20(3) van die Wet oorweeg.

(2) ’n Aansoeker of belangstellende en geaffekteerde party wat ontevrede is met ’n besluit deur die owerheid kan op die voorgeskrewe wyse ’n kennisgewing van appèl of hersiening by die owerheid indien.

16. Herroeping

Enige verordening betreffende die Verordening insake handelsdae en –ure vir die verkoop van drank in Matzikama Munisipale Area vir sover dit van toepassing is op of toegewys is aan die Matzikama Munisipaliteit se gebied word hierby herroep, vir sover dit betrekking het op aangeleenthede waarvoor in hierdie Verordening voorsiening gemaak word.

17. Kort titel en inwerkingtreding

Hierdie verordening sal bekend wees as die Gewysigde Verordening insake handelsdae en –ure vir die verkoop van drank in Matzikama Munisipale Area, en sal in werking tree op die datum waarop dit in die *Buitengewone Provinsiale Koerant* verskyn.

BYLAE

A	**Lisensie ingevolge artikel 36 van die Wet vir die mikrovervaardiging en verkoop van drank vir verbruik *op sowel as weg van* die perseel**		
		HANDELSURE	
	1. Landbougebied en landelike gebied	**Binneverbruik**	**Buiteverbruik**
	Wynmakery (plaasstal)	10:00–02:00	08:00–20:00
	2. Nywerheidsone		
	Wynmakery (ingesluit produksie van wyn, proe en restaurant	10:00–02:00	08:00–20:00
B	**Lisensie ingevolge artikel 36 van die Wet vir die verkoop van drank vir verbruik *op* die perseel waar drank verkoop word**		
	1. Residensiële gebied	**Binneverbruik**	Beskrywing
	Gasteverblyfonderneming	10.00-00.00 (sien artikel 4)	Geslote dae is ingesluit vir handel net aan oornag-gaste.
	Sakeperseel (sluit ook in 'n restaurant, kantien, kroeg, taverne) **Spesifieke besigheid**	10.00-00.00 (sien artikel 4)	Geslote dae, behalwe Sondae tussen 14.00 en 17.00, is uitgesluit vir handel behalwe in restaurante.
	Vermaaklikheidsplek (wat insluit 'n bioskoop, teater, pretpark, danssaal, gimnasium, wedfasiliteit, dobbelsaal, karaoke-kroeg en nagklub) **Ontspanningsplek** (sportterrein, pretpark of soortgelyke openbare plek) **Sport- en gemeenskapsklub** (vir spesiale geleenthede meestal sonder winsbejag wat tydelike lisensies vereis en nagklubs uitsluit)	10:00–00:00 (sien artikel 4)	Geslote dae is uitgesluit vir handel.
	Hotel (sluit in verblyf, restaurant, sekere vermaaklikheid/konferensie en binneverbruik)	10:00–02:00 (sien artikel 4)	Geslote dae is uitgesluit vir handel behalwe in verblyf- en restaurantfasiliteite asook kroegfasiliteite net aan oornaggaste
	2. Landelike of buurtsakegebied (waar mense woon)		
	Gasteverblyfonderneming	10.00-00.00 (sien artikel 4	Geslote dae is ingesluit vir handel net aan oornaggaste
	Sakeperseel (sluit ook in 'n restaurant, kantien, kroeg, taverne) **Spesifieke besigheid**	10:00–00:00 (sien artikel 4)	Geslote dae, behalwe Sondae tussen 14.00 en 17.00, is uitgesluit vir handel behalwe in restaurante.

	Vermaaklikheidsplek (wat insluit 'n bioskoop, teater, pretpark, danssaal, gimnasium, wedfasiliteit, dobbelsaal, karaoke-kroeg en nagklub) **Ontspanningsplek** (sportterrein, pretpark of soortgelyke openbare plek) **Sport- en gemeenskapsklub** (vir spesiale geleenthede meestal sonder winsbejag wat tydelike lisensies vereis en nagklubs uitsluit)	10:00–00:00 (sien artikel 4)	Geslote dae is uitgesluit vir handel
	Toeristefasiliteit (sluit in restaurant, lesingslokale, geskenkwinkel)	10.00-00.00 (sien artikel 4)	Geslote dae is ingesluit
	Hotel (sluit in verblyf, restaurant, sekere vermaaklikheid/konferensie en binneverbruik)	10.00-00.00 (sien artikel 4)	Geslote dae is uitgesluit vir handel behalwe in verblyf- en restuarantfasiliteite as-ook kroegfasiliteite net aan oornaggaste
	3. Sakegebied/algemene besigheid		
	Gasteverblyfonderneming	10.00-02.00 (sien artikel 4)	Geslote dae is ingesluit vir handel net aan oornaggaste
	Sakeperseel (sluit ook in 'n restaurant, kantien, kroeg, taverne) **Spesifieke besigheid**	10.00-02.00 (sien artikel 4)	Geslote dae behalwe Sondae tussen 14.00 en 17.00 is uitgesluit vir handel behalwe in restaurante.
	Vermaaklikheidsplek (wat insluit 'n bioskoop, teater, pretpark, danssaal, gimnasium, wedfasiliteit, dobbelsaal, karaoke-kroeg en nagklub) **Ontspanningsplek** (sportterrein, pretpark of soortgelyke openbare plek) **Sport- en gemeenskapsklub** (vir spesiale geleenthede meestal sonder winsbejag wat tydelike lisensies vereis en nagklubs uitsluit)	10.00-02.00 (sien artikel 4)	Geslote dae is uitgesluit vir handel.
	Hotel (sluit in verblyf, restaurant, sekere vermaaklikheid/konferensie en binneverbruik)	10.00.02.00 (sien artikel 4)	Geslote dae is uitgesluit vir handel behalwe in verblyf- en restuarantfasiliteite as-ook kroegfasiliteite net aan oornaggaste
	4. Nywerheidsone		
	Sakeperseel (sluit ook in 'n restaurant, kantien, kroeg, taverne) **Spesifieke besigheid**	10:00–02:00 (sien artikel 4)	Geslote dae, behalwe Sondae tussen 14.00 en 17.00, is uitgesluit vir handel behalwe in restaurante.

	Vermaaklikheidsplek (wat insluit 'n bioskoop, teater, pretpark, danssaal, gimnasium, wedfasiliteit, dobbelsaal, karaoke-kroeg en nagklub) **Ontspanningsplek** (sportterrein, pretpark of soortgelyke openbare plek) **Sport- en gemeenskapsklub** (vir spesiale geleenthede meestal sonder winsbejag wat tydelike lisensies vereis en nagklubs uitsluit)	10:00–02:00 (sien artikel 4)	Geslote dae is uitgesluit vir handel.
	5. Landbougebied en landelike gebied	**Binneverbruik**	
	Gastehuisverblyfonderneming	10:00–02:00 (sien artikel 4)	Geslote dae is ingesluit vir handel net aan oornaggaste
	Sakeperseel (sluit ook in 'n restaurant, kantien, kroeg, taverne)	10:00–02:00 (sien artikel 4)	Geslote dae, behalwe Sondae tussen 14.00 en 17.00, is uitgesluit vir handel behalwe in restaurante.
	Spesifieke besigheid		
	Vermaaklikheidsplek (wat insluit 'n bioskoop, teater, pretpark, danssaal, gimnasium, wedfasiliteit, dobbelsaal, karaoke-kroeg en nagklub) **Ontspanningsplek** **Sport- en gemeenskapsklub** (vir spesiale geleenthede meestal sonder winsbejag wat tydelike lisensies vereis en nagklubs uitsluit)	10:00–02:00 (sien artikel 4)	Geslote dae is uitgesluit vir handel.
	Hotel (sluit in verblyf, restaurant, sekere vermaaklikheid/konferensie en binneverbruik)	10:00–02:00 (sien artikel 4)	Geslote dae is uitgesluit vir handel behalwe in verblyf- en restaurantfasiliteite as-ook kroegfasiliteite net aan oornaggaste.
	Wynmakery	10:00–02:00 (sien artikel 4)	Geslote dae is ingesluit vir handel
	Toeristefasiliteit (sluit in restaurant, lesingslokale, geskenkwinkel)		
		HANDELSURE	
C	**Lisensie ingevolge artikel 36 van die Wet vir die kleinhandelverkope van drank vir verbruik *weg van* die perseel waar drank verkoop word**		
		Beskrywing	**Buiteverbruik**
	Drankwinkel, koskleinhandelaar, buiteverkope, groothandelaar	Geslote dae, uitgesluit Sondae tussen 14.00 en 17.00, uitgesluit vir handel	Maandae-Saterdae: 08:00–20:00 Sondae: 14.00- 17.00 (sien artikel 5)

	Toeristefasiliteit (sluit in restaurant, lesingslokale, geskenkwinkel)	Geslote dae ingesluit vir handel	08:00–20:00 Ma-So (sien artikel 5)
D	**Lisensie ingevolge artikel 48 van die Wet vir die verkoop van drank vir verbruik *op* die perseel waar drank verkoop word**		
		Binneverbruik	**Buiteverbruik**
	Tydelike / Spesiale	10:00-00:00 Ma-Do 10:00-02:00 Vr-Sa 10:00-22:00 So	09:00-20:00 Ma-Sa 09:00-16:00 So
	Let wel: Bepaling van toepaslike liggingskategorie. Waar die liggingskategorie hierbo onduidelik is, betwis word, moeilik is om te bepaal of nie homogeen gesoneer is nie (byvoorbeeld ’n sakeperseel in die middel van ’n residensiële gebied), sal die werklike sonering, vergunningsgebruik of afwykingsregte van die onderhawige gelisensieerde perseel voorkeur kry ten einde die kategorie te bepaal. Beskrywing in Bylae is slegs ter verduideliking. Definisies is regulatories.		

UMASIPALA WASEMATZIKAMA

UKUHLAZIYWA KOMTHETHO KAMASIPALA OMALUNGA NEENTSUKU KUNYE NEEYURE ZOKUTHENGISA UTYWALA KWINDAWO EPHANTSI KOMASIPALA WASEMATZIKAMA

Esi sisaziso esikhutshwa ngokulandela icandelo le-13 loRhulumente weNdawo: uMthetho ka-2000 weeNdlela zokuSebenza zikaMasipala (uMthetho wama-32 ka-2000), sokuba iBhunga loMasipala waseMatzikama livakalisa ukuhlaziya kwalo uMthetho kaMasipala omalunga neentsuku kunye neeyure zokuThengisa uTywala kuMasipala waseMatzikama, mthetho lowo ubhengezwe *kwiGazethi yePhondo leNtshona Koloni* enguNamba 7336 yomhla we-12 kuDisemba ka-2014 kunye nenguNamba 7623 yomhla wesi-3 kuJuni ka-2016, ohamba ngolu hlobo:

Ukubekwa kwemigaqo emayilandelwe ukuthobela imiqathango yokuthengisela uluntu utywala ukwenzela ukuqinisekisa ukuba indawo ephantsi kolawulo lomasipala waseMatzikama ikhuselekile yaye isempilweni; ukubekwa kweentsuku neeyure zokuthengiselwa koluntu utywala ngamashishini aneelayisenisi; kunye nokubeka imiqathango yemiba enxulumene noko.

IsiNdululo

NANGONA, ngokweCandelo 156(1)(a), elikhatshwa liCandelo B leShedyuli 5 yoMgaqo siseko ka-1996 weRiphabhlikhi yoMzantsi Afrika, uMasipala enesigqeba esilawulayo sokulawula imiqathango ekufuneka ilandelwe xa kuthengiselwa uluntu utywala;

ANGONA iCandelo 156(2) loMgaqo-siseko linika umasipala igunya lokwenza uze ulungiselele ukulandelwa kwemithetho kamasipala ukwenzela ukuphatha kakuhle imicimbi anelungelo lokuyiphatha;

NANGONA ngokweCandelo 11(3)(m) loRhulumente weNdawo: uMthetho ka-2000 weeNdlela zokuSebenza zikaMasipala (uMthetho wama-32 ka-2000), uMasipala enokukhupha imithetho kamasipala aze athathe izigqibo;

NANGONA ngokweCandelo 59(2) loMthetho ka-2008 wemicimbi enxulumene noTywala eNtshona Koloni (uMthetho ka-2008), uMasipala ufuna ukubeka imihla neeyure zokuthengisela uluntu, neziya kuthi zilandelwe ngawo onke amashishini athengisa utywala akule ngingqi yomasipala waseMatzikama ;

NGOKO KE NGOKU KUBHENGEZWA ngolu hlobo liBhunga likaMasipala waseMatzikama:

ISIQULATHO

1. Iingcaciso
2. Injongo yalo mthetho kamasipala
3. Ukusetyenziswa kwalo mthetho kamasipala
4. Iintsuku neeyure zokuthengisa utywala obuza kuselelwa kwiindawo ezineelayisenisi
5. Iintsuku neeyure zokuthengisa utywala obungazi kuselelwa kwiindawo ezineelayisenisi
6. Iintsuku neeyure zokuthengisa utywala obuza kuselelwa okanye bungaselelwa kwiindawo ezineelayisenisi
7. Ukufaka isicelo sokongeza iintsuku neeyure zokuthengisa utywala
8. Ukurhoxiswa, ukuhlaziywa nokuhluthwa kwelungelo leentsuku neeyure ezongezelelweyo zokuthengisa utywala
9. Ukuthintela ukuthengiswa okungekho mthethweni kotywala kunye nokuthinjwa kwabo
10. Ukuxhonywa kweebhodi nezinye izibophelelo ekufuneka azilandele umnini-layisenisi
11. Ukhuselo nokhuseleko
12. Indawo ethengisa utywala mayingabi nazixhobo zinobungozi
13. Ukuphazamisa
14. Amatyala nezohlwayo
15. Izibheno
16. Ukubhangiswa kwalo mthetho
17. Isihloko esifutshane kunye nokuqalisa kwalo mthetho kamasipala

1. Iingcaciso

(1) Kulo Mthetho kamasipala, ngaphandle kokuba oku kusetyenziswe komnye umxholo:

"**uMthetho**"**,** uthetha uMthetho ohlaziyiweyo wemicimbi enxulumene noTywala eNtshona Koloni, ka-2008 (uMthetho wesi-4 ka-2008), kunye nemiGaqo echaphazela okuqulethwe ngulo mthetho;

"**Iindawo ezilungiselelwe ulimo**" ithetha indawo ecandelwe ezolimo okanye nayiphi enye indawo ecandelwe into enjalo, ejonge ukukhuthaza nokukhusela ulimo lweefama njengesixhobo sezoqoqosho nezenkcubeko; apho kulungiselelwe nemicinjana embalwa enganxulumenanga nezolimo, kulungiselelwa ukunika abanini-mhlaba ithuba lokunyusa umgangatho wezoqoqosho weepropati zabo, kodwa oko kungadanga kwalichaphazela kakubi ishishini lezolimo;

"**Inkundla yezibheno**" ithetha iNkundla yeziBheno eyasekwa ngokweCandelo 25(1) loMthetho;

"**uGunyaziwe**" uthetha uGunyaziwe wemicimbi enxulumene noTywala eNtshona Koloni abasekwe ngokweCandelo 2(1) lalo Mthetho;

"**ibhari**" **-** nayiphi indawo enekhawuntari yokuselela utywala obuthengwe apho, esenokuba yindawo esecaleni apho kuloo ndawo ithengisa utywala; ndawo leyo isenokuba sehotele okanye enkanti, iquka loo ndawo ilungiselelwe ukuthengiswa okanye ukuselelwa kotywala kuphela apho ehotele okanye enkanti;

"**ibhasi**" jonga "isithuthi"

"**indawo yokushishinela",** ithetha ipropati ekuthengiselwa kuyo, yaye ingaquka ivenkile yokutyela, yokuhlala etyisayo, ibhari okanye inkanti okanye esinye isakhiwo esisetyenziselwa into efana naleyo, kodwa ayiyiquki indawo yolonwabo, indawo yokuhlalisa iindwendwe, ihotele, iklabhu yezemidlalo okanye yoluntu;

"**iindawo eziicandelwe ushishino**''**,** zithetha indawo eyacandelwa ukuba yeyoshishino gabalala ngokoXwebhu oluLawulwa ukuSikwa koMhlaba, ijonge ukukhuthaza ezoqoqosho kwindawo yoshishino okanye kwindawo yorhwebelwano lwamazwe, equka uluhlu olubanzi lokusetyenziswa komhlaba okufana nokusetyenziselwa ushishino, ukuhlala okanye iindawo zoluntu;

"**iBhunga**" lithetha iBhunga loMasipala elonyulelwe lo Masipala;

"**igosa elijongene nemiba yezotywala**" lithetha umntu obekelwe loo msebenzi ngokweCandelo 73(1) lalo Mthetho;

"**Iimeko ezikhethekileyo**" zithetha naziphi iimeko ezingachatshazelwanga kulo Mthetho kaMasipala.

"**isitendi sasefama**" sithetha isakhiwo esingedlulanga kwi-100m² yomgangatho phantsi, kuquka indawo yokugcina izixhobo, apho amafama athengisela khona iimveliso ezveliswe zaza zalungiswa apho efama, nokuba uzithengisela abasebenzi bakhe na okanye uluntu ngokubanzi.

"**isakhiwo sokuhlalisa iindwendwe**" sithetha indawo esetyenziswa njengendawo yethutyana yokuhlalisa nokulalisa abantu, batyiswe baze bahlawule, yaye ikwaquka indawo yokuhlalisa abakhenkethi abaphatha izinto zabo ngoobhaka, isakhiwo esilalisayo sityise isidlo sakusasa, indawo yeendwendwe zethutyana okanye ifama yeendwendwe zethutyana kungenjalo indawo ehlalisa iindwendwe eziziphekelayo, ngokunjalo neendawo zokuchophela iintlanganiso zoshishino, iinkomfa, imicimbi okanye iiseshoni zoqeqesho lweendwendwe ezidlulayo, kodwa ingabiyohotele;

"**ihotele**" ithetha ipropati esetyenziselwa ukulalisa iindwendwe okwethutyana, ziphekelwa nokuphekelwa, zize zona zihlawulele ezo nkonzo, yaye iquka:

(a) iivenkile zokutyela okanye iivenkile zokutyela eziyinxalenye yehotele;

(b) Iindawo zokubambela iinkomfa nezolonwabo ezinika iinkonzo zikwancedisa owona umsebenzi uphambili wokusetyenziswa kwaloo ndawo njengehotele;

(c) Iindawo ezinelayisenisi yokuthengisa utywala obuza kuselelwa apho, kodwa aziyibandakanyi indawo yokuselela engekho kuloo hotele, isakhiwo sokugcina iindwendwe zethutyana, indlu yokuhlala okanye iyunithi ekuhlalwa kuyo;

"**Indawo ecandelwe ezorhwebo**" ithetha indawo ecandelwe ezorhwebo equka zonke iintlobo zorhwebo, kodwa ayizibandakanyi iizenzo zorhwebo olunobungozi;

"**ikhariyokhi**" – luhlobo lokuzonwabisa apho iimvumi ezisafunda ukucula ziye zisebenzisa imayikhi ukucula umculo orekhodiweyo.

"**umnini-layisenisi**" uthetha nawuphi umntu onelayisenisi yokuthengisa utywala elandela lo Mthetho, yaye uquka nayiphi indawo enelayisenisi, ishishini, indawo okanye umhlaba wokuthengisela ekuthengiselwa kuyo utywala;

"**utywala**" buthetha utywala njengoko bucaciswe kwiCandelo loku-1 lalo Mthetho;

"**iNkundla yeeLayisenisi zokuthengisa utywala**" ithetha iNkundla yemicimbi enxulumene notywala njengoko icaciswe kwiCandelo loku-1 lalo Mthetho;

"**ishishini lasezilalini okanye indawo yeshishini elikufutshane**" lithetha indawo ecandelwe ngokukodwa ukusetyenziselwa ushishino lwendawo okanye ukusetyenziswa okuxutyiweyo kungenjalo okunye ecandelwe okunye ukusetyenziswa okufana noko, eyona njongo iphambili ikukulungiselela ukusetyenziselwa urhwebo olukwizinga eliphantsi kunye noluxubileyo, inceda iimfuno zabahlali baloo ndawo ngempahla ezisetyenziswa rhoqo, iinkonzo zomntu ngamnye okanye izenzo zoshishino oluncinane okanye indawo enceda ngokunxulumanisa ushishino gabalala kunye neendawo zorhwebo, ngokunjalo nendawo emelene nendawo yokuhlala;

"**uMasipala waseMatzikama**" uthetha uMasipala waseMatzikama owasekwa ngokweSaziso sokuSeka esihlaziyiweyo kweso singuNamba 481 sapapashwa kwiSaziso sePhondo sango-2000, yaye "**uMasipala**" usathetha into enye;

"**umvelisi weemveliso ezimbalwa**" – umvelisi wotywala ongavelisi ngaphezu komthamo obekiweyo wotywala ngonyaka.

''**isithuthi**'' sithetha isithuthi esenzelwe ukutsala umthwalo onzima endleleni siqhutywa ngamafutha ezithuthi, igesi okanye umbane, kuquka isikhoji okanye isixhobo sezolimo okanye esinye isixhobo esilungiselelwe ukutsalwa seso sithuthi, kuquka izithuthi ezakhelwe okanye ezilungiselelwe ukukhwelisa abakhweli;

"**indawo ekufutshane**" ithetha inxenye yedolophu abahlala kuyo abantu;

"**indawo yolonwabo lwasebusuku**" ithetha nayiphi indawo yolonwabo enokwenza ingxolo yekhariyokhi, umculo okhalela phezulu okanye oculwa kwimayikhi, yaye iquka iqonga lezemidlalo, indawo yemidlalo yokuzoonwabisa kunye neholo yomdaniso;

"**Ilayisenisi yotywala obungaselelwa kwindawo ebuthengisayo**" ilayisenisi evumela ukuthengiswa kotywala obungazi kuselelwa kuloo ndawo buthengwe kuyo yaye "ukungaseleli kwindawo othenge kuyo" kukwahambelana nale ntetho;

"**Osemthethweni**" uthetha nawuphi umntu ogunyaziswe nguGunyaziwe ukuba asebenze njengegosa phantsi kwalo Mthetho kaMasipala yaye uquka naliphi ilungu leNkonzo yesiPolisa saseMzantsi Afrika kunye nawuphi umntu oqeshwe ngokwalo Mthetho;

"**Ilayisenisi yotywala obuselelwa kuloo ndawo buthengwe kuyo**" **-** ilayisenisi evumela ukuthengiswa kotywala obuza kuselelwa kwakule ndawo buthengwee kuyo yaye "ukuselela kwindawo othenge kuyo" kukwahambelana nale ntetho.

"**umntu**" uthetha umntu okanye lowo iqela elimele abanye abantu, nelinokuquka**—**

(a) umnini-layisenisi okanye nawuphi umntu ophethe okanye olawula indawo enelayisenisi ngenjongo zokuthengisa utywala;
(b) naliphi iqumrhu labantu ababambiseneyo okanye abangabambisananga,
(c) nayiphi inkampani yobambiswano okanye ebhaliswe njalo ngokusemthethweni okanye nayiphi ibhodi yolawulo lwelali, okanye abasemagunyeni abanjalo.

"**Iindawo**" ziquka nayiphi indawo, umhlaba, isakhiwo okanye ukuhanjiswa kungenjalo nayiphi inxenye yayo ebhalisiweyo okanye ezama ukubhaliselwa ukuthengisa utywala;

"**indawo yolonwabo**"**,** ithetha indawo esetyenziselwa kakhulu ulonwabo oluhlawulelwayo (enokusebenza yonke imihla okanye ngethuba elibekiweyo), nenokunika umdla ifake inani elikhulu labantu, ndawo leyo isebenza ngaphandle kweeyure zokusebenza eziqhelekileyo okanye enengxolo yomculo okanye yolonwabo amaxesha ngamaxesha, nequka isinema, ithiyetha, indawo yemidlalo yokuzonwabisa, iholo yokudanisa, ijimnaziyam, indawo yokubheja, iholo yokungcakaza, ikhariyokhi kunye neklabhu yolonwabo lwasebusuku;

"**indawo yokonwatyiswa**" ithetha ibala lezemidlalo, indawo yemidlalo yokuzonwabisa okanye enye indawo yoluntu efana naleyo elungiselelwe ukonwabisa uluntu lwendawo, ngokukodwa ekwindawo ethe gabalala;

"**indawo ebhalisiweyo**" ithetha indawo ekuqhutyelwa kuyo ushishino olubhaliselwe ngumnini-layisenisi;

"**indawo ecandwe njengendawo yokuhlala**"**,** ithetha indawo ecandelwe ngokukodwa ukusetyenziselwa ukuhlala okukwinqanaba loku-1, 2 okanye lesi-3, okanye nakuphi okunye ukucandwa okufana noku okulungiselelwe ukuhlalisa iintsapho ezizihlalela zodwa kwindawo engaxinananga kakhulu okanye exinene ngokuphakathi, ngokunjalo nakwindawo yokuhlala exinanisa iintsapho, nenokuquka amathuba alawulwayo engqesho yasekhaya, ezinye iindawo ezongezelelweyo kunye nokuphuhliselwa ukusetyenziswa okuxutyiweyo okungenangxinano;

"**Umlawuli ojongene nalo mba**" uthetha umlawuli oza kuba noxanduva lwalo lonke ulungiselelo lwezicelo nezibheno ezimalunga neelayisenisi zokuthengisa utywala;

"**indawo yokutyela**" **-** nayiphi indawo elushishino lwayo ikukuthengisela uluntu ukutya ukuze bakutyele apho, nengaquka ibhari/inkanti (apho kuthengiswa utywala obuza kuselelwa apho kuphela);

"**utywala/izidlwana ezisegumbini**" zithetha ibharana onokuzikhethela kuyo okanye ukuselelwa kotywala egumbini kungenjalo inkonzo yokuoda esetyenziswa ziindwendwe zaloo ndawo yokuhlala;

"**ukuthengisa**" kuquka ukunika, ukutshintshisa, ukuthengisa, ukubonisa oko kuthengiswayo okanye ukugunyanzisa, ukuyalela, okanye ukuvumela intengiso;

"**iiyure zokuthengisa**" zithetha ithuba elivumelekileyo lokuthengisa utywala ngokwaleShedyuli;

"**indawo yezamashishini amancianane okanye yasezilalini**"**,** ithetha indawo ecandelwe ukusetyenziselwa ezolimo okanye ukusetyenziselwa ukucandwa okunxulumene noko, ngenjongo

yokwakhiwa kweepropati ezincinane zasezilalini, ndawo leyo inokusetyenziselwa ezolimo, kodwa inokusetyenziswa njengendawo yokuhlala kwimeko ebufana neyeelali;

“**iwayini ehlwahlwazayo**”**,** ithetha iwayini ehlwahlwazayo, ngenxa yeediliya (iigreyiphu) ezivundisiweyo, nokuba loo nto yenziwe ngokwendalo okanye ngenkqubo encediswayo, yaye iquka itshampeyini;

“**Umcimbi okhethekileyo**” **-** umcimbi wokunyusa ingxowa-mali (odla ngokumana uququzelelwa amaxesha ngamaxesha) uncedisana nombutho wezemfundo / wentlalontle, nawuphi umboniso, intlanganiso yezemidlalo, indibano yezenkcubeko okanye ukonwabisa ngezobugcisa;

“**Iklabhu yezemidlalo neyoluntu**”**,** ithetha indawo okanye isakhiwo esisetyenziselwa ukudibanisa uluntu okanye imibutho yasekuhlaleni, iiklabhu zezemidlalo okanye ezinye iiklabhu zasekuhlaleni okanye zokonwatyiswa, idla ngokusebenza kakhulu njengeziko elingenzi nzuzo, yaye inokuquka iiklabhu zeenkonzo zoluntu kunye namaziko oluntu okanye iindawo ezinjalo, kodwa ayiziquki iiklabhu zolonwabo lwasebusuku;

“**Ushishino oluthile**” **-** ukusetyenziswa kweshishini ngohlobo oluthile kodwa lube luhambelana nemigaqo yoxwebhu olulawulwa ukusikwa komhlaba ebhengezwe ngokweCandelo lesi-7 nelesi-8 loMthetho ka-1985 wokuCwangciselwa kokuSetyenziswa koMhlaba (we-15 ka-1985), (iingcaciso) okanye uMthetho kaMasipala ongena endaweni yawo onomxholo ofana nalo walo mthetho nokwabekelwe isiza esithile liBhunga;

“**Urhwebo lwesiqhelo**” luthetha iintsuku neeyure zorhwebo ezibekwe kwiCandelo lesi-4 nelesi-5 lalo Mthetho kaMasipala, yaye aluzichaphazeli iintsuku neeyure ezandisiweyo ezinokuvunywa nguMasipala ngokweCandelo lesi-6 lalo Mthetho kaMasipala;

“**ithaveni**” -indawo elushishino lwayo lungundoqo ikukuthengisa/ukuhambisa utywala kunye nezinye iintlobo zolonwabo, iphinde inike nezinekhi (hayi izidlo ezihlalelwa phantsi zityiwe).

“**ilayisenisi yethutyana**” ibhekisa kwiCandelo lama-48 lalo Mthetho

“**indawo yabakhenkethi**” – izakhiwo ezilungiselelwe abakhenkethi ezifana namagumbi okufundisela, iindawo zokutyela, iivenkile zezipho, kunye neendawo zokuzikhulula ezivunywe liBhunga ukuba zisoloko zisetyenziswa, kodwa aziziquki iindawo zokulalisa abantu;

“**iintsuku zokuthengisa**” zithetha iintsuku obunokuthengiswa ngazo utywala ngokweeyure zokuthengisa ezibekiweyo;

“**iiyure zokuthengisa**” zithetha iiyure obunokuthengiswa ngazo utywala ngezo ntsuku zokuthengisa zibekiweyo;

“**ishishini**” lithetha ishishini elithengisela uluntu utywala;

“**Indawo yewayini**” iquka nayiphi indawo esetyenziselwa ukwenza iwayini yaye loo wayini iquka indawo yokumfaxaza iidiliya, ukuvundisa nokutsalisa iwayini, amagumbi okungcamla, iibhareli, amagumbi okugcina iwayini, awokufaka ezibhotileni, awamatanki, iilebhu okanye iiofisi kunye nezinye izinto okanye ezincedisa ekuveliswweni kwewayini okanye iziselo ezinxilisayo, nezinokuquka:
(a) Iivenkile zokutyela nezinye iinkonzo zezokutya; okanye
(b) Iindawo eziphantsi kwevenkile leyo ezithengisela abakhenkethi okanye iindwendwe;

“**umhlaba ocandiweyo**” uthetha umhlaba ocandiweyo okanye ukucandwa komhlaba ngokoxwebhu olulawula ukucandwa komhlaba okanye nawuphi umthetho ofanelekileyo yaye “**ukucandwa komhlaba**” kukwathetha le nto inye;

"**uxwebhu olulawulwa ukusikwa komhlaba**", luthetha uxwebhu olulawula ukucandwa komhlaba ngokunxulumene naloo ndawo ngokwendawo ephantsi kolawulo loMasipala waseMatzikama.

(2) Kulo Mthetho kaMasipala, ngaphandle kokuba umxholo uthetha enye into, naliphi igama okanye intetho entsingiselo yayo icacisiweyo ngokwalo Mthetho iya kuthetha loo ntsingiselo icacisiweyo, ifundwa kunye nemiGaqo yoXwebhu oluLungiselela uSetyenziso loMhlaba kunye noMthetho kaMasipala onxulumene nezitalato, iindawo zoluntu kunye nokuThintelwa nokungavunyelwa kwengxolo.

2. Injongo yalo mthetho kamasipala

UMasipala uvuma lo Mthetho kaMasipala, esebenza ngokwamagunya awabekelwe kulo Mthetho, yaye ejonge ukulawula iiyure obunokuthengiswa ngazo utywala ngokunjalo nemiba enxulumene noko.

3. Ukusetyenziswa kwalo Mthetho kamasipala

Lo Mthetho kamasipala usebenza kuzo zonke iindawo ezinamashishini okuthengisa utywala, zibe ziphantsi kolawulo lwalo Masipala;
(a) Ezo zithengisela uluntu utywala ukuze buselelwe kwiindawo ezinelayisenisi;
(b) Ezo zithengisela uluntu utywala ukuze bungaselelwa kwezo ndawo zinelayisenisi; kunye
(c) Nezo zithengisela uluntu utywala ukuze buselelwe okanye bungaselelwa kwezo ndawo zinelayisenisi.

4. Iintsuku neeyure zokuthengisa utywala obuza kuthengiswa buselelwe kwiindawo ezineelayisenisi

(1) Umnini-layisenisi angathengisa utywala obuza kuselwa kwindawo enelayisenisi, ngezi ntsuku nezi yure:
(a) ngalo naluphi usuku lweveki, ngaphandle kweendawo zolonwabo, iibhari zezemidlalo, *iithaveni / iibhari*, iinkanti, kunye neeklabhu zolonwabo lwasebusuku aziyi kuvunyelwa ukuba zithengise ngeentsuku zokuvala, umz. ngeeCawa, ngoLwesiHlanu wePasika, ngosuku lweKhrismesi kunye nezinye iintsuku zenkolo; okanye
(b) nangeeyure zokuthengisa ezibekwe kwiShedyuli.

(2) Umnini-layisenisi othe wathengisa utywala, ebuthengisela ukuba buselelwe kuloo ndawo yokuthengisela, akanakuvumela ukuba kuselelwe kuloo ndawo utywala ngexesha ekunga-vumelekanga ngalo ukuba kuthengiswe kuselwe notywala kuloo ndawo.

(3) Nangona ngokwemigaqo yalo Mthetho kamasipala umnini-layisenisi ocaciswe kwicandelwana (1) enokubathengisela iwayini ehlwahlwazayo abathengi bakhe:
(a) Ukususela ngo-08:00 ukuya ngo-00:00 iintsuku ezisixhenxe zeveki;
(b) njengenxalenye yesidlo; kunye
(c) Nakwiindwendwe eziyinxalenye yomcimbi oququzelelweyo okulawulwayo ukungena kuwo.

(4) Ihotele okanye iindawo yokulalisa iindwendwe enelayisenisi yokuthengisa utywala obuza kuselelwa kuloo ndawo inakho ukuba nendawo yotywala obufakwa ungekafiki kwigumbi lakho ukwenzela ukuba wena njengodwendwe oluhlal akuloo ndawo ukwazi ukuziselela. Loo hotele okanye indawo yokulalisa indwendwe ayivumelekanga yongeze utywala oluselwe ludwendwe olo ngethuba engavumelekanga ukuba ithengise utywala ngalo.

(5) Ihotele okanye indawo yokulalisa iindwendwe enelayisenisi yokuthengisa utywala obuza kuselelwa kuyo ayinakunika iindwendwe zayo okanye iindwendwe zeendwendwe zayo utywala ngamathuba angeyo nxalenye yeentsuku neeyure zokuthengisa utywala ngaphandle kokuba obo tywala bukwibharana esele ifakwe utywala yaye abo bantu basela obo tywala zezo ndwendwe zilaliswe kwelo gumbi ngolo suku nelo xesha ngokuhambelana no-(4);

5. Iintsuku neeyure zokuthengisa utywala obuza kuthengiswa bungaselelwa bungaselelwa kwindawo enelayisenisi

(1) Umnini-layisenisi angathengisa utywala obuza kuselwa kwindawo enelayisenisi, ngezi ntsuku nezi yure:

(a) ngalo naluphi usuku lweveki, ngaphandle kwangeCawa, ngoLwesihlanu wePasika, usuku lweKhrismesi okanye ezinye iintsuku zenkolo, ngokuxhomekeke ekubeni ezo ntsuku aziyichaphazeli indawo yokwenza iwayini kunye/okanye nendawo yabakhenkethi enevenkile yewayini kunye/okanye neyotywala, okanye nayiphi indawo enxulumene neshishini lewayini; okanye

(b) nangeeyure zokuthengisa ezibekwe kwishedyuli

(2) Akukho shishini linokuthengisela umntu ongenalayisenisi isebenzayo ngokwalo Mthetho utywala obungaphezu kweelitha ezili-150 ngosuku ikhatshwa (yimvume yelo shishini lithile) yiphemithi yokushishina ngokwemithetho kamasipala yalo Masipala.

6. Iintsuku neeyure zokuthengisa utywala obuza kuselelwa okanye bungaselelwa kwindawo enelayisenisi

Umnini-layisenisi wendawo enokuthengisa utywala obunokuselelwa okanye bungaselelwa kuyo unokuthengisa utywala ngokweeyure zokuthengisa ezibekwe kwicandelwana (4) no-(5).

AMAXESHA OKUTHENGISA ONGEZELELWEYO

7. Ukufaka isicelo sokongeza iintsuku neeyure zokuthengisa utywala

(1) Nawuphi umnini-layisenisi, unokuthi esakuhlawula ixabiso elifunekayo (elibekwe kwishedyuli kaMasipala yamaxabiso avunywa rhoqo ngonyaka), afake kuMasipala isicelo esibhaliweyo sokwandiselwa iintsuku neeyure zokuthengisa utywala kuloo ndawo inelayisenisi.

(2) UMasipala unokusivuma okanye asikhabe isicelo sokwandiselwa iintsuku neeyure zokuthengisa utywala.

(3) Akukho mntu ufake isicelo sokwandiselwa iintsuku neeyure zokuthengisa utywala unokusebenzisa nawaphi na amalungelo okuthengisa ngeentsuku neeyure ezongezelelweyo engekayifumani imvume ebhaliweyo evela kuMasipala.

(4) UMasipala unokuthi esakufumana isicelo esibhaliweyo, abeke imiqathango yokuthengisa ngezo ntsuku neyure ezongezelelweyo.

(5) Phambi kokuba avume isicelo sokwandiselwa iintsuku okanye iiyure zokuthengisa utywala, kufuneka uMasipala agqale imiba enokuquka,—

(a) isiphumo seengxoxo ezithe zabanjwa noluntu kwanokuba kuza kulunceda na uluntu ukuba avume aze andise iintsuku okanye iiyure zokuthengisa utywala;

(b) ukumelana kwaloo ndawo inelayisenisi neendawo ezicandelwe ukuhlala ezikufutshane, iindawo zezenkcubeko, ezenkolo kunye nezemfundo;

(c) iimfuno zikaMasipala zokulungiselela nokucandwa kwezo ndawo;

(d) apho kunokwenzeka, ukusebenza kwaloo layisenisi yeshishini ikhutshwe ngokoMthetho ka-1991 wezamaShishini (uMthetho wama-71 ka-1991);

(e) ifuthe elinokubakho kwindawo erhangqe elo shishini;

(f) ukurhoxiswa, ukuhlaziywa okanye ukohluthwa kweentsuku neeyure ezandisiweyo okwakhe kwenzeka malunga nelo shishini;

(g) ukuba loo layisenisi yoTywala ayiphelelwanga na;

(h) iingxelo ezivela kuGunyaziwe wemicimbi enxulumene noTywala eNtshona Koloni; kunye

(i) amazwi omceli axhasa isicelo ngokunxulumene nemiba ebekwe apha ngentla kunye nefuthe lawo:

  (i) imingcipheko ngokunxulumene nokungxolelwa koluntu olungqonge loo ndawo;

  (ii) iindlela zokulungisa zokunceda ekulawulweni imingcipheko kunye neziphazamiso; kunye

  (iii) nazo zonke iinzuzo zeentsuku neeyure ezongezelelweyo zokuthengisa utywala kuluntu olukufutshane naloo ndawo.

8. Ukurhoxiswa, ukuhlaziywa nokuhluthwa kwelungelo leentsuku neeyure ezongezelelweyo zokuthengisa utywala

(1) Xa kuthe kwakho ukungalandelwa kwemiqathango ebekwe ngokwalo Mthetho, lo Mthetho kaMasipala okanye nayiphi imiqathango yelayisenisi yokuthengiswa kotywala, igosa eligunyazisiweyo linokuzirhoxisa ngoko nangoko iiyure ezongezelelweyo zokuthengisa utywala, ukuya kutsho kwiintsuku ezingadlulanga kwezisi-7 zokusebenza, emva kokudlulisela umninilayisenisi okanye loo mntu uphetheyo isaziso soko esibhaliweyo.

(2) Kufuneka loo nothisi ibhaliweyo kuthethwe ngayo kwicandelwana (1) ixele izizathu kunye nobude bexesha okuza kuqalisa kuze kuphele ngalo oko kurhoxiswa kweentsuku neeyure ezandisiweyo.

(3) Kufuneka eso saziso sibhaliweyo kuthethwe ngaso kwicandelwana (1), siyalele umninilayisenisi ukuba anike uMlawuli kaMasipala zonke izizathu ezibhaliweyo zokuba yintoni enokubangela ukuba ezo yure zongezelelweyo zokuthengisa utywala zingohluthwa ngokupheleleyo, zingedlulanga iiyure ezingama-48.

(4) Kufuneka elo gosa ligunyazisiweyo lifake kuMlawuli kaMasipala ingxelo ebhaliweyo emalunga noko kurhoxiswa kwexesha elongezelelweyo.

(5) Kufuneka iBhunga okanye umthunywa walo, athi emva kokujonga loo ngxelo yokurhoxisa yelo gosa ligunyazisiweyo kunye noko kuvela kumnini-layisenisi:

  (a) libeke iiyure neentsuku zokuthengisa utywala zelo shishini, yaye linokubeka imiqathango eliyibona ifanelekile; lize

  (b) linike uGunyaziwe wemicimbi enxulumene noTywala eNtshona Koloni ingxelo malunga naso nasiphi na isigqibo esithathiweyo sokuqinisekisa, ukuhlaziya okanye ukohlutha ezo yure zongezelelweyo zokuthengisa utywala.

(6) Akukho mnini-layisenisi uya kuqhubeka ethengisela uluntu utywala ngelo thuba zisarhoxisiweyo, zihlaziyiweyo okanye zohluthiweyo iiyure ezongezelelweyo zokuthengisa utywala.

(7) UMasipala akayi kuthwaliswa xanduva malunga nako nakuphi ukulahlekelwa yingeniso okwehlele umnini-layisenisi ngalo naliphi ithuba lokurhoxiswa kweentsuku neeyure zokuthengisa utywala.

UKUTHINTELA UKUTHENGISWA OKUNGEKHO MTHETHWENI KOTYWALA KUNYE NOKUTHINJWA KWABO

9. Ukuthintela ukuthengiswa okungekho mthethweni kotywala kunye nokuthinjwa kwabo

(1) Igosa eligunyazisiweyo linokuthintela okanye lithimbe utywala obuthengiswa ngokungekho mthethweni:

(a) apho obo tywala buthengiswa kwindawo ekungavumelekanga ukuthengiswa kotywala ngokoxwebhu lokucandwa komhlaba kaMasipala; okanye

(b) apho utywala buthengiswa ngokukhabanayo nalo Mthetho kamasipala; okanye

(c) apho utywala buthengiswa ngaphaya kweeyure neentsuku ezibekwe kulo Mthetho kamasipala okanye imiqathango ebekwe nguGunyaziwe wemicimbi enxulumene noTywala eNtshona Koloni okanye uMasipala, ngokunxulumene nelo shishini; kunye

(d) noonobangela wokuvalwa kwethutyana kwaloo ondawo kunye / okanye nokuthinjwa kobo tywala bukuloo ndawo ngokweeNdlela zokuSebenza zesiQhelo zokuThimba kukaMasi-pala kunye nemigaqo yokuKhangelwa nokuThinjwa kwezinto ebekwe kuMthetho ka-1977 weeNkqubo zoLwaphulo-mthetho (uMthetho wama-51 ka-1977).

(2) Apho kuthintelwa ukuthengiswa kotywala kuze kuthinjwe utywala ngokwecandelwana (1), uMasipala unokubuyisa naziphi iindleko azichithe ekwenzeni oko ngokuzitsala kumnini-layisenisi.

10. Ukuxhonywa kweebhodi nezinye izibophelelo ekufuneka azilandele umnini-layisenisi

(1) Umnini-layisenisi okanye umntu olawula loo ndawo kufuneka aqiniseke ukuba sixhonywe ngokufanelekileyo isatifiketi esikhutshwe nguMasipala sicacisa ukucandwa okanye ukusue-tyenziswa komhlaba ngokwalo Mthetho kamasipala sikwabeka neeyure zokuthengisa ezivu-nyiweyo, zixhonywe ngendlela eyanelisayo kuMasipala.

(2) Umnini-layisenisi okanye umntu olawula loo ndawo makaqinisekise ukuba ezi zinto zilandelayo zixhonywe ngokubonakalayo kumnyango okanye ifestile yangaphakathi yaloo ndawo zibe zibhalwe ngemibhalo emphakamo wayo ingekho ngaphantsi kweesentimitha ezintlanu, zixhonywe ngendlela eyanelisayo kuMasipala:

(i) iiyure zokuthengisa ezivunywe nguMasipala; kunye

(ii) inombolo yelayisenisi yokuthengisa utywala elishishina ngayo elo shishini.

11. Ukhuselo nokhuseleko

(1) Kufuneka umnini-layisenisi aqinisekise ukuba loo ndawo ikhutshelwe ilayisenisi ifezekisa ikwalandela yonke imiba yezendalo, ucwangciso, imithetho yokhuseleko kwanokuba iyala-ndelwa loo miqathango ibekwe nguMasipala.

(2) Kufuneka umnini-layisenisi okanye lowo ulawula loo ndawo aqinisekise ukuba kukho iindlela ezifanelekileyo nezaneleyo zokhuselo nokhuseleko lokukhusela uluntu/iiklayenti zaloo ndawo ngokuqinisekisa ngezinto ezinjengezi zilandelayo:

(a) ukugcinwa kweempahla nezixhobo kunye nemeko yaloo ndawo kunye naso nasiphi isakhiwo esilapho kungabi nakubangela bungozi kukhuseleko lwabantu abasebenzisa loo ndawo;

(b) loo ndawo iyahambelana neemfuno zemiGaqo yeZakhiwo zikaZwelonke kunye noMthetho wemiGangatho yeZakhiwo, ka-1977 (uMthetho we-103 ka-1977), kunye nayo nayiphi imvume enikiweyo okanye umthetho kamasipala obhengezwe nguMasipala; yaye

(c) kuloo ndawo inelayisenisi kukhanya ngokwaneleyo ngaphandle kwaloo ndawo bangena baphume kuyo abantu/iiklayenti.

12. Indawo ethengisa utywala mayingabi nazixhobo zinobungozi

Umnini-ndawo unakho ukungakuvumeli ukungena kwabantu abathile kwindawo yakhe ethengisa utywala yaye akuvumelekanga ukuphathwa kwezikhali okanye izixhobo kwindawo ethengisa utywala obuza kuselelwa kwalapho. Kufuneka indawo ethengisa utywala ibe neseyifu yokugcina imipu nezikhali zabantu abafuna ukungena kuloo ndawo.

13. Ukuphazamisa

(1) Nawuphi umntu othengisela uluntu utywala makathathe onke amanyathelo afanelekileyo ukuqinisekisa ukuba ingxolo yaloo ndawo yotywala isoloko ingaphumeli ngaphaya kweendonga zaloo ndawo.

(2) Nawuphi umntu othengisela uluntu utywala makathathe onke amanyathelo ayimfuneko okuqinisekisa ukuba abahlali baloo ndawo ikufutshane abachaphazeleki okanye baphazanyiswe yingxolo okanye olunye uhlobo lokuphazamisa olunokuvela kuloo ndawo ithengisa utywala.

(3) Umnini-layisenisi unoxanduva lwalo lonke ungcoliso nokulahlwa kwenkukuma okwenzeka ngaphakathi kuloo ndawo ithengisa utywala. Umnini-layisenisi ukwanoxanduva lwalo lonke ungcoliso nokulahlwa kwenkukuma okwenziwa ngaphandle kwaloo ndawo ithengisa utywala, ibe loo nkukuma idalwa kukuthengiswa kobo tywala. Indawo yokuthengisa utywala kunye neendawo eziyingqongileyo mazigcinwe zicocekile ngawo onke amaxesha.

(4) Akuyi kubakho bathengi bazulazula ngaphandle kwendawo ethengisa utywala yaye konke ukuthengiswa nokuselwa kotywala kuya kuphelela kuloo ndawo ithengisa utywala.

14. Amatyala nezohlwayo

(1) Nawuphi umntu owaphula okanye ongakwaziyo ukulandela nayiphi:
(a) kwimigaqo ekulo Mthetho kamasipala;
(b) imiqathango okanye imiyalelo ayidluliselwee ngokwalo Mthetho kamasipala; okanye
(c) isaziso esibhaliweyo esivela kwigosa eligunyazisiweyo,
xa ethe watyholwa ngokwaphula umthetho aze afunyaniswe enetyala lokona okokuqala, okwesibini kunye/okanye okwesithathu, nangokuxhomekeke kwizohlwayo ezibekwe ngokwayo onayiphi eminye imithetho.

(2) Umntu ofunyaniswe enetyala lesityholo abekwa sona unokugwetywa ukuya kutsho kwiminyaka emibini (2) entolongweni kunye/okanye nesohlwayo kunye/okanye nokusebenzela uluntu.

(3) Kufuneka inkundla ewisa isigwebo sokuba nawuphi umntu asebenzele uluntu ngenxa yokufunyaniswa enetyala ngokwalo Mthetho kaMasipala, ibeke isigwebo sokusebenzela uluntu esiya kunceda indalo kunye/okanye noluntu ukuba kunokwenzeka ukuba umtyholwa lowo ahlawulele eso sigwebo.

15. Izibheno

(1) Kufuneka iNkundla yeziBheno iqwalasele nasiphi isibheno esifakwayo, okanye isicelo sokuqwa-laselwa ngokutsha kwesigqibo sikaGunyaziwe ngokweCandelo 20(3) lalo Mthetho;

(2) Umceli okanye iqela elinomdla nelichaphazelekayo elingasithandiyo isigqibo sikaGunyaziwe, linokufakela uGunyaziwe lowo isaziso sokubhena okanye sesidingo sokuqwalaselwa ngokutsha kwesigqibo eso ngokwendlela ebekiweyo;

16. Ukubhangiswa kwalo mthetho

Imigaqo yayo nayiphi iMithetho kamasipala kuquka ebikhe yabhengezwa nguMasipala okanye nabaphi ooMasipala (4/2012) ababesakubakho kodwa ngoku abasele bephantsi kwalo Masipala, iyabhangiswa ngokunxulumene nemiba ekulo Mthetho kamasipala.

17. Isihloko esifutshane kunye nokuqalisa kwalo mthetho kamasipala

Lo Mthetho kamasipala uya kubizwa ngokuba nguMthetho oHlaziyiweyo kaMasipala omalunga neentsuku kunye neeyure zokuThengisa uTywala kuMasipala waseTsitsikama, yaye uya kuqala ukusebenza ngomhla wokupapashwa kwawo kwiGazethi eKhethekileyo yePhondo.

ISHEDYULI

<table>
<tr><td rowspan="14">A

B</td><td colspan="3">Ilayisenisi ekhutshwa ngokweCandelo lama-36 loMthetho wokuveliswa okuncinci nokuthengiswa kotywala obuza kuselelwa kwindawo kunye nangaphandle kwendawo yokuthengisa.</td></tr>
<tr><td></td><td colspan="2">IIYURE ZOKUTHENGISA</td></tr>
<tr><td>1. Indawo ecandelwe ezolimo nendawo yasezilalini</td><td>Utywala obuselelwa kuloo ndawo buthengiswa kuyo</td><td>Utywala obungaselelwa kuloo ndawo buthengiswa kuyo</td></tr>
<tr><td>Indawo yewayini (isitendi sasefama)</td><td>10:00 – 02:00</td><td>8:00 – 20:00</td></tr>
<tr><td colspan="3">2. Iindawo ezicandelwe ushishino</td></tr>
<tr><td>Indawo yewayini (kuquka indawo yokuvelisa, ukungcamla iwayini kunye nekwiivenkile zokutyela)</td><td>10:00 – 02:00</td><td>8:00 – 20:00</td></tr>
<tr><td colspan="3">Ilayisenisi ekhutshelwa ukuthengiswa kotywala obuza kuselelwa kuloo ndawo ngokweCandelo lama-36 loMthetho.</td></tr>
<tr><td>1. Indawo ecandelwe ukuba yeyokuhlala</td><td>Utywala obuselelwa kuloo ndawo buthengiswa kuyo</td><td>Ingcaciso</td></tr>
<tr><td>Iindawo ezihlalisa iindwendwe ezidlulayo</td><td>10:00 – 00:00
(Jonga kwiCandelo lesi-4)</td><td>Iintsuku evalwa ngazo zifakwa njengezokuthengisela iindwendwe eziza kulala kuphela.</td></tr>
<tr><td>Indawo yoshishino (iquka ivenkile yokutyela, inkanti, ibhari, ithaveni)</td><td rowspan="2">10:00 – 00:00
(Jonga kwiCandelo lesi-4)</td><td rowspan="2">Kwiivenkile ezingezozokutyela, iintsuku evalwa ngazo indawo leyo azisetyenziswa ekuthengiseni, ngaphandle kwangeCawa phakathi kwango-14.00 no-17.00.</td></tr>
<tr><td>Ishishini elithile</td></tr>
<tr><td>Indawo yolonwabo (kuquka isinema, iqonga lemidlalo, indawo yemidlalo yokuzonwabisa, iholo yokudanisa, indawo yokujima nokuzonwabisa, indawo yokubhejela ukungcakaza, iholo yokungcakaza, ibhari yekhariyokhi kunye neklabhu yolonwabo lwasebusuku)

Indawo yokonwatyiswa (ibala lezemidlalo, indawo yemidlalo yokuzonwabisa okanye enye indawo yoluntu efana naleyo)

Iklabhu yezemidlalo neyoluntu (yemicimbi ekhethekileyo edla ngokungabiyoyanzuzo, nedinga iilayisenisi zethutyana kodwa ingaziquki iiklabhu zolonwabo lwasebusuku)</td><td>10:00 – 00:00
(Jonga kwiCandelo lesi-4)</td><td>Akuthengiswa ngeentsuku ekufanele ukuvalwa ngazo.</td></tr>
</table>

Ihotele (kuquka iindawo zokuhlala, iivenkile zokutyela, ulonwabo oluthile / iinkomfa kunye nokuselela kuloo ndawo ithengisa utywala)	10:00 – 02:00 (Jonga kwiCandelo lesi-4)	Abuthengiswa utywala ngeentsuku zokuvala, ngaphandle kokuba kuthengiselwa iindwendwe ezihlala apho kunye neevenkile zokutya ngokunjalo neebhari.
2. Iindawo zamashishini asezilalini okanye asekuhlaleni		
Iindawo ezihlalisa iindwendwe ezidlulayo	10:00-00:00 (Jonga kwiCandelo lesi-4)	Iintsuku evalwa ngazo zifakwa njengezokuthengisela iindwendwe eziza kulala kuphela.
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Indawo yabakhenkethi (iquka amagumbi okufundela, iivenkile zokutyela, iivenkile zezipho)	10:00 Ekuseni-00:00 (Jonga kwiCandelo lesi-4)	Akuthengiswa ngeentsuku ekufanele ukuvalwa ngazo
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	3. Iindawo ezicandelwe ushishino / Ushishino gabalala		
	Iindawo ezihlalisa iindwendwe ezidlulayo	10:00 – 02:00 (Jonga kwiCandelo lesi-4)	Iintsuku evalwa ngazo zifakwa njengezokuthengisela iindwendwe eziza kulala kuphela.
	Indawo yoshishino (iquka ivenkile yokutyela, inkanti, ibhari, ithaveni) **Ishishini elithile**	10:00 – 02:00 (Jonga kwiCandelo lesi-4)	Kwiivenkile ezingezozokutyela iintsuku evalwa ngazo indawo leyo azisetyenziswa ekuthengiseni ngaphandle kwangeCawa phakathi kwango-14.00 no-17.00.
	Indawo yolonwabo (kuquka isinema, iqonga lemidlalo, indawo yemidlalo yokuzonwabisa, iholo yokudanisa, indawo yokujima nokuzonwabisa, indawo yokubhejela ukungcakaza, iholo yokungcakaza, ibhari yekhariyokhi kunye neklabhu yolonwabo lwasebusuku) **Indawo yokonwatyiswa**(ibala lezemidlalo, indawo yemidlalo yokuzonwabisa okanye enye indawo yoluntu efana naleyo) **Iklabhu yezemidlalo neyoluntu** (yemicimbi ekhethekileyo edla ngokungabiyoyanzuzo, nedinga iilayisenisi zethutyana kodwa ingaziquki iiklabhu zolonwabo lwasebusuku)	10:00 – 02:00 (Jonga kwiCandelo lesi-4)	Akuthengiswa ngeentsuku ekufanele ukuvalwa ngazo.
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	5. Indawo ecandelwe ezolimo nendawo yasezilalini	**Utywala obuselelwa kuloo ndawo buthengiswa kuyo**	
	Iindawo ezihlalisa iindwendwe ezidlulayo	10:00 – 02:00 (Jonga kwiCandelo lesi-4)	Iintsuku evalwa ngazo zifakwa njengezokuthengisela iindwendwe eziza kulala kuphela.
	Indawo yoshishino (iquka ivenkile yokutyela, inkanti, ibhari, ithaveni)	10:00 – 02:00 (Jonga kwiCandelo lesi-4)	Kwiivenkile ezingezozokutyela, iintsuku evalwa ngazo indawo leyo azisetyenziswa ekuthengiseni, ngaphandle kwangeCawa phakathi kwango-14.00 no-17.00.
	Ishishini elithile		
	Indawo yolonwabo (kuquka isinema, iqonga lemidlalo, indawo yemidlalo yokuzonwabisa, iholo yokudanisa, indawo yokujima nokuzonwabisa, indawo yokubhejela ukungcakaza, iholo yokungcakaza, ibhari yekhariyokhi kunye neklabhu yolonwabo lwasebusuku) **Indawo yokonwatyiswa** (ibala lezemidlalo, indawo yemidlalo yokuzonwabisa okanye enye indawo yoluntu efana naleyo) **Iklabhu yezemidlalo neyoluntu** (yemicimbi ekhethekileyo edla ngokungabiyoyanzuzo, nedinga iilayisenisi zethutyana kodwa ingaziquki iiklabhu zolonwabo lwasebusuku)	10:00 – 02:00 (Jonga kwiCandelo lesi-4)	Akuthengiswa ngeentsuku ekufanele ukuvalwa ngazo.

	Ihotele (kuquka iindawo zokuhlala, iivenkile zokutyela, ulonwabo oluthile / iinkomfa kunye nokuselela kuloo ndawo ithengisa utywala)	10:00 – 02:00 (Jonga kwiCandelo lesi-4)	Abuthengiswa utywala ngeentsuku zokuvala, ngaphandle kokuba kuthengiselwa iindwendwe ezihlala apho kunye neevenkile zokutya ngokunjalo neebhari.
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	Indawo yabakhenkethi (iquka amagumbi okufundela, iivenile zokutyela, iivenkile zezipho)		
		IIYURE ZOKUTHENGISA	
C	**Ilayisenisi ekhutshelwa ukuthengiswa kotywala *obungazi kuselelwa kuloo ndawo* ngokweCandelo lama-36 loMthetho.**		
		Ingcaciso	**Utywala obungaselelwa kuloo ndawo buthengiswa kuyo**
	Ivenkile yotwala, ivenkile yokuthengisa ukutya, inkanti, indawo ethengisela abathengisi botywala,	Abuthengiswa utywala ngeentsuku ezingezozokuthengisa, ngaphandle kwangeCawa phakathi kwango-14.00 no-17.00	NgoMvulo – ngoMgqibelo: 08:00 - 20:00 NgeCawa: 14.00-17.00 (Jonga kwiCandelo lesi-5)
	Indawo yabakhenkethi (iquka amagumbi okufundela, iivenile zokutyela, iivenkile zezipho)	Akuthengiswa ngeentsuku ekufanele ukuvalwa ngazo	NgoMvulo-NgeCawa: 08:00-20:00 (Jonga kwiCandelo lesi-5)
D	**Ilayisenisi ekhutshelwa ukuthengiswa kotywala obuza kuselelwa *kuloo ndawo* ngokweCandelo lama-48 loMthetho.**		
	Ilayisenisi yethutyana neyomcimbi okhethekileyo	**Utywala obuselelwa kuloo ndawo buthengiswa kuyo** 10:00-00:00 ngoMvulo-ngoLwesine 10:00-02:00 ngoLwesihlanu-ngoMgqibelo 10:00-22:00 ngeCawa	**Utywala obungaselelwa kuloo ndawo buthengiswa kuyo** 09:00-20:00 ngoMvulo-ngoMgqibelo 09:00-16:00 ngeCawa
	Qaphela: Ibeka ukufaneleka kohloobo lwendawo eyiyo. Apho lungacacanga okanye kungavunyelwana okanye kuxatyanwa okanye kunzima ukubeka kungenjalo iindawo zingacandwanga ngokufanayo (umz. kwiindawo ezicandelwe ushishino kumbindi wendawo yokuhlala) xa kucandwa loo ndawo kuya kubaluleka imvume yokusebenzisa okanye amalungelo okusuka kwimigaqo yeendawo ezineelayisenisi zokuthengisa ekubekweni kohlobo lwendawo leyo. INgcaciso ekule shedyuli yeyokucacisa ulwazi kuphela. Ingcaciso ilandela imigaqo.		

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