



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

# Provincial Gazette

# Provinsiale Koerant

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**TENDERS**

**N.B.** Tenders for commodities/services, the estimated value of which exceeds R20 000, are published in the Government Tender Bulletin, which is obtainable from the Government Printer, Private Bag X85, Pretoria, on payment of a subscription.

**TENDERS**

**L.W.** Tenders vir kommoditeite/dienste waarvan die beraamde waarde meer as R20 000 beloop, word in die Staatstenderbulletin gepubliseer wat by die Staatsdrukker, Privaatsak X85, Pretoria, teen betaling van 'n intekengeld verkrygbaar is.

**NOTICES BY LOCAL AUTHORITIES****KENNISGEWINGS DEUR PLAASLIKE OWERHEDE****OVERSTRAND MUNICIPALITY**

**ERF 3921, 128 SECOND AVENUE, KLEINMOND: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: FVS TOWN & REGIONAL PLANNERS ON BEHALF OF HEICH BELEGGINGSTRUST**

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following application applicable to Erf 3921, Kleinmond (the property), namely:

**Removal of Restrictive Title Deed Condition**

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition C.8. as contained in Title Deed T13275/2001 of the property to accommodate a carport and pergola that encroach the street building line.

**Departure**

Application in terms of Section 16(2)(b) of the By-Law to relax the street building lines from 4m to  $\pm 0,45m$  to accommodate a carport and pergola.

**Determination of an Administrative Penalty**

Application in terms of Section 16(2)(q) of the By-Law for the unauthorized building line encroachments as stipulated above.

Details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus and at the Kleinmond Library, Fifth Avenue, Kleinmond.

Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus/(f) 028 313 2093/(e) loretta@overstrand.gov.za) on or before **27 January 2023**, quoting your name, address and contact details, interest in the application, and the reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Ms. H van der Stoep** at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comments.

DGI O'Neill, Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

**Municipal Notice No. 173/2022**

9 December 2022

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**OVERSTRAND MUNISIPALITEIT**

**ERF 3921, TWEDELAAN 128, KLEINMOND: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDE, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: FVS STADS- EN STREEKBEPLANNERS NAMENS HEICH BELEGGINGSTRUST**

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoeke van toepassing op Erf 3921, Kleinmond (die eiendom), naamlik:

**Opheffing van Beperkende Titelaktevoorwaarde**

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaarde C.8.. soos vervat in Titelakte T13275/2001 van die eiendom om 'n motorafdak en pergola wat die straatboulyn oorskrei, te akkommodeer.

**Afwyking**

Aansoek ingevolge Artikel 16(2)(b) van die Verordening ten einde die straatboulyn te verslap vanaf 4m na  $\pm 0,45m$  om 'n motorafdak en pergola te akkommodeer.

**Bepaling van 'n Administratiewe Boete**

Aansoek ingevolge Artikel 16(2)(q) van die Verordening vir die ongemagtige boulynoorskreidings soos bo uiteengesit.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en by die Kleinmond Biblioteek, Vydelaan, Kleinmond.

Enige kommentare moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus/(f) 028 313 2093/(e) loretta@overstrand.gov.za) bereik voor of op **27 Januarie 2023**, met u naam, adres en kontakbesonderhede, belang in die aansoek, en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Me. H van der Stoep** by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amp-tenaar bygestaan sal word om hul kommentare te formuleer.

DGI O'Neill, Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS**, 7200

**Munisipale Kennisgewing Nr. 173/2022**

9 Desember 2022

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## UMASIPALA WASE-OVERSTRAND

**ISICELO SOKUSUSWA KWEMEKO YESITHINTELO SETAYITILE YOBUNINI, UKUHAMBA KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: FVS IDOLOPHU & ABACWANGCISI BOMMANDLA EGAMENI LIKA HEICH BELEGGINGSTRUST.**

Esi saziso sikhutshwe ngokuvumelana neCandelo- 47 nele 48 loMthetho kaMasipala wase- Overstrand Otshintshiweyo omalunga Nokuceba Koku-setyenziswa Komhlaba kaMasipala (2020) ukuba kufunyenwe ezi zicelo zilandelayo eziqukiweyo kwi- iSiza 3921, Kleinmond (Ipropati), ngale ndlela:

**Ukususwa kwezithintelo kwiSivumelwano soBuninimhlaba**

Isicelo ngokuvumelana neCandelo—16(2)(f) ngeMithetho Yedolophu yokususa imibandela eluqilima yetaytile yobunini- C.8. equkiweyo kwiTaytile Yobunini i- T13275/2001 kwipropati ukuhlalisa i-carport kunye ne-pergola etyhutyha umgca wesakhiwo sesitrato

**Ukuphambuka**

Ukufakwa kwesicelo ngokweCandelo le-16(2)(b) loMthetho kaMasipala sokunyenya imida yesakhiwo ukusuka kwisi-4m ukuya kwi-±0,45m ukulungiselela indawo yekhapoti kunye ne-pergola.

**Ukumiselwa kwesohlwayo soLawulo**

Ukufakwa kwesicelo ngokweCandelo le-16(2)(q) loMthetho kaMasipala sophokelo lwemida yesakhiwo olungagunyaziswanga njengoko kuchaziwe apha ngasentla.

Inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus nakwithala lencwadi eKleinmond, Fifth Avenue, Kleinmond.

Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zamaSolotyama-51 nama-52 kwaMasipala (16 Paterson Street, Hermanus/(f) 028 313 2093/(e) loreta@overstrand.gov.za) ngoLwesihlanu okanye ngaphambi koLwesihlanu, **27 eyoMqungu (Janyuwari) 2023**, ukhankanye igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Imibuzo ngefowuni ingabhekiswa **UMcwangcisi weDolophu oMkhulu, uNksz H van der Stoep** ku-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda okanye ukubhala angaya kwiCandelo leDolophu apho igosa likamasipala liza kumnceda avakalise izimvo zakhe ngokusemethethweni.

DGI O'Neill, Umlawuli kaMasipala, Masipala waseOverstrand, P.O. Box 20, **HERMANUS**, 7200

**Isaziso Sikamasipala No. 173/2022**

Inothisi kaMasipala Nomb. 164/2022

9 kweyoMnga 2022

22788

## GEORGE MUNICIPALITY

## GEORGE MUNICIPALITY: PROBLEM PREMISES BY-LAW | 1

**LOCAL AUTHORITY NOTICE 074 OF 2022****GEORGE MUNICIPALITY****PROBLEM PREMISES BY-LAW**

**NOTICE IS HEREBY GIVEN** in terms of Section 13(a) of the Local Government Municipal Systems Act, No. 32 of 2000, the George Municipality at a meeting of Council, held on 24 November 2022, under item 7.1.3, resolved to pass the Problem Premises By-Law as set out hereunder.

The said By-Law comes into operation on the date of publication in the Provincial Gazette of the Province of the Western Cape.

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## **GEORGE MUNICIPALITY**

### **PROBLEM PREMISES BY-LAW**

[Approved by the George Municipality on 24 November 2022, under item 7.1.3]

[Date of commencement: 9 December 2022]

Under the provisions of Section 156 of the Constitution of the Republic of South Africa, 1996 George Municipality, enacts as follows:

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## GEORGE MUNICIPALITY: PROBLEM PREMISES BY-LAW | 3

**Definitions**

1. In this bylaw, the English text shall prevail in the event of an inconsistency between the different texts, and unless the context otherwise indicates: –

**“Act”** means the National Building Regulations and Building Standards Act, 1977, (Act 103 of 1977);

**“authorized official”** means an employee or employees of the municipality authorized to implement and enforce any or specific provisions of this bylaw;

**“building”** includes –

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the -
- (i) accommodation or convenience of human beings or animals;
  - (ii) manufacture, processing, storage, display or sale of any goods;
  - (iii) rendering of any service;
  - (iv) destruction or treatment of refuse or other waste materials;
  - (v) cultivation or growing of any plant or crop;
- (b) any wall, fence or part of a building, including a building as defined in paragraph (a); or
- (c) a unit as defined in the Sectional Title Act, 1986 (Act No. 95 of 1986);

**“Municipal Manager”** means the person appointed by Council as municipal manager for George Municipality in terms of section 56A of the Local Government Municipal Systems Act, 2000 (No. 32 of 2000), or his or her delegate;

**“council”** means the municipal council of George Municipality;

**“municipality”** means the George Municipality established in terms of Section 12 of Municipal Structures Act, No. 117 of 1998, and includes any political structure, political office bearer, councilor, duly authorized agent thereof or any employee thereof acting in connection with this bylaw by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councilor, agent or employee;

**“National Building Regulations”** means regulations issued in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) hereafter referred to as the **NBR**;

**“occupier”** means any person who occupies or has control over any premises;

**“owner”** in relation to a building or land means the person in whose name the land on which such building was or is erected, as the case may be, is registered in the deeds office in question and includes a person in charge or the occupier of such building or land, provided that if –

- (a) such person, in the case of a natural person, is deceased or was declared by any court to be incapable of managing his or her own affairs or a prodigal or is a patient as defined

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**GEORGE MUNICIPALITY: PROBLEM PREMISES BY-LAW | 4**

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- in section 1 of the Mental Health Act, 1973 (Act No. 17 of 2002), or if his or her estate has been sequestrated, the executor or curator concerned, as the case may be;
- (b) such person, in the case of a juristic person, has been liquidated or placed under judicial management, the liquidator or judicial manager concerned, as the case may be;
  - (c) such person is absent from the Republic or if his or her whereabouts are unknown, any person who, as agent or otherwise, undertakes the management, maintenance or collection of rentals or other moneys in respect of such building or who is responsible there for;
  - (d) the mortgage bond is registered in favour of a financial institution, that financial institution;
  - (e) in the case of a sectional title scheme, a sectional title unit is registered in the name of a person, that person;
  - (f) in the case of a sectional title scheme, a body corporate responsible for the control, administration and management of the common property;
  - (g) the municipality is unable to determine the identity of such person, any person who is entitled to the benefit of the use of such building or land or who enjoys such benefit;

**“problem premises”** include any-

- (a) building or land that has been abandoned or appears to have been abandoned by the owner with or without the consequence that rates or other service charges are not being paid;
- (b) building or land that is derelict in appearance, overcrowded or showing signs that it is hazardous to human health, unsightly or objectionable;
- (c) building or land that is the subject of complaints from the public including complaints in respect of criminal activity taking place in or at such building or land;
- (d) building or land that is illegally occupied;
- (e) building or land where refuse or waste material is accumulated, dumped, stored or deposited;
- (f) building partially completed, or structurally unsound and that shows signs of any of the risks contemplated in paragraphs (a) to (e); or
- (g) vacant or unoccupied land.

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**Principles and application**

2. (1) This bylaw is supplementary to the Act and the NBR to ensure the proper care and maintenance of buildings and premises, whether vacant or occupied and as such giving effect to the provisions of section 12 of the Act.
- (2) This bylaw does not derogate from the provisions of the Act and the NBR.
- (3) This bylaw applies to all problem premises as defined in section 1, situated within the area of jurisdiction of the municipality.
- (4) In the implementation and enforcement of this bylaw, the municipality may take into consideration the realities of the George area, the different customs, cultures, circumstances, geographical areas, kinds of premises, levels of development and conventions and the municipality may determine the areas in which the bylaw will be applicable.

**Appointment of authorized officials**

3. The Municipal Manager may appoint officials to implement and enforce any or specific provisions of this bylaw.

**Delegation**

4. The Municipal Manager may exercise all powers, duties and functions conferred upon the municipality in terms of this bylaw and may delegate all or any of such powers, duties and functions to officials of the municipality.

**Entry by authorized officials of buildings and land**

5. (1) An authorized official may enter any building or land at any reasonable time with the view to -
  - (a) inspect or determine whether the building or land complies with the provisions of this bylaw; or
  - (b) serve the owner of the building or land with a compliance notice contemplated in section 7.
- (2) No person may hinder or obstruct the authorized official in the exercise of his or her powers in terms of the bylaw.
- (3) An authorized official must, when entering the building or land, on demand, produce a valid identification document issued to him or her by the municipality.

**Declaration of problem premises**

6. (1) An authorized official, who has reasonable grounds to believe that a building or land falls within the definition of problem premises-
  - (a) may carry out an investigation of such building or land in order to make an informed decision on the status thereof;

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**GEORGE MUNICIPALITY: PROBLEM PREMISES BY-LAW | 6**

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- (b) may subject to sub paragraphs (c), and (d), declare such building or land as problem premises.
  - (c) must, before such declaration, inform the owner in writing of his or her intention to do so; and
  - (d) must give the owner reasonable time to make representations.
- (2) If an owner fails to respond to or make any representation with regard to a notice of intention issued in terms of sub section (1)(c) within the stipulated period, the authorized official may proceed with the declaration of the building or land as problem premises.
- (3) The owner shall, upon a declaration in terms of sub section 1(b), have a right of appeal in terms of section 62 of the Local Government Municipal Systems Act, 2000 (No. 32 of 2000).

**Compliance notice**

7. (1) Subject to the provisions of section 6(1) and (2), an authorized official may serve a written notice on the owner of any building or land which has been declared as problem premises, requiring such owner within a specified period to -
- (a) clean, repair, renovate, repaint, alter, close, demolish or secure such building or land;
  - (b) complete a building or any structure of such building;
  - (c) enclose, secure, fence or barricade such building or land;
  - (d) instruct, at the cost of such owner, an architect or other competent person as contemplated in Part A 19 of the NBR, to investigate such building and to report to the authorized official on the nature and extent of the steps to be taken to render such building safe or to rectify the deficiency which caused the building to be declared as problem premises;
  - (e) dispose of, destroy or remove any waste, material or article accumulated, dumped, stored or deposited in or at the building or land, and which is unsightly or is likely to constitute an obstruction or nuisance; or
  - (f) comply with any provision of this bylaw.
- (2) The municipality may, if an owner fails to comply with a notice served on him or her in terms of subsection (1), take any of the steps contemplated in sub section (1) (a) to (e), and where necessary, approach a competent court for an order authorizing the municipality to take such steps or any other steps it may deem necessary, at the cost of the owner; provided that no building may be demolished by the municipality without an appropriate court order to do so.
- (3) If the condition of any building is such that it poses a danger to life or property, and the authorized official has reason to believe that immediate steps are necessary to protect life or property, he or she may take any steps regarded necessary under the circumstances to prevent the danger to life or the property without serving a notice contemplated in subsection (1).



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**Recovery of cost**

8. The municipality may, if the owner fails to pay the cost contemplated in section 7(2), or if costs have been incurred for any steps taken in terms of subsection 7(3), recover the cost in terms of the Customer Care, Credit Control, Debt Collection and Indigent Support Bylaw which includes the right of attachment and sale in execution of the building.

**Vacation of buildings**

9. (1) If an authorized official deems it necessary for the safety of any person, he or she may by notice in writing, order the owner of a building which has been declared as problem premises to remove, within the period specified in such notice, any person who, for whatever purpose is in such building, and to take care that no person who is not authorized by the municipality enters such building.
- (2) Where an owner fails to comply with a notice in terms of section (1), the municipality may approach a competent court for an order to compel the owner to remove such person or persons or any other form of relief the court may find appropriate.

**Other applicable bylaws**

10. Nothing in this bylaw prevents the municipality to act in terms of any of its bylaws relating to-
- (a) fire safety;
  - (b) public nuisances;
  - (c) electricity supply;
  - (d) water and sanitation services;
  - (e) waste management; or
  - (f) land use planning management.

**Service of a notice**

11. (1) Any notice or other document that is served on a person in terms of this bylaw is regarded as having been duly served –
- (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);

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- (e) if that person's address and agent or representative in the Republic is unknown, when it has been displayed in a conspicuous place on the premises to which it relates;
  - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
  - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (2) When a compliance notice as aforesaid is required to be served on a person by reason of his or her being or having been the owner or holding some other right in respect of immovable property, it shall not be necessary to name him or her, and it shall be sufficient if he or she is therein described as the owner or holder of such immovable property or other right, as the case may be.

**Restriction of liability**

12. No authorized official shall be liable in respect of anything done in good faith in the exercise of a power or the performance of a duty conferred or imposed in terms of this bylaw.

**Exemption**

13. (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this bylaw.
- (2) The municipality may –
- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;
  - (b) alter or cancel any condition in an exemption; provided that the municipality must give reasonable notice of such intention and give the applicant reasonable time to make representations; or
  - (c) refuse to grant an exemption in which case the applicant must be informed of the reasons for such refusal.
- (3) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- (4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (5) If any condition of an exemption is not complied with, the municipality may withdraw or cancel such exemption; provided that the municipality must give reasonable notice of such intention and give the applicant reasonable time to make representations.

**Appeal**

14. A person whose rights are affected by a delegated decision of the municipality in terms of delegated authority may appeal against that decision by giving written notice of the appeal

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**GEORGE MUNICIPALITY: PROBLEM PREMISES BY-LAW | 9**

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and the reasons therefore in terms of section 62 of the Local Government Municipal Systems Act, (No. 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

**Offences and penalties/fines**

- 15.** (1) A person commits an offence if he or she -
- (a) threatens, resists, hinders or obstructs, or uses foul, abusive or insulting language towards or at an authorised official in the exercise of his or her powers or execution of his or her duties;
  - (b) falsely pretends to be an official;
  - (c) furnishes false or misleading information when requested to do so by an authorised official;
  - (d) fails to comply with a request of an authorised official; or
  - (e) fails to comply with a notice in terms of sections 7 or 9, or any condition imposed by the municipality when considering an application for exemption as contemplated in section 13(2).
- (2) Failure to comply with a notice, direction or condition referred to in this bylaw constitutes a continuing offence.
- (3) A person who contravenes any of the provisions of sub section (1) commits an offence and shall on conviction be liable to-
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
  - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
  - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.
- (4) Contravention penalties and fines to be read in conjunction with the Magistrate approved fines and contravention schedule.

**Short title and commencement**

- 16.** This bylaw shall be known as the George Municipality: Problem Premises Bylaw and shall come into operation on the date of publication thereof in the Provincial Gazette.

## CITY OF CAPE TOWN

**CLOSURE OF A PORTION OF WEIMAR STREET  
ERF 5918 PAROW ADJOINING ERVEN 5911, 5912, 5917, 5922  
AND 5923 PAROW**

Notice is hereby given in terms of Section 4 of the City of Cape Town Immovable Property By-Law 2015, that a portion of Weimar Street Erf 5918 Parow adjoining Erven 5911, 5912, 5917, 5922 and 5923 Parow, is closed.

SG ref. no.: S/10451/111 page 52

**LUNGELO MBANDAZAYO  
CITY MANAGER**

9 December 2022

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## OVERSTRAND MUNICIPALITY

**REMOVAL OF RESTRICTIVE TITLE DEED CONDITION:  
ERF 987, HERMANUS****OVERSTRAND MUNICIPALITY  
AMENDMENT BY-LAW ON MUNICIPAL LAND USE  
PLANNING, 2020**

Notice is hereby given in terms of Section 35.(1) of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning, 2020, that the Authorised Official has removed Condition B.(A)(d) as contained in Title Deed T48386/2017 applicable to Erf 987, Hermanus.

Municipal Manager, Overstrand Municipality, P.O. Box 20,  
**HERMANUS, 7200**

Municipal Notice: 175/2022

9 December 2022

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## CITY OF CAPE TOWN

**CITY OF CAPE TOWN MUNICIPAL PLANNING  
BY-LAW, 2015**

Notice is hereby given in terms of the requirements of section 48(5)(a) of the City of Cape Town Municipal Planning By-Law, 2015 that the City has on application by CORNELIUS COMANS/423, its own initiative removed conditions as contained in Title Deed No. T 5741 of 2020, in respect of Erf 423, GOODWOOD, in the following manner:

Removed condition:

B. (b), (c) and (d)

**This decision is subject to the following conditions which are to be included in the title deed of the subject property:**

- (b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.
- (c) That not more than one third the area of this erf be build upon.
- (d) That no building or structure or any portion thereof, except boundary walls and fences shall be erected nearer than 4,75 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf.

9 December 2022

22793

## STAD KAAPSTAD

**SLUITING VAN 'N GEDEELTE VAN OPENBARE PAD  
ERF 5918 PAROW AANLIGGEND ERWE 5911, 5912, 5917, 5922  
EN 5923 PAROW**

Kennis geskied hiermee kragtens Artikel 4 van die Stad Kaapstad se Verordening op Onroerende Eiendom, 2015, dat n gedeelte van Weimarstraat Erf 5918 Parow aanliggend Erwe 5911, 5912, 5917, 5922 en 5923 Parow, gesluit is.

LG verw. nr.: S/10451/111 page 52

**LUNGELO MBANDAZAYO  
STADSBESTUURDER**

9 Desember 2022

22790

## OVERSTRAND MUNISIPALITEIT

**OPHEFFING VAN BEPERKENDE  
TITELAKTEVOORWAARDE: ERF 987, HERMANUS****OVERSTRAND MUNISIPALITEIT  
WYSIGINGSVERORDENING OP MUNISIPALE  
GRONDGEBRUIKBEPLANNING, 2020**

Kennis word hiermee gegee ingevolge Artikel 35.(1) van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020, dat die Gemagtigde Beampte Voorwaarde B.(A)(d) soos vervat in Titelakte T48386/2017 van toepassing op Erf 987, Hermanus, opgehef het.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20,  
**HERMANUS, 7200**

Munisipale Kennisgewing: 175/2022

9 Desember 2022

22792

## STAD KAAPSTAD

**STAD KAAPSTAD VERORDENING OP MUNISIPALE  
BEPLANNING, 2015**

Kennisgewing geskied hiermee kragtens die vereistes van artikel 48(5)(a) van die Stad Kaapstad Verordening op Munisipale Beplanning, 2015, dat die Stad na aanleiding van 'n aansoek deur CORNELIUS COMANS/423, voorwaardes soos vervat in titelakte no. T 5741 van 2020, ten opsigte van Erf 423, GOODWOOD, op eie inisiatief soos volg opgehef het:

Voorwaarde opgehef:

B. (b), (c) and (d)

**Hierdie besluit is onderworpe aan die volgende voorwaardes wat by die titelakte van die onderhawige eiendom ingesluit moet word:**

- (b) Dat slegs een woning, tesame met sodanige buitegeboue wat gewoonlik vereis word om daarmee saam gebruik te word, op hierdie erf opgerig word.
- (c) Dat daar op nie meer as 'n derde van die gebied van hierdie erf gebou word nie.
- (d) Dat geen gebou of struktuur of enige gedeelte daarvan, behalwe grensmure en heinings, nader as 4,75m van die straatgrens wat 'n grens van hierdie erf vorm, opgerig mag word nie. Geen sodanige gebou of struktuur binne 1,57 m van die gemeenskaplike sygrens met enige aangrensende erf opgerig word nie.

9 Desember 2022

22793

## BITOU LOCAL MUNICIPALITY

**NOTICE OF DECISION TO REMOVE RESTRICTIVE TITLE DEED CONDITION, ERF 2995 PLETTENBERG BAY**

Notice is hereby given in terms of Section 33(7) of the Bitou By-law on Municipal Land Use Planning (2015) that a decision, has been taken on 4 October 2022, to remove condition D(2) as contained in title deed numbered T37560/1980 in respect of Erf 2995, Plettenberg Bay. For enquiries, please contact the Municipal Town Planner, Adel Stander, at 044 501 3321 or astander@plett.gov.za.

9 December 2022

22798

## WESTERN CAPE GAMBLING AND RACING BOARD

## NOTICE

**IN TERMS OF THE PROVISIONS OF SECTION 32(2) OF THE WESTERN CAPE GAMBLING AND RACING ACT, 1996 (ACT 4 OF 1996) (“THE ACT”), AS AMENDED, THE WESTERN CAPE GAMBLING AND RACING BOARD HEREBY GIVES NOTICE THAT THE FOLLOWING APPLICATION FOR A BOOKMAKER LICENCE, AS PROVIDED FOR IN SECTIONS 27(k) AND 55 OF THE ACT, AND A BOOKMAKER PREMISES LICENCE, AS PROVIDED FOR IN SECTIONS 27(KA) AND 55(A) OF THE ACT, HAS BEEN RECEIVED.**

Applicant for a new  
bookmaker licence: Onebet (Pty) Ltd  
– a South African registered company.

Registration number: 2022/469504/07

Person holding a 5% or  
more direct financial  
interest in the applicant: Willem Joseph Delport (100%)

Business address of  
proposed bookmaker: Ground Floor, Tenant 03, Zomerlust Estate,  
cnr. Bergriver Boulevard and Bergsig  
Avenue, Paarl 7646

Erf Number: 24266

Section 33 of the Western Cape Gambling and Racing Act, 1996 (hereinafter “the Act”) requires the Western Cape Gambling and Racing Board (hereinafter “the Board”) to ask the public to submit comments and/or objections to gambling licence applications that are filed with the Board. The conduct of gambling operations is regulated in terms of both the Act and the National Gambling Act, 2004. This notice serves to notify members of the public that they may lodge objections and/or comments to the above application on or before the closing date at the below-mentioned address and contacts. Since licensed gambling constitutes a legitimate business operation, moral objections for or against gambling will not be considered by the Board. An objection that merely states that one is opposed to gambling without much substantiation will not be viewed with much favour. You are hereby encouraged to read the Act and learn more about the Board’s powers and the matters pursuant to which objections may be lodged. These are outlined in Sections 28, 30, 31 and 35 of the Act. Members of the public can obtain a copy of the objection guidelines, which are an explanatory guide through the legal framework governing the lodgement of objections and the Board’s adjudication procedures. The objection guidelines are accessible from the Board’s website at [www.wcgrb.co.za](http://www.wcgrb.co.za) and copies can also be made available on request. The Board will consider all comments and objections lodged on or before the closing date during the adjudication of the application.

In the case of written objections to an application, the grounds on which such objections are founded must be furnished. Where comment in respect of an application is furnished, full particulars and facts to substantiate such comment must be provided. The name, address and telephone number of the person submitting the objection or offering the comment must also be provided. Comments or objections must reach the Board by no later than **16:00 on Wednesday, 11 January 2023.**

**Objections or comments must be forwarded to the Chief Executive Officer, Western Cape Gambling and Racing Board, P.O. Box 8175, Roggebaai 8012, or handed to the Chief Executive Officer, Western Cape Gambling and Racing Board, MWEB Building, 100 Fairway Close, Parow 7500, or faxed to the Chief Executive Officer on 021 422 2603, or emailed to [Objections.Licensing@wcgrb.co.za](mailto:Objections.Licensing@wcgrb.co.za)**

9 December 2022

22791

## WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE

## KENNISGEWING

**KRAGTENS DIE BEPALINGS VAN ARTIKEL 32(2) VAN DIE WES-KAAPSE WET OP DOBBELARY EN WEDRENNE, 1996 (WET 4 VAN 1996) (“DIE WET”), SOOS GEWYSIG, GEE DIE WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE HIERMEE KENNIS DAT DIE VOLGENDE AANSOEK OM ’N BOEKMAKERLISENSIE, SOOS BEOOG IN ARTIKELS 27(k) EN 55 VAN DIE WET, EN ’N BOEKMAKERPERSEELLISENSIE, SOOS BEOOG IN ARTIKELS 27(KA) EN 55(A) VAN DIE WET, ONTVANG IS.**

Aansoeker vir nuwe  
boekmakerlisensie: Onebet (Edms) Bpk  
– ’n Suid-Afrikaans-geregistreerde maatskappy.

Registrasienommer: 2022/469504/07

Persoon wat ’n direkte  
geldelike belang van  
5% of meer in die  
aansoeker het: Willem Joseph Delport (100%)

Besigheidsadres van  
voorgenome  
boekmaker: Grondvloer, Huurder 03, Zomerlust Landgoed  
h.v. Bergriver-Boulevard en Bergsigweg, Paarl  
7646

Erfnommer: 24266

Artikel 33 van die Wes-Kaapse Wet op Dobbeldary en Wedrenne, 1996 (hierna “die Wet” genoem) bepaal dat die Wes-Kaapse Raad op Dobbeldary en Wedrenne (hierna “die Raad” genoem) die publiek moet vra om kommentaar te lewer op en/of besware aan te teken teen dobbellisensie-aansoeke wat by die Raad ingedien word. Dobbeldarysaamhede word kragtens die Wet sowel as die Nasionale Wet op Dobbeldary, 2004 gereguleer. Hierdie kennisgewing dien om lede van die publiek in kennis te stel dat hulle voor die sluitingsdatum by ondergemelde adres en kontakte beswaar kan aanteken teen en/of kommentaar kan lewer op bogenoemde aansoek. Aangesien gelisensieerde dobbeldary ’n wettige besigheidsbedryf uitmaak, word morele besware ten gunste van of teen dobbeldary nie deur die Raad oorweeg nie. ’n Beswaar wat bloot meld dat iemand teen dobbeldary gekant is sonder veel staving sal nie gunstig oorweeg word nie. U word hiermee aangemoedig om die Wet te lees en meer inligting te verkry oor die Raad se magte en die aangeleenthede op grond waarvan besware ingedien kan word. Dit word in artikel 28, 30, 31 en 35 van die Wet uitgestippel. Lede van die publiek kan ’n afskrif van die riglyne vir besware bekom, wat ’n gids is wat die werking verduidelik van die regsraamwerk wat die indiening van besware, publieke verhore en die Raad se beoordelingsprosedures reguleer. Die riglyne vir besware is verkrygbaar op die Raad se webwerf by [www.wcgrb.co.za](http://www.wcgrb.co.za) en afskrifte kan ook op versoek beskikbaar gestel word. Die Raad sal alle kommentaar en besware oorweeg wat op of voor die sluitingsdatum tydens die beoordeling van die aansoek ingedien word.

In die geval van skriftelike besware teen ’n aansoek moet die gronde waarop sodanige besware berus, verskaf word. Waar kommentaar ten opsigte van ’n aansoek gegee word, moet volle besonderhede en feite om sodanige kommentaar te staaf, verskaf word. Die persoon wat die beswaar of kommentaar indien se naam, adres en telefoonnommer moet ook verstrek word. Kommentaar of besware moet die Raad bereik nie later nie as **16:00 op Woensdag, 11 Januarie 2023.**

**Besware of kommentaar moet gestuur word aan die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbeldary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbeldary en Wedrenne, MWEB-gebou, Fairway-singel 100, Parow 7500 of per faks: 021 422 2603 of e-pos: [Objections.Licensing@wcgrb.co.za](mailto:Objections.Licensing@wcgrb.co.za)**

9 Desember 2022

22791

## LANGEBERG MUNICIPALITY

**CLOSURE OF A PORTION OF PUBLIC PLACE  
ERF 3972 ADJOINING ERF 4035, ROBERTSON**

Notice is hereby given in terms of Section 26 of the Langeberg Municipality: Land Use Planning By-Law 2015, that the portion of Erf 3972 adjoining Erf 4035 has been closed. (S/7734 V.3 p161)

[Notice number:- MK 56/2022]

**A EVERSON**  
**ACTING MUNICIPAL MANAGER**  
Langeberg Municipality  
Private Bag X2  
**ASHTON**  
6715

9 December 2022

22794

## LANGEBERG MUNICIPALITY

**CLOSURE OF A PORTION OF PUBLIC PLACE  
ERF 2 ADJOINING ERF 2418, ROBERTSON**

Notice is hereby given in terms of Section 26 of the Langeberg Municipality: Land Use Planning By-Law 2015, that the portion of Erf 2 adjoining Erf 2418 has been closed. (S/7734/77 p201)

[Notice number:- MK 57/2022]

**A EVERSON**  
**ACTING MUNICIPAL MANAGER**  
Langeberg Municipality  
Private Bag X2  
**ASHTON**  
6715

9 December 2022

22795

## OVERSTRAND MUNICIPALITY

**REMOVAL OF RESTRICTIONS ACT, 1967  
(ACT 84 OF 1967)**

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning property designated as the Competent Authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act 1967 (Act 84 of 1967), and on application by the Body Corporate of the scheme known as WALKER VIEW APARTMENTS SS451/2017 situated on Erf 825 De Kelders, SG No. D397/2016 removes conditions E.(a); (b); (c) and (d) as contained in Section 11(3)(b) Certificate.

9 December 2022

22797

## THEEWATERSKLOOF MUNICIPALITY

**PROPOSED ADOPTION OF BY-LAW**

Notice is hereby given in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) that the Theewaterskloof Municipality has adopted the proposed Theewaterskloof Municipality Liquor Trading Days and Hours By-law, 2022 and that the Theewaterskloof Municipality Liquor Trading Days and Hours By-law, 2015 is repealed and replaced.

**B NGUBO**  
**MUNICIPAL MANAGER**

Municipal Office  
P.O Box 24  
6 Plein Street  
CALEDON  
7230

## LANGEBERG MUNISIPALITEIT

**SLUITING VAN GEDEELTE VAN OPENBARE PLEK  
ERF 3972, LANGS ERF 4035, ROBERTSON**

Kennis geskied hiermee kragtens Artikel 26 van die Langeberg Munisipaliteit: Verordening op Grondgebruikbeplanning 2015, dat die gedeelte van Erf 3972, langs Erf 4035, Robertson, nou gesluit is. (S/7734 V.3 p161)

[Kennisgewing nommer:- MK 56/2022]

**A EVERSON**  
**WAARNEMENDE MUNISIPALE BESTUURDER**  
Langeberg Munisipaliteit  
Privaatsak X2  
**ASHTON**  
6715

9 Desember 2022

22794

## LANGEBERG MUNISIPALITEIT

**SLUITING VAN GEDEELTE VAN OPENBARE PLEK  
ERF 2, LANGS ERF 2418, ROBERTSON**

Kennis geskied hiermee kragtens Artikel 26 van die Langeberg Munisipaliteit: Verordening op Grondgebruikbeplanning 2015, dat die gedeelte van Erf 2, langs Erf 2418, Robertson, nou gesluit is. (S/7734/77 p201)

[Kennisgewing nommer:- MK 57/2022]

**A EVERSON**  
**WAARNEMENDE MUNISIPALE BESTUURDER**  
Langeberg Munisipaliteit  
Privaatsak X2  
**ASHTON**  
6715

9 Desember 2022

22795

## OVERSTRAND MUNISIPALITEIT

**WET OP OPHEFFING VAN BEPERKINGS, 1967  
(WET 84 VAN 1967)**

Kennis geskied hiermee dat die Minister van Plaaslike Bestuur Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as Bevoegde Gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek deur die Regspersoon van die skema bekend as WALKER VIEW APARTMENTS SS451/2017 geleë op Erf 825 De Kelders, SG No. D397/2016 verwyder voorwaardes E.(a) ; (b); (c) en (d) soos vervat in Artikel 11(3)(b) Sertifikaat.

9 Desember 2022

22797

## THEEWATERSKLOOF MUNISIPALITEIT

**VOORGESTELDE AANVAARDING VAN VERORDENING**

Kennis geskied hiermee ingevolge Artikel 12(3)(b) van die Plaaslike Regering: Munisipale Stelselwet, 2000 (Wet Nr. 32 van 2000), dat die Munisipaliteit van Theewaterskloof die voorgestelde Theewaterskloof Munisipale Drank Handelsdae en Ure Verordening, 2022 goedgekeur het en dat die Theewaterskloof Munisipale Drank Handelsdae en Ure Verordening 2015, herroep en vervang word.

**B NGUBO**  
**MUNISIPALE BESTUURDER**

Munisipale Kantoor  
Posbus 24  
Pleinstraat 6  
CALEDON  
7230





**Theewaterskloof**  
Municipality

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

**DECEMBER 2022**

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

### **PREAMBLE**

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

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

The objective of this by-law is –

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

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## CHAPTER 1 INTERPRETATION AND APPLICATION

### 1. INTERPRETATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**"Winery"**, includes premises or facilities which are used in the production of wine or any other alcoholic beverage from fruit or other agricultural produce, and such premises or facilities may include facilities for crushing grapes or similar agricultural product, fermentation and aging of wine or similar produce, tasting rooms, barrel and

storage rooms, bottling rooms, tank rooms, laboratories or offices and other accessory or ancillary facilities incidental to the production of wine or alcoholic beverages, which may include –

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

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

## **2. APPLICATION**

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

## **3. GENERAL PROHIBITION**

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

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

## **CHAPTER 2 STANDARD TRADING HOURS**

### **4. TRADING DAYS AND HOURS FOR THE SALE AND CONSUMPTION OF LIQUOR ON LICENSED PREMISES**

- (1) A licensee of premises upon which liquor may be sold for consumption on the licensed premises may sell liquor between 10:00 on any day and 02:00 on the following day.
- (2) Notwithstanding the provisions of subsection 4(1) of this by-law, a hotel or guest accommodation establishment licensed to sell liquor, may offer a room service facility at any time of the day.
- (3) The trading days and hours for the sale and consumption of liquor at any special events or temporary licensed premises, shall be in accordance with the hours as determined by the temporary liquor license.
- (4) A licensed casino may sell liquor for 24 hours a day and 7 days a week.

- (5) A licensee who sells liquor for consumption on the licensed premises—
- (a) may not allow any consumption of liquor on the licensed premises, at any time when the sale of liquor is not permitted on the premises; and
  - (b) may not allow that any liquor is taken off the licensed premises.
- (6) A licensee in respect of a hotel or guest accommodation establishment:—
- (a) may provide access to a pre-stocked bar facility inside a private suite or room, for use by a guest occupying such private suite or room; and
  - (b) may not restock such bar facility, during the hours the licensee is not allowed to sell liquor.
- (7) A licensee in respect of a hotel or guest accommodation establishment, may not provide liquor to guests or visitors outside of the standard trading hours for such a type of licensed premises, unless such liquor is provided in accordance with the stipulations of subsection 4(2) and subsection 4(3) of this by-law.
- (8) A licensee may submit an application to the Municipality for permanent extended trading hours to sell liquor for consumption on a licensed premises, as long as the license holder has a valid liquor licence for the premises concerned.

#### **5. TRADING DAYS AND HOURS FOR THE SALE OF LIQUOR FOR USE OFF LICENSED PREMISES**

- (1) A licensee for consumption of liquor off a licensed premises, may sell liquor on any day of the week, except that no liquor may be sold on a Sunday.
- (2) A licensee operating a tourist facility may, despite the stipulations of subsection 5(1) of this bylaw, sell liquor for consumption off the licensed premises, on any day of the week from 09:00 to 18:00.
- (3) A licensee may sell liquor for consumption off the licensed premises on the following days and hours –
- a. Monday to Saturday 09:00 until 18:00; and
  - b. No trading are allowed on Sundays and Christmas Day, provided that this restriction shall not apply to a winery and a tourism facility, which may trade on such days, from 09:00 to 18:00.
- (4) A licensee may submit an application to the Municipality for permanent extended trading hours to sell liquor from a licensed premises until 20:00, as long as the license holder has a valid liquor license for the premises concerned.

### CHAPTER 3 EXTENDED TRADING HOURS

#### 6. APPLICATION FOR EXTENDED TRADING HOURS

- (1) A licensee may, submit a written application to the Municipality to extend the trading hours, for a specific type of licence, subject to the following conditions—
  - (a) extended trading hours may on application be granted to an applicant—
    - (i) as permanent consent, as long as the license holder has a valid liquor license for the premises concerned;
    - (ii) for a period of one (1) calendar year;
    - (iii) for any period shorter than one (1) calendar month; and
    - (iv) for a special event.
  - (2) The Municipality may approve or in part approve or refuse an application for an extension of trading hours, and any applicant shall have the right of appeal in terms of the provisions of section 8 of this by-law.
  - (3) No rights shall accrue for an applicant for extended trading hours, until the written approval has been received from the Municipality.
  - (4) The Municipality may, by written notice to an applicant, impose conditions for trading during extended hours, on condition that such conditions imposed shall be consistent, equitable and fair for all applications, and that no precedents shall be created.
  - (5) Before the Municipality considers an application for the extension of trading hours, an applicant has to submit the following information and supporting documentation to the Municipality—
    - (a) the outcome of consultations with owners and occupants of premises adjacent to the licensed premises, who shall be affected by the application;
    - (b) the potential impact on the surrounding environment;
    - (c) the proximity of the licensed premises, with regard to surrounding residential areas, and cultural, religious and educational facilities;
    - (d) the particular period for which the application is submitted, or whether the application is for the permanent extended trading hours;
    - (e) previous licence suspensions, licence amendments or revocations of applications for extended trading hours, for the same licensed premises;
    - (f) the reasons why it is in the public's interest to approve and / or grant an extension of trading hours;

- (g) motivations dealing with—
    - (i) the impact of the risks to and nuisances for the surrounding land owners, residents and occupants of premises; and
    - (ii) mitigation measures to assist with the control and prevention of risks and / or nuisances;
  - (h) the municipal zoning requirements and conditions of the licensed premises;
  - (i) the proof of the validity of the current liquor licence, and that the municipal account for the premises concerned is paid-up;
  - (j) the comments and recommendations on the application, of the Western Cape Liquor Authority, the Liquor Officer of the South African Police Services and the Law Enforcement Department of the Municipality; and
  - (k) where applicable, the validity of any other business licence.
- (6) The municipality may withdraw any approval of the extension of liquor trading hours, when a licensee does not abide to the conditions of the extension or whenever proof are provided to the Municipality that the extended trading hours are no longer appropriate.

## **CHAPTER 4 GENERAL PROVISIONS**

### **7. APPEALS**

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

### **8. SUSPENSION, AMENDMENT AND REVOCATION OF EXTENDED LIQUOR TRADING HOURS**

- (1) An authorized official may, upon delivery of a written notice to the licensee or person in charge of a licensed premises, immediately suspend the extended trading hours of a license holder for non-compliance to the stipulations of the Act, or the stipulations of this by-law, or any condition of the liquor license or the extended trading hour's approval not complied with.
- (2) The written notice as contemplated in subsection 9(1) of this by-law, shall specify the reasons for the suspension and the timeframes in terms of which such suspension of extended trading hours shall be applicable.

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

## **9. OFFENCES AND PENALTIES**

- (1) Any person who contravenes or fails to comply with the provisions of this by-law, or fails to comply with a notice served in terms of this by-law, or fails to comply to an instruction of an authorized official or posted on a notice board, is guilty of an offence and is liable on conviction, for—
  - (a) a fine or imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;
  - (b) in the case of a successive or continuing offence, to an additional fine or additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment, for every day such offence continues; and
  - (c) any further amount as an order of court for costs, equal to any costs and expenses, deemed by the Court, to have been incurred by the Municipality as a result of such contraventions.

## **10. SERVING OF NOTICES AND OTHER DOCUMENTS**

- (1) A notice, instruction, letter of demand, or other document issued by the Municipality in terms of this by-law, is deemed to be duly issued when a duly delegated official of the Municipality has signed it.

- (2) Any notice, instruction, letter of demand, or other document that is served on a person in terms of this by-law, is regarded as having been duly and effectively served—
- (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic of South Africa, with a person apparently older than sixteen years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic of South Africa, and proof of the posting thereof is provided;
  - (d) if that person's address in the Republic of South Africa is unknown, when it has been served on that person's agent or representative in the Republic of South Africa, in a manner as provided in subsections 11(2)(a), 11(2)(b) or 11(2)(c) of this by-law;
  - (e) if that person's address and agent or representative in the Republic of South Africa is unknown, when it has been posted in a conspicuous place on the property or premises to which it relates; or
  - (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of the body corporate.
- (3) When any notice, instruction, letter of demand, or other document is served on a person in terms of this by-law, it is sufficient for purposes of the serving of the notice, instruction, letter of demand, or other document, to describe the person in the notice, instruction, letter of demand or other document, as the owner, occupier, or holder of the property or rights in question, and it is not a requirement to name that person.
- (4) A notice, instruction, letter of demand, or other document shall for purpose of authentication, be properly signed by the Municipality.

## **11. CONFLICT BETWEEN LEGISLATION**

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

## **12. REPEAL OF BY-LAWS**

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



(2) The following by-law of the Theewaterskloof Municipality is hereby specifically repealed—

**13. SCHEDULE FORM PART OF THE BY-LAW**

Name of by-law	Date published	As a whole or partially
Theewaterskloof Municipality Liquor Trading Days and Hous Bylaw	14 May 2015	As a whole

**14. SHORT TITLE**

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

**15. OPERATIVE DATE**

This by-law shall take effect on the date of publication in the Provincial Gazette.

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