



CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

THIS CITY WORKS FOR YOU

CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC BY-LAW, 2013

APPROVED BY COUNCIL : 04 DECEMBER 2013
C 58/12/13

PROMULGATED 17 JANUARY 2014
PG 7219; LA 56199

The previous City of Cape Town: Liquor Trading Days and Hours By-law, 2010 Promulgated on 10 September 2010 (PG 6788; LA 22327); and as amended on 26 April 2012 (PG 6990; LA 24493) has been repealed

CITY OF CAPE TOWN: CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC, 2013

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City of Cape Town: Control of Undertakings that Sell Liquor to the public By-law, 2013

To provide for the control of undertakings selling liquor to the public including the control of trading times in order to ensure a safe and healthy environment in the City of Cape Town; and to provide for matters related thereto.

Preamble

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

WHEREAS it is the intention of the City to set trading times and enforcement mechanisms for the control of licensed undertakings that sell liquor to the public and which are situated within the jurisdiction of the City of Cape Town;

AND NOW THEREFORE, BE IT ENACTED by the Council of the City of Cape Town, as follows:–

INTERPRETATION

Definitions

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

“agricultural area” means an area predominantly zoned for agriculture or any other equivalent zoning, with the 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;

“authorised official” means a delegated employee of the City’s Directorate: Safety and Security, Liquor Enforcement and Compliance Unit and includes any other authorised official delegated to enforce the provisions of this by-law;

“business premises” means a property from which business is conducted and may include a restaurant, pub, 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 casino as defined in the National Gambling Act, 2004 (Act No. 7 of 2004) and includes a hotel, business premises, venue for hosting of events, place of entertainment or other recreation facility or tourist attraction as part of the complex;

“City” means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, 1998, or any structure or employee of the City acting in terms of delegated authority;

“compliance notice” means a written instruction of an authorised official as contemplated in section 7;

“Council” means the Municipal Council of the City;

“general business area” means an area predominantly zoned general business or any other equivalent zoning, 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;

“guest accommodation establishment” means premises used as temporary residential accommodation, and includes the provision of meals for transient 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 meetings, conferences, events or training sessions of resident guests, but excludes a hotel;

“hotel” means premises used as temporary residential accommodation for transient guests where lodging or meals are provided for compensation, and includes –

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

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

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

“licensee” means a person who is licensed to sell liquor in terms of the Act and includes the manager who is responsible for the management of the business and is subject to the same duties, obligations and liabilities as the licensee;

“liquor” means liquor as defined in the Act;

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

“off-consumption premises” means the place of business from which a licensee sells liquor to be consumed at a location removed from the place of business;

“on-consumption premises” means the place of business and location in which liquor is sold and consumed;

“organised function” means a celebration, party or similar festivity shared at a licensed premises;

“person” means a natural person or a juristic person;

“place of entertainment” means a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside standard business hours or generate noise from amplified or live music or revelry on a regular basis, and includes a cinema, theatre, amusement park, dance hall, gymnasium, totalisator or facility for betting, gambling hall, karaoke bar and nightclub, but excludes a casino;

“population certificate” means an occupancy certificate aimed at the prevention and control of overcrowding as contemplated in the City of Cape Town By-law relating to Community Fire Safety, 2002;

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

“sell” includes –

- (a) to supply, exchange, offer for sale, display for the purpose of sale; or
- (b) to authorise, direct or allow a sale, supply, exchange, offer for sale or display for sale; for the exchange of money or any other type of consideration; and **“sale”** and **“sold”** have corresponding meanings;

“small holding or rural area” means an area predominantly zoned rural 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 process, and includes Champagne;

“sports and community club” means premises or a facility used for the gathering of community or civic organisations or associations, sports clubs or other social or recreation clubs run mostly not for profit and may include community service clubs and community centres or similar amenity facilities, but excludes a night club;

“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 City in terms of section 6 of this By-law;

“suspension notice” means a written notice to suspend extended liquor trading days and hours as contemplated in section 8;

“subcouncil” means a political substructure of Council which has been delegated with certain powers and duties of Council;

“the Act” means the Western Cape Liquor Act, 2008 (Act No. 4 of 2008);

“winery” includes premises or facilities which are used in the production of wine and such premises or 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) a restaurant and other food services; or
- (b) a subsidiary retail facilities to tours or visitors, and

“zoned” means zoned as the case may be in terms of the City of Cape Town Zoning Scheme Regulations; and “zoning” has a corresponding meaning.

Application

2. This By-law is applicable to licensees that sell liquor to the public within the jurisdiction of the City.

General Prohibition

3. No person may sell liquor to the public for on consumption or off consumption –

- (a) outside of the days and hours that have been determined by the City; and
- (b) without a valid liquor licence that has been issued as contemplated in the Act.

STANDARD TRADING TIMES**On-Consumption Premises**

4. (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; and
- (b) during the hours of trade as set out in the Schedule.

(2) A licensee may allow a patron to complete the consumption of liquor on the premises at a time when the sale of liquor is not permitted by this By-law, but may not allow such consumption on the premises for more than 30 minutes after the time permitted by this By-law.

(3) Despite the provisions of this By-law, a licensee as contemplated in subsection (1), may sell sparkling wine to guests who are part of an organised function where admittance is controlled –

- (a) from 08h00 to 11h00 for seven days a week; and
- (b) as part of a meal.

(4) A hotel or guest accommodation establishment licensed to sell liquor for on consumption, may provide access to a bar facility inside each private suite or room for the enjoyment of a guest occupying such private suite or room.

Off-Consumption Premises

5. A licensee may sell liquor for off-consumption on any day of the week from 09:00 to 18:00, except on Sundays.

EXTENDED TRADING TIMES

Application for extended days and hours

6. (1) Subject to subsection (5), (6) and (7) a licensee may upon payment of the required fee, submit a written application to the City to extend the liquor trading days and hours of licensed premises.

(2) The City may approve, amend or refuse an application for an extension of liquor trading days and hours for both on and off consumption premises.

(3) An application for the extension of trading days and hours is not automatically renewable and –

(a) must be submitted to the City for consideration on an annual basis; and

(b) may be approved by the City, subject to the imposition of conditions for extended liquor trading days and hours.

(4) No application will be considered or processed for approval by the City during the period starting 1 December and ending 15 January of the following year.

(5) No licensee of on-consumption premises located in categories 1, 2 and 6 in the Schedule may apply for an extension of liquor trading hours.

(6) The City may approve, amend or refuse an application for the extension of liquor trading hours –

(a) up to 04:00 the next day for on-consumption premises that fall within categories 3 to 5 of the Schedule; and

(b) up to 20:00 for off-consumption premises from Monday to Saturday.

(7) The City may approve, amend or refuse an application for Sunday trading between the hours of 11:00 to 18:00 for off-consumption premises.

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

(9) The City must, before approving an application for the extension of trading days and hours, reasonably and fairly consider further factors which must include, *inter alia* –

(a) the validity of the liquor licence;

(b) where applicable, the validity of a business licence issued in terms of the Businesses Act of 1991 (Act No. 71 of 1991);

(c) location category as per the Schedule;

(d) previous suspension, amendment or revocation of extended trading days and hours including previous records of complaints investigated and confirmed in respect of the last twelve months preceding a current application for extension;

- (e) the proximity of the licensed premises to surrounding residential zoned area, cultural, religious and educational facilities;
 - (f) outcome of community consultation and the recommendation of the relevant ward;
 - (g) the potential impact on the surrounding environment;
 - (h) whether it is in the public interest to approve and grant an extension of trading days or hours; or
 - (i) a motivation from the applicant dealing with 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.
- (10) The basis and rational behind all decision-making must be recorded.

Compliance Notice

7. (1) An authorised official may serve a compliance notice on a licensee thereby instructing such licensee to comply with the provisions of this By-law.

(2) The compliance notice must specify –

- (a) the contravention and the expected remedy of the contravention;
- (b) the time frame in which the licensee must remedy the contravention and comply with any lawful instruction contained in the compliance notice; and
- (c) the consequences of failure to comply with paragraphs (a) and (b).

(3) A licensee commits an offence if such licensee fails to adhere to the instructions contained in a compliance notice.

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

8. (1) An authorised official may–

- (a) after the time frame specified in the compliance notice has lapsed; and
- (b) upon delivery of a suspension notice to the licensee immediately suspend extended trading days and hours for a maximum period of 7 working days.

(2) The suspension notice must–

- (a) specify the reasons and the timeframes in which such suspension of extended liquor trading days and trading hours will be in effect; and
 - (b) specify the subcouncil to which such suspension will be reported.
- (3) The authorised official must immediately report such suspension in writing, to the subcouncil responsible for that area in the City, substantiating the criteria that influenced the decision to deliver a suspension notice to the licensee.
- (4) The criteria contemplated in subsection (3) may include –
- (a) contravention of this By-law; and
 - (b) failure to adhere to the compliance notice.
- (5) The subcouncil –
- (a) must consider the suspension report of the authorised official;
 - (b) must allow the licensee to make written representations;
 - (c) must confirm, amend or revoke the decision of the authorised official to suspend the extended hours of trade of the licensed premises;
 - (d) may immediately amend or revoke the extended days and hours of trade, and
- (6) The subcouncil must immediately inform the licensee in writing of any decision and action taken in terms of subsection (5).
- (7) No person may continue selling liquor to the public during the period in which the extended days and hours of liquor trading have been suspended, amended or revoked.
- (8) The City may not be held responsible for any loss of income suffered by a licensee during any period of suspension of extended trading days and hours.
- (9) The City must inform the Western Cape Liquor Authority of any decision to confirm, amend or revoke the extended hours of trade.

PREVENTION OF SALE OF LIQUOR AND SEIZURE OF LIQUOR

Prevention of Sale of liquor and Seizure of Liquor

- 9.** (1) The City may, in the instance that the licensee has contravened this By-law and failed to adhere to a compliance or suspension notice that was served –
- (a) cause the prevention of sale of liquor; and
 - (b) seize any liquor on the premises in accordance with the procedures 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 City may recover any costs incurred by the City from the licensee.

Display of signage, population certificate and other obligations of licensee

10. (1) The licensee must ensure that the relevant approval relating to hours of trade and zoning together with the population certificate are always present and displayed on the premises.

(2) Licensees must ensure that the licensed premises meets and complies with all environmental health, planning, safety laws and with conditions imposed by the City.

Safety and Security

11. The licensee must ensure that reasonable safety and security measures are in place for the protection of patrons of the licensed premises by ensuring that, *inter alia* –

- (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); the City of Cape Town Community Fire Safety By-law, 2007 and any other permission granted by the City; and
- (c) there is adequate lighting on the outside of the premises where patrons and staff access and exit the licensed premises.

Nuisances

12. A licensee 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.

Offences and Penalties

13. Any licensee who –

- (a) contravenes sections 3; 4; 5; 6; 7; 8(7); 10; 11 or 12;
- (b) fails to comply with any compliance notice served in connection with this By-law,

is guilty of an offence and is upon conviction, liable to a fine or to imprisonment for a period not exceeding three years, or to both such fine and such imprisonment.

Right of Appeal

14. Any licensee or objector whose rights have been affected by a final decision taken by a subcouncil with regards to –

- (a) an application for extended trading days and hours ; or
- (b) the amendment or revocation of extended trading days and hours,

may appeal against that final decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

Repeal

15. The following By-laws are hereby repealed:

- (a) The City of Cape Town: Liquor Trading Days and Hours By-law, 2010 (PG6788; LA 22327); and
- (b) The City of Cape Town: Liquor Trading Days and Hours By-law, 2010 as amended in 2012 (PG6990; LA 24493).

Short title

16. This By-law is called the City of Cape Town: Control of Undertakings that Sell Liquor to the Public By-Law, 2013.

SCHEDULE
Trading hours for on-consumption licensed premises

Location category & licensed premises type	Maximum permitted trading hours
1. Residential area	
Guest accommodation establishment	11:00 – 23:00
Business premises	
Place of entertainment	
Sports and community club excluding special events requiring temporary licences	
Hotel	11:00 – 02:00 following day
Casino	
2. Local business or neighbourhood business area including mixed use areas	
Guest accommodation establishment	11:00 – 23:00
Business premises	
Place of entertainment	
Sports and community club excluding special events requiring temporary licences	11:00 – 24:00
Hotel	11:00 – 02:00 following day
Casino	
3. General business area	
Guest accommodation establishment	11:00 – 02:00 following day
Business premises	
Place of entertainment	
Sports and community club excluding special events requiring temporary licences	
Hotel	
Casino	
4. Industrial area	
Business premises	11:00 – 02:00 following day
Place of entertainment	
Sports and community club excluding special events requiring temporary licences	
5. Agricultural area	
Guest accommodation establishment	11:00 – 02:00 following day
Business premises	
Place of entertainment	
Sports and community club excluding special events requiring temporary licences	
Winery	
Hotel	
6. Small holding or rural area	
Guest accommodation establishment	11:00 – 24:00
Business premises	
Place of entertainment	
Sports and community club excluding special events requiring temporary licences	
Winery	

7. Other ad-hoc locations	
Vehicles or mobile undertakings used for tourist or entertainment or recreational purposes as per definition of ' premises ' in section 1 of the Act, except where City of Cape Town Special Events By-law determines otherwise	11:00 – 24:00
Special events or temporary licensed premises	As determined by City of Cape Town Event Permit granted in terms of the City of Cape Town Events Policy and approved by the appropriate Sub Council
8. Cape Town International Airport	
Limited to the International Passenger Departures Area	00:00 – 24:00

Note: Determination 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 homogeneously (e.g. a business zoned premises in the middle of a residential area), the actual zoning, consent or departure use rights of the subject licensed premises will take precedence in order to determine the category.

STAD KAAPSTAD: BEHEER VAN ONDERNEMINGS WAT DRANK AAN DIE PUBLIEK VERKOOP, 2013

GOEDGEKEUR DEUR RAAD: 4 DESEMBER 2013,
C58/12/13



CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

THIS CITY WORKS FOR YOU

Stad Kaapstad: Verordening op Beheer van Ondernemings wat Drank aan die Publiek Verkoop, 2013

Om voorsiening te maak vir die beheer van ondernemings wat drank aan die publiek verkoop, wat insluit die beheer van handelstye ten einde 'n veilige en gesonde omgewing in die Stad Kaapstad te verseker; en om voorsiening te maak vir aangeleenthede wat daarmee gepaard gaan.

Aanhef

AANGESIEN 'n munisipaliteit kragtens artikel 156 van die Grondwet verordeninge kan uitvaardig en administreer vir die doeltreffende administrasie van die aangeleenthede wat hy die reg het om te administreer;

AANGESIEN dit die Stad se voorneme is om handelstye en toepassingsmeganismes vas te stel vir die beheer van gelisensieerde ondernemings wat drank aan die publiek verkoop en wat binne die regsgebied van die Stad Kaapstad geleë is;

DAAROM VERORDEN die Raad van die Stad Kaapstad nou soos volg:—

UITLEG

Woordomskrywings

1. In hierdie verordening, tensy uit die samehang anders blyk, beteken —

“algemenesake-area” 'n area wat oorwegend algemene sake of enige ander ekwivalent gesoneer is met die doel om ekonomiese aktiwiteit in 'n sakedistrik en ontwikkelingskorridor te bevorder, en sluit 'n wye verskeidenheid grondgebruike soos sake-, residensiële en gemeenskapsgebruike in;

“bevolkingssertifikaat” 'n okupasiesertifikaat gerig op die voorkoming en beheer van oorbevolking soos beoog in die Stad Kaapstad: Verordening op Gemeenskapsbrandveiligheid, 2002;

“binneverbruikperseel” die besigheidsplek en ligging waarbinne drank verkoop en verbruik word;

“buiteverbruikperseel” die besigheidsplek waarvandaan 'n lisensiehouer drank verkoop wat op 'n plek weg van die besigheidsplek verbruik gaan word;

“casino” 'n casino soos omskryf in die Nasionale Dobbeltwet, 2004 (Wet 7 van 2004), en sluit 'n hotel, sakeperseel, lokaal waar geleenthede aangebied word, vermaaklikheidsplek of ander ontspanningsfasiliteit of toeriste-aantreklikheid as deel van die kompleks in;

“die Wet” die Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008);

“drank” drank soos in die Wet omskryf;

“gasteakkommodasie-onderneming” ’n perseel wat as tydelike residensiële akkommodasie gebruik word en sluit die voorsiening van maaltye aan verbygaande gaste teen vergoeding in en sluit ’n oornagplek vir rugsakreisigers, ’n bed-en-ontbytonderneming, gastehuis en gasteplaas of vakansiehuisoornagplek sowel as fasiliteite vir sakebyeenkomste, konferensies, geleenthede of opleidingssessies vir inwonende gaste in, maar sluit ’n hotel uit;

“gemagtigde beampte” ’n gedelegeerde werknemer van die Stad se direktoraat: veiligheid en sekuriteit se eenheid vir toepassing en nakoming van drankwetgewing, en sluit enige ander gemagtigde beampte wat gedelegeer is om die bepalings van hierdie verordening toe te pas, in;

“georganiseerde funksie” ’n viering, partytjie of soortgelyke feestelikheid wat by ’n gelisensieerde perseel gehou word;

“gesoneer” gesoneer, na gelang van die geval, ingevolge die Stad Kaapstad se Soneringskema-regulasies; en **“sonering”** het ’n ooreenstemmende betekenis;

“hotel” ’n perseel wat as tydelike residensiële akkommodasie vir verbygaande gaste gebruik word waar huisvesting of maaltye teen vergoeding verskaf word, en sluit die volgende in –

- (a) ’n restaurant wat deel van die hotel uitmaak;
- (b) ’n konferensie- en vermaaklikheidsfasiliteit wat ondergeskik en aanvullend tot die oorheersende gebruik van die perseel as ’n hotel is; en
- (c) ’n perseel wat gelisensieer is om drank vir verbruik binne die eiendom te verkoop, maar ’n buiteverbruikfasiliteit, gasteakkommodasie-onderneming, woonhuis of wooneenheid uitsluit;

“kleinhoewe of landelike area” ’n area wat oorwegend landelik of enige ander ekwivalent 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 gebruik kan word in ’n omgewing wat meer landelik van aard is;

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

“lisensiehouer” ’n persoon wat gelisensieer is om drank ingevolge die Wet te verkoop en sluit die bestuurder wat vir die bestuur van die besigheid verantwoordelik is en aan dieselfde pligte, verpligtinge en aanspreeklikhede as die lisensiehouer onderworpe is, in;

“nywerheidsarea” ’n area wat oorwegend algemene nywerheid of enige ander ekwivalent gesoneer is, ten einde voorsiening te maak vir alle soorte nywerhede wat vervaardiging en verwante prosesse insluit, maar hinderbedrywe of gevaarlike risikoaktiwiteite uitsluit;

“opskortingskennisgewing” ’n skriftelike kennisgewing om verlengde drankhandelsdae en -ure op te skort soos in artikel 8 beoog;

“persoon” ’n natuurlike persoon of ’n regspersoon;

“plaaslike sake- of buurtsake-area” ’n area wat oorwegend plaaslike sake- of gemengde gebruik of enige ander ekwivalent gesoneer is met die doel om voorsiening te maak vir kommersiële en gemengdegebruiksontwikkeling van ’n lae intensiteit wat in die plaaslike behoefte aan geriefsgoedere en persoonlike dienste of kleinskaalse sake voorsien of as oorgang tussen algemene sake-, nywerheids- en aanliggende residensiële areas dien;

“Raad” die munisipale raad van die Stad;

“residensiële area” 'n area wat oorwegend informeel, enkel- of algemeen residensiële of enige ander ekwivalent gesoneer is, met die doel om voorsiening te maak vir hoofsaaklik enkfamiliewoonhuise in lae- tot mediumdigtheid woonbuurte sowel as huisvesting met 'n hoër digtheid en waarby beheerde geleenthede vir indiensneming, bykomende wonings en gemengdegebruiksontwikkeling van lae intensiteit ingesluit is;

“sakeperseel” 'n eiendom waarvandaan sake bedryf word en kan 'n restaurant, kroeg of taverne of ander gebou vir soortgelyke gebruike insluit, maar sluit 'n vermaaklikheidsplek, gasteakkommodasie-onderneming, hotel, sport- en gemeenskapsklub uit;

“sport- en gemeenskapsklub” 'n perseel of fasiliteit wat gebruik word vir die byeenkom van gemeenskap- of burgerlike organisasies of verenigings, sportklubs of ander sosiale of ontspanningsklubs wat meesal sonder winsoogmerk bedryf word en kan gemeenskapdiensklubs en gemeenskapsentrums of soortgelyke nutsfasiliteite insluit, maar sluit 'n nagklub uit;

“Stad” die Stad Kaapstad, 'n munisipaliteit ingestel deur die Stad Kaapstad Instellingkennisgewing 479 van 22 September 2000, uitgereik ingevolge die Wet op Plaaslike Regering: Munisipale Strukture, 1998, of enige struktuur of werknemer van die Stad wat kragtens gedelegeerde magtiging optree;

“standaardhandel” handelsdae en handelsure soos beoog in artikels 4 en 5 van hierdie verordening, en sluit verlengde handelsdae en -ure wat deur die Stad ingevolge artikel 6 van hierdie verordening goedgekeur mag word, uit;

“subraad” 'n politieke substruktuur van die Raad aan wie sekere bevoegdhede en pligte van die Raad gedelegeer is;

“verkoop” sluit in –

- (a) om te verskaf, te verruil, vir verkoop aan te bied, vir die doel van verkoop te vertoon; of
- (b) om 'n verkoping, verskaffing, verruiling, aanbod om te verkoop of vertoon vir verkoop te magtig, te gelas of toe te laat;

vir die verruil van geld of vir enige ander soort teenprestasie; en **“verkoping”** het 'n ooreenstemmende betekenis;

“vermaaklikheidsplek” 'n plek wat oorwegend vir kommersiële vermaak gebruik word wat relatief groot getalle mense kan lok, buite standaardbesigheidsure bedryf word of op 'n gereelde grondslag geraas weens klankversterkte of lewendige musiek of joligheid voortbring, en sluit 'n bioskoop, teater, pretpark, danssaal, gimnasium, totalisator of fasiliteit om weddenskappe te plaas, dobbelsaal, karaokekroeg en nagklub in, maar sluit 'n casino uit;

“voldoeningskennisgewing” 'n skriftelike opdrag van 'n gemagtigde beampte soos beoog in artikel 7;

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

“wynmakery” 'n perseel of fasiliteit wat in die vervaardiging van wyn gebruik word, en sodanige perseel of fasiliteit sluit in fasiliteite vir die pars en gisting van duiwe 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, waarby ingesluit is –

- (a) 'n restaurant en ander voedseldienste; of
- (b) 'n geaffilieerde fasiliteit wat by die klein maat aan toergroepe of besoekers verkoop.

Aansoek

2. Hierdie verordening is van toepassing op lisensiehouers wat binne die regsgebied van die Stad drank aan die publiek verkoop.

Algemene verbod

3. Geen persoon mag drank aan die publiek vir binneverbruik of buiteverbruik verkoop nie –

- (a) buite die dae en ure wat deur die Stad vasgestel is; en
- (b) sonder 'n geldige dranklisensie wat uitgereik is soos in die Wet beoog.

STANDAARDHANDELSTYF**Binneverbruikpersele**

4. (1) 'n Lisensiehouer mag drank vir verbruik binne die gelisensieerde perseel op die volgende dae en ure verkoop:

- (a) op enige dag van die week; en
- (b) gedurende die handelsure soos in die Bylae uiteengesit.

(2) 'n Lisensiehouer mag 'n klant toelaat om drank klaar te verbruik op 'n tyd wanneer die verkoop van drank nie deur hierdie verordening toegelaat word nie, maar mag sodanige verbruik op die perseel nie vir langer as 30 minute na die tyd wat deur hierdie verordening toegelaat word, toelaat nie.

(3) Ondanks die bepalings van hierdie verordening, mag 'n lisensiehouer soos in subartikel (1) beoog, vonkelwyn verkoop aan gaste wat deel van 'n georganiseerde funksie is waar bywoning beheer word –

- (a) van 08:00 tot 11:00 vir sewe dae 'n week; en
- (b) as deel van 'n maaltyd.

(4) 'n Hotel of gasteakkommodasie-onderneming wat gelisensieer is om drank vir binneverbruik te verkoop, kan toegang tot 'n kroegfasiliteit in elke privaat suite of kamer verskaf vir die genot van 'n gas wat sodanige privaat suite of kamer bewoon.

Buiteverbruikpersele

5. 'n Lisensiehouer mag drank vir buiteverbruik enige dag van die week van 09:00 tot 18:00, buiten Sondae, verkoop.

VERLENGDE HANDELSTYF

Aansoek om verlenging van dae en ure

6. (1) Behoudens subartikels (5), (6) en (7), kan 'n lisensiehouer by betaling van die nodige gelde 'n skriftelike aansoek by die Stad indien om die drankhandelsdae en -ure van 'n gelisensieerde perseel te verleng.

(2) Die Stad kan 'n aansoek om 'n verlenging van drankhandelsdae en -ure vir beide binne- en buiteverbruikpersele goedkeur, wysig of weier.

(3) 'n Aansoek om die verlenging van handelsdae en -ure word nie outomaties hernu nie en –

(a) moet op 'n jaarlikse grondslag by die Stad ingedien word vir oorweging; en

(b) kan deur die Stad goedgekeur word, onderworpe aan die oplegging van voorwaardes vir verlengde drankhandelsdae en -ure.

(4) Geen aansoek sal deur die Stad vir goedkeuring oorweeg of verwerk word gedurende die tydperk wat op 1 Desember begin en op 15 Januarie van die volgende jaar eindig nie.

(5) Geen lisensiehouer van 'n binneverbruikperseel wat in kategorie 1, 2 en 6 in die Bylae geleë is, mag aansoek doen om 'n verlenging van drankhandelsure nie.

(6) Die Stad kan 'n aansoek om 'n verlenging van drankhandelsure goedkeur, wysig of weier –

(a) tot 04:00 die volgende dag vir 'n binneverbruikperseel wat in kategorie 3 tot 5 van die Bylae val; en

(b) tot 20:00 van Maandag tot Saterdag vir 'n buiteverbruikperseel.

(7) Die Stad kan 'n aansoek vir handel op Sondae tussen die ure 11:00 tot 18:00 vir 'n buiteverbruikperseel goedkeur, wysig of weier.

(8) Geen regte val 'n lisensiehouer wat 'n aansoek om die verlenging van handelsdae en -ure ingedien het toe alvorens so 'n lisensiehouer die bewys van skriftelike goedkeuring van die Stad ontvang het nie.

(9) Die Stad moet, voordat 'n aansoek om die verlenging van handelsdae en -ure goedgekeur word, verdere faktore op 'n redelike en billike wyse oorweeg, wat onder andere moet insluit –

(a) die geldigheid van die dranklisensie;

(b) waar van toepassing, die geldigheid van 'n besigheidslisensie wat ingevolge die Wet op Besighede van 1991 (Wet 71 van 1991) uitgereik is;

(c) liggingskategorie volgens die Bylae;

(d) vorige opskorting, wysiging of herroeping van verlengde handelsdae en -ure, wat insluit vorige rekords van klagtes wat ondersoek en bevestig is ten opsigte van die afgelope twaalf maande wat 'n huidige aansoek vir verlenging voorafgaan;

- (e) die nabyheid van die gelisensieerde perseel aan omliggende residensieel-gesoneerde areas, kulturele, godsdienstige en opvoedkundige fasiliteite;
 - (f) die uitkoms van oorlegpleging met die gemeenskap en die aanbeveling van die betrokke wyk;
 - (g) die potensiële impak op die omliggende omgewing;
 - (h) of dit in die openbare belang is om 'n verlenging van handelsdae of -ure goed te keur en toe te staan; of
 - (i) 'n motivering van die aansoeker wat gaan oor die impak van –
 - (i) die risiko's en steurnisse vir die omliggende gemeenskap;
 - (ii) versagtingsmaatreëls om met die beheer van risiko's en steurnisse te help; en
 - (iii) moontlike voordele van verlengde drankhandelsure en -dae vir die omliggende gemeenskap.
- (10) Die grondslag van en beweegrede vir alle besluitneming moet aangeteken word.

Voldoeningskennisgewing

7. (1) 'n Gemagtigde beampte kan 'n voldoeningskennisgewing aan 'n lisensiehouer beteken waarin sodanige lisensiehouer opdrag gegee word om aan die bepalings van hierdie verordening te voldoen.

(2) Die voldoeningskennisgewing moet die volgende spesifiseer:

- (a) die oortreding en die regstelling van die oortreding wat verwag word;
- (b) die tydraamwerk waarbinne die lisensiehouer die oortreding moet regstel en moet voldoen aan enige wettige opdrag wat in die voldoeningskennisgewing vervat is; en
- (c) die gevolge van versuim om aan paragraaf (a) en (b) te voldoen.

(3) 'n Lisensiehouer begaan 'n oortreding as sodanige lisensiehouer versuim om die opdragte wat in 'n voldoeningskennisgewing vervat is, na te kom.

Opskorting, wysiging en herroeping van verlengde drankhandelsdae en -ure

8. (1) 'n Gemagtigde beampte kan –

- (a) nadat die tydraamwerk wat in die voldoeningskennisgewing gespesifiseer is, verstryk het; en

- (b) nadat 'n opskortingskennisgewing aan die lisensiehouer beteken is, verlengde handelsdae en -ure onmiddellik vir 'n tydperk van hoogstens 7 werkdag opskort.
- (2) Die opskortingskennisgewing –
 - (a) moet die redes en die tydraamwerk waarbinne so 'n opskorting van verlengde drankhandelsdae en -ure van krag sal wees, spesifiseer; en
 - (b) die subraad spesifiseer by wie verslag van sodanige opskorting gedoen sal word.
- (3) Die gemagtigde beampte moet onmiddellik aan die subraad verantwoordelik vir daardie area in die Stad van sodanige opskorting verslag doen en die kriteria bevestig wat die besluit om 'n opskortingskennisgewing aan die lisensiehouer te beteken, beïnvloed het.
- (4) Die kriteria in subartikel (3) beoog, kan insluit –
 - (a) oortreding van hierdie verordening; en
 - (b) versuim om die voldoeningkennisgewing na te kom.
- (5) Die subraad –
 - (a) moet die opskortingsverslag van die gemagtigde beampte oorweeg;
 - (b) moet die lisensiehouer toelaat om skriftelike verhoë te rig;
 - (c) moet die besluit van die gemagtigde beampte om die verlengde handelsure van die gelisensieerde perseel op te kort bekragtig, wysig of herroep;
 - (d) kan die verlengde handelsdae en -ure onmiddellik wysig of herroep, en
- (6) Die subraad moet die lisensiehouer onmiddellik skriftelik inlig van enige besluit geneem en stappe gedoen ingevolge subartikel (5).
- (7) Geen persoon mag voortgaan om drank aan die publiek te verkoop gedurende die tydperk waartydens die verlengde drankhandelsdae en -ure opgeskort, gewysig of herroep is nie.
- (8) Die Stad kan nie verantwoordelik gehou word vir enige verlies aan inkomste wat 'n lisensiehouer gedurende enige tydperk van opskorting van handelsdae en -ure ly nie.
- (9) Die Stad moet die Wes-Kaapse Drankowerheid inlig van enige besluit om die verlengde handelsure te bekragtig, te wysig of te herroep.

VOORKOMING VAN VERKOOP VAN DRANK EN BESLAGLEGGING OP DRANK

Voorkoming van verkoop van drank en beslaglegging op drank

- 9.** (1) Die Stad kan, in die geval waar die lisensiehouer hierdie verordening oortree het en versuim het om 'n voldoening- of opskortingskennisgewing wat beteken is, na te kom –
- (a) voorkom dat drank verkoop word; en
 - (b) beslag lê op enige drank op die perseel ooreenkomstig die prosedures soos beoog in die Strafproseswet, 1977 (Wet 51 van 1977).

(2) Waar die verkoop van drank voorkom word en beslag op drank gelê word soos in subartikel (1) beoog, kan die Stad enige koste wat deur die Stad aangegaan word, op die lisensiehouer verhaal.

Vertoon van naamborde, bevolkingsertifikaat en ander verpligtinge van die lisensiehouer

10. (1) Die lisensiehouer moet toesien dat die tersaaklike goedkeuring met betrekking tot handelsure en sonering saam met die bevolkingsertifikaat altyd aanwesig is en op die perseel vertoon word.

(2) Lisensiehouers moet toesien dat die gelisensieerde persele alle omgewing-, beplanning- en veiligheidswetgewing en voorwaardes wat deur die Stad opgelê is, nakom en daaraan voldoen.

Veiligheid en sekuriteit

11. Die lisensiehouer moet toesien dat redelike veiligheid- en sekuriteitsmaatreëls getref word vir die beskerming van klante van die gelisensieerde perseel deur toe te sien dat, onder andere –

- (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), die Stad Kaapstad se Verordening op Gemeenskapsbrandveiligheid, 2007, en enige ander toestemming wat deur die Stad verleen is; en
- (c) daar toereikende verligting aan die buitekant van die perseel is waar klante en personeel die gelisensieerde perseel binnekom en verlaat.

Steurnisse

12. 'n Lisensiehouer wat drank aan die publiek verkoop moet redelike stappe doen om te verseker dat die inwoners van die omliggende gemeenskap nie onredelik geraak en verontrief word deur geraas of ander steurnisse wat van die perseel afkomstig is nie.

Misdrywe en strawwe

13. Enige lisensiehouer wat –

- (a) artikels 3; 4; 5; 6; 7; 8(7); 10; 11 of 12 oortree;
- (b) versuim om te voldoen aan enige voldoeningskennisgewing wat in verband met hierdie verordening beteken is,

is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf van hoogstens drie jaar, of met beide sodanige boete en sodanige gevangenisstraf.

Reg van appèl

14. Enige lisensiehouer of beswaarmaker wie se regte geraak is deur 'n finale besluit wat deur 'n subraad geneem is met betrekking tot –

- (a) 'n aansoek om verlengde drankhandelsdae en -ure; of
- (b) die wysiging of herroeping van verlengde handelsdae en -ure,

kan ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) teen daardie finale besluit appelleer.

Herroeping

15. Die volgende verordeninge word hiermee herroep:

- (a) Die Stad Kaapstad: Verordening op Drankhandelsdae en -ure, 2010 (PK 6788; LA 22327); en
- (b) Die Stad Kaapstad: Verordening op Drankhandelsdae en -ure, 2010, soos gewysig in 2012 (PK 6990; LA 24493).

Kort titel

16. Hierdie verordening word die Stad Kaapstad: Verordening op Beheer van Ondernemings wat Drank aan die Publiek Verkoop, 2013, genoem.

BYLAE
Handelsure vir gelisensieerde binneverbruikpersele

Liggingskategorie en tipe gelisensieerde perseel	Maksimum toegelate handelsure
1. Residensiële area	
Gasteakkommodasie-onderneming	11:00 – 23:00
Sakeperseel	
Vermaaklikheidsplek	
Sport- en gemeenskapsklub, uitgesonder spesiale geleenthede waarvoor tydelike lisensies benodig word	
Hotel	11:00 – 02:00 die volgende dag
Casino	
2. Plaaslike of buurtsake-areas waaronder gemengdegebruikareas	
Gasteakkommodasie-onderneming	11:00 – 23:00
Sakeperseel	
Vermaaklikheidsplek	
Sport- en gemeenskapsklub, uitgesonder spesiale geleenthede waarvoor tydelike lisensies benodig word	11:00 – 24:00
Hotel	11:00 – 02:00 die volgende dag
Casino	
3. Algemene sake-area	
Gasteakkommodasie-onderneming	11:00 – 02:00 die volgende dag
Sakeperseel	
Vermaaklikheidsplek	
Sport- en gemeenskapsklub, uitgesonder spesiale geleenthede waarvoor tydelike lisensies benodig word	
Hotel	
Casino	
4. Nywerheidsarea	
Sakeperseel	11:00 – 02:00 die volgende dag
Vermaaklikheidsplek	
Sport- en gemeenskapsklub, uitgesonder spesiale geleenthede waarvoor tydelike lisensies benodig word	
5. Landbou-area	
Gasteakkommodasie-onderneming	11:00 – 02:00 die volgende dag
Sakeperseel	
Vermaaklikheidsplek	
Sport- en gemeenskapsklub, uitgesonder spesiale geleenthede waarvoor tydelike lisensies benodig word	
Wynmakery	
Hotel	
6. Kleinhoewe of landelike area	
Gasteakkommodasie-onderneming	11:00 – 24:00
Sakeperseel	
Vermaaklikheidsplek	
Sport- en gemeenskapsklub, uitgesonder spesiale geleenthede waarvoor tydelike lisensies benodig word	
Wynmakery	

7. Ander ad hoc-plekke	
Voertuie of mobiele ondernemings wat vir toeriste- of vermaaklikheid- of ontspanningsdoeleindes gebruik word volgens die omskrywing van ' perseel ' in artikel 1 van die Wet, behalwe waar goedkeuring kragtens die Stad Kaapstad: Verordening op Spesiale Geleenthede anders bepaal	11:00 – 24:00
Spesiale geleenthede of tydelik-gelisensieerde perseel	Soos bepaal deur Stad Kaapstad se geleentheidspermit wat kragtens die Stad Kaapstad se Geleentheidsbeleid toegestaan en deur die betrokke subraad goedgekeur is
8. Kaapstad Internasionale Lughawe	
Beperk tot die vertrekarea vir internasionale passasiers	00:00 – 24:00

Let wel: Bepaling van tersaaklike liggingskategorie

Waar die liggingskategorie soos hierbo uiteengesit, onduidelik is of betwis word of moeilik bepaalbaar is of waar areas nie eenvormig gesoneer word nie (bv. 'n sakegesoneerde perseel in die middel van 'n residensiële area), sal die werklike sonering, vergunning of afwyking van gebruiksregte van die onderhawige gelisensieerde perseel voorrang geniet ten einde die kategorie te bepaal.

ISIXEKO SASEKAPA: UKULAWULWA KWEENDAWO EZITHENGISA UTYWALA EKUHLALENI, 2013

WAPHUNYEZWA LIBHUNGA NGOMHLA WE-4 DISEMBA
2013, C58/12/13



CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

THIS CITY WORKS FOR YOU

UMthetho kaMasipala wokuLawulwa kweNdawo eziThengisa uTywala ekuHlaleni: wesiXeko saseKapa, 2013

Ukubonelela ngolawulo kwiindawo ezithengisa utywala ekuhlaleni kuqukwa ukulawula amaxesha okuthengisa ngenjongo yokuqinisekisa imeko-bume esingqongileyo ekhuselekileyo nesempilweni kwisiXeko saseKapa; kunye nokubonelela imicimbi enxulumene noku.

Intshayelelo

NANGONA umasipala enokuthi, ngokwemigaqo yecandelo 156 loMgaqosiseko, aqulunge ze alawule imithetho kamasipala elungiselelwa ukulawulwa ngokukuko kwemicimbi anelungelo lokuyilawula

NANGONA iyingjongo yesiXeko ukumisa amaxesha okuthengisa nezicwangciso zokunyanzelisa ukulawulwa kweendawo ezineelayisenisi, amashishini okanye izirhoxo ezithengisa utywala ekuhlaleni nezifumaneka kwimimandla ephantsi kolawulo lwesiXeko saseKapa;

KWAYE NJENGOKO KUNJALO NGOKU, KUMISELWA liBhunga lesiXeko saseKapa, ngolu hlobo:–

INGUQULELO

linkcazelo

1. Kulo Mthetho kaMasipala, ngaphandle kokuba umxholo ubonisa ngolunye uhlobo –

“ummandla wezolimo” kuthethwa ummandla ocandelwe ubukhulu becala ezolimo okanye naluphi na ulwahlulo olunenjongo yokukhuthaza nokhuseleko lomsebenzi wezolimo kwifama njengomthombo woqoqosho, wokusingqongileyo nowenkubeko obalulekileyo, nalapho kukho amalungiselelo alinganiselweyo emisebenzi engeyiyo eyolimo kubanini-mhlaba abanamathuba okwandisa ubuchule babo kwezoqoqosho kwiipropati zabo, ngaphandle kokubangela impembelelo engathandekiyo kwimithombo esisiseko yezolimo;

“igosa eligunyazisiweyo” kuthethwa umsebenzi weCandelo loLawulo lezoKhuselo noKhuseleko; weCandelo loNyanzeliso-mthetho nokuThotyelwa kwemiqathango yoTywala yaye kuqukwa naliphi na elinye igosa eligunyaziselwe ukunyanzelisa imiqathango yalo mthetho kamasipala;

“iindawo zoshishino” kuthethwa indawo apho kuqhutywa khona ushishino kwaye kungaquka iresty, iphabhu, ibhari okanye ithaveni okanye ezinye izakhiwo ezisetyenziselwa ushishino olufana nolu, kodwa kungabandakanywa indawo yolonwabo, indawo yokuhlalisa iindwendwe, ihotele, iindawo zamaqela ezemidlalo kunye neziko loluntu;

“indawo yokungcakaza” kuthethwa indawo yokungcakaza njengoko ichaziwe kuMthetho weSizwe wokuNgcakaza, ka-2004 (uMthetho onguNomb.7 ka-2004) kwaye kuquka ihotele, iindawo zoshishino, indawo yokusingathela amatheko, indawo yolonwabo okanye elinye iziko

lokuzonwabisa okanye indawo enomtsalane kubakhenkethi ibe yinxalenye yodederhu lwamashishini;

“isiXeko” kuthethwa isiXeko saseKapa, umasipala owasekwa ngokweSibhengezo sokuMiselwa kwesiXeko saseKapa Nomb. 479 somhla wama-22 Septemba ka-2000, esakhutshwa ngokwemigaqo yoMthetho weziGqeba zikaMasipala: kubuRhulumente beNgingqi, 1988, okanye nawuphi umbutho okanye umsebenzi wesiXeko osebenza ngokwamagunya awanikezelweyo;

“isaziso sokuthobela” kuthethwa umyalelo obhaliweyo wegosa eligunyazisiweyo njengoko uchaziwe kwicandelo le-7;

“iBhunga” kuthethwa iBhunga loMasipala wesiXeko;

“ummandla woshishino jikelele” kuthethwa ummandla ocandelwe ubukhulu becala ushishino jikelele okanye naluphina olunye ucando olufana nolo, ngenjongo yokukhuthaza umsebenzi wezoqoqosho kwizithili zoshishino nemimandla yophuhliso, yaye kuqukwa indawo ebanzi yosetyenziso-mhlaba efana namashishini, iindawo zokuhlala nemisebenzi yasekuhlaleni

“indawo yokuhlala iindwendwe” kuthethwa iindawo ezisetyenziswa njengendawo yokuhlala yethutyana, yaye kubandakanywa amalungiselelo okutya kwezo ndwendwe zidlulayo ngentlawulo yaye kubandakanywa nendawo yokuhlala yoonothwal’impahlana, indawo yokulala nesidlo sakusasa, indlu yeendwendwe kunye nefama yeendwendwe okanye iloji, kunye namaziko eentlanganiso zoshishino, aweenkomfa, amatheko okanye iiseshoni zoqeqesho kwabo bahlala apho njengeendwendwe kodwa oku kungayibandakanyi ihotele,

“ihotele” kuthethwa indawo esetyenziswa njengendawo yokuhlala yethutyana yeendwendwe ezidlulayo nalapho kubonelelwa ngendawo yokuhlala okanye izidlo ngenjongo yembuyekiso, kwaye kuqukwa –

- (a) iresty eyinxalenye yehotele;
- (b) amaziko enkomfa kunye nawolonwabo ancedisa nasebenzisana kwimisebenzi ephambili yalo ndawo enjengehotele; kunye
- (c) neendawo ezinempepha-mvume zokuthengisa utywala obuselwa apho kwipropati,

kodwa kungabandakanywa indawo ethengisa utywala obuthi buselelwe kwenye indawo, indawo elungiselelwe iindwendwe, indlu ekuhlalwa kuyo okanye iyunithi eyindawo yokuhlala –

“ummandla wemizi-mveliso” kuthethwa ubukhulu becala indawo ecandelwe imizi-mveliso jikelele okanye naluphi na ucando lomhlaba olulungiselelwe ushishino, ngenjongo yokujongana neemfuno zizonke zoshishino kubandakanywa neendawo zemizi-mveliso kunye nezimelene nazo, kodwa zingabandakanyi umsebenzi owonakalisayo okanye onobungozi;

“umnini wephepha-mvume” kuthethwa umntu onempepha-mvume lokuthengisa utywala ngokwemigaqo yoMthetho kwaye kubandakanywa umphathi onoxanduva lokulawula ishishini naye olawulwa yimisebenzi efana nale, izinyanzeliso nothatho-xanduva njengomnini wephepha-mvume;

“utywala” kuthethwa utywala njengoko buchaziwe kuMthetho;

“amashishini engingqi okanye ummandla wamashishini asebumelwaneni” kuthethwa indawo ubukhulu becala ecandelwe ushishino okanye imisebenzi exubileyo okanye naluphi na ulwahlulo olulungiselelwe ushishino olungenarhwebo lungako kunye nophuhliso lwemisebenzi exubileyo olujongana neemfuno zasekuhlaleni kwamashishini athengisa izinto eziyimfuneko, inkonzo eyeyakho okanye amashishini asakhasayo okanye lawo asebenza njengesixokelelwano phakathi kwamashishini jikelele, iindawo zemizi-mveliso neendawo zokuhlala ezimelene nazo;

“indawo ethengisa utywala bungaselelwa kuyo” kuthethwa indawo yoshishino nalapho umnini wephepha-mvume ethengisa utywala obuza kuselelwa kwindawo engeyiyo le yeshishini;

“indawo ethengisa utywala buselelwe kwakuyo” kuthethwa indawo yoshishino nekwayindawo apho kuthengiswa utywala buselelwe kwakhona;

“itheko eliququzelelweyo” kuthethwa umbhiyozo, itheko okanye umsitho ofana nalo owenziwa kwindawo enephepha-mvume;

“umntu” kuthethwa umntu oyedwa ngokwendalo nomntu ngokwasemthethweni;

“indawo yolonwabo” kuthethwa indawo esetyenziselwa ubukhulu becala urhwebo lwendawo yokuzonwabisa enokutsala umdla wentlaninge yabantu, kusetyenzwa ngaphandle kwamaxesha omsebenzi esiqhelo okanye indawo enengxolo ebangelwa ngumculo wezandisi-zandi okanye umculo waseqongeni okanye indawo yokuzonwabisa rhoqo kwaye iquka isinema, indawo yemiboniso, ipaka yokuzonwabisa, iholo yomdaniso, iholo enezixhobo zemithambo, umatshini obala imali yobekelo eyabelwa abaphumeleleyo (totalisator) okanye iziko lokubheja ngemali, iholo yokungcakaza, ibhari yekariyoke kunye nendawo yolonwabo evula ebusuku (nightclub), kodwa ayibandakanywa indawo yokungcakaza ngemalisiness enerate;

“isiqinisekiso senani labantu” kuthethwa isiqinisekiso esilungiselelwe ukuthintela nokulawula abantu abaninzi ngokugqithisileyo njengoko kuchaziwe kuMthetho kaMasipala wesiXeko saseKapa ophathelene noKhuseleko kwiMililo ekuHlalen, 2002;

“indawo yokuhlala” kuthethwa indawo apho ubukhulu becala ecandwe njengendawo yokuhlala ngokungamiselekanga, indawo yokuhlala enesiza esinye okanye indawo yokuhlala uluntu jikelele okanye nakuphi na okanye ukucandwa okufana noku, ngenjongo yokulungiselela ubukhulu becala izindlu zokuhlala usapho olunye kwiindawo zobumelwane obungenangxinano ukuya kwiindawo zobumelwane ezingenangxinano ingako, ngokunjalo neendawo zokuhlala kubumelwane obunengxinano emandla neziquka amathuba alawulwayo engqesho yasemakhaya, iindawo ezongeziweyo zokuhlala kunye nophuhliso lwemisebenzi exubeneyo ekwinqanaba eliphantsi;

“ukuthengisa” kuquka –

- (a) ukubonelela, ukutshintshelana, ukunikela ngentengiso, ukuvelisa ngenjongo yokuthengisa okanye;
- (b) ukugunyazisa, ukuyalela okanye ukuvumela intengiso, ubonelelo, utshintshelwano, ukunikela ngentengiso okanye ukuvelisa ngenjongo yokuthengisa; ukuze kutshintshelwane ngemali okanye ngalo naluphi olunye uhlobo lokuqwalasela; yaye **“intengiso”** kunye **“ithengisiwe”** zinentsingiselo ehambelanayo

“imihlatyana okanye imimandla yasemaphandleni” kuthethwa indawo ubukhulu becala ecandelwe amaphandle okanye naluphi na ucando olufana nolo ngenjongo yokulungiselela iipropati ezincinci zasemaphandleni ezinokuthi zisetyenziselwe iinjongo zolimo, kodwa zisenokusetyenziswa njengeendawo zokuhlala ikakhulu kwiindawo ezisemaphandleni okanye ezifama;

“iwayini ehlwahlwazayo” kuthethwa iwayini ebiyayo eveliswa kukuvundiswa kweediliya, nokuba nokuba kungendlela yendalo okanye inkqubo yobuchwepheshe, kwaye kubandakanywa iWayini elephuza amagwebu (iTshampeyini);

“amaziko emidlalo nawoluntu” kuthethwa iindawo okanye iziko elisetyenziselwa iindibano zoluntu okanye imibutho yabahlali okanye amaqumrhu, amaqela ezemidlalo okanye amanye amaqela oluntu okanye olonwabo angasebenzeli ubukhulu becala ingeniso kwaye kubandakanya amaziko enkonzo yasekuhlaleni kunye namaziko oluntu okanye amaziko aluncedo afanayo, kodwa kungaqukwa indawo yolonwabo evula ebusuku;

“urhwebo ngokusesikweni” kuthethwa iintsuku zokurhweba namaxesha okurhweba njengoko kuchaziwe kwicandelo le-4 nele-5 alo Mthetho kaMasipala, yaye alubandakanyi iintsuku namaxesha ongeziweyo okurhweba anokuphunyezwa sisiXeko ngokwemigaqo yecandelo le-6 lalo Mthetho kaMasipala;

“isaziso sokurhoxisa” kuthetha isaziso esibhaliweyo sokurhoxisa iintsuku namaxesha ongeziweyo okurhweba ngotywala njengoko kuchaziwe kwicandelo le-8;

“ibhungana” kuthethwa isigqeba esincinane sezopolitiko seBhunga nesigunyaziselwe amagunya noxanduva oluthile lweBhunga;

“uMthetho” kuthethwa uMthetho olawula uTywala weNtshona Koloni, 2008 (uMthetho onguNomb. 4 ka-2008);

“indawo eyenza iwayini” iquka iindawo okanye amaziko asetyenziswa ukuvelisa iwayini kwaye loo ndawo okanye amaziko aquka amaziko okumfaxanga idiliya kunye nokuvundiswa kwanokugcinwa ixesha kwediliya, amagumbi okungcamlela, amagumbi aneentsuba nokugcina iwayini, amagumbi okufaka ezibhotileni, amagumbi aneetanki, iilabhoratri okanye ii-ofisi kunye namanye amaziko ancedisayo nawongeziweyo ancedisa kumsebenzi wokuveliswa kwewayini, nanokubandakanya–

(a) irestyru nezinye iinkonzo zokutya; okanye

(b) amaziko ancedisayo kwintengiso abonelela abakhenkethi okanye iindwendwe; kunye

“umhlaba ocandiweyo” kuthethwa umhlaba ocandiweyo ngokwemeko leyo ngokungqinelana neMiqathango yeNkqubo yokuCandwa koMhlaba yesiXeko saseKapa; kwaye “ukucandwa” kunentsingiselo ehamba nale.

Ukusetyenziswa

2. Lo Mthetho kaMasipala usebenza kubantu abaneemphepha-mvume zokuthengisa utywala ekuhlaleni kwimimandla ephantsi kolawulo lwesiXeko.

UThintelo Jikelele

3. Akukho mntu unokuthengisa utywala ekuhlaleni ukuze buselelwe kwalapho okanye buselelwe ngaphandle –

(a) ngaphandle kweentsuku namaxesha amiselwe sisiXeko; yaye

(b) ngaphandle kwephepha-mvume lotywala elisemthethweni elikhutshwe njengoko kuchaziwe kuMthetho .

AMAXESHA OKURHWEBA NGOKUSESIKWENI

IiNdawo ethengisa uTywala buSelelwe kwakuyo

4. (1) Umnini wephepha-mvume unakho ukuthengisa utywala ukuba buselelwe kwindawo enephepha-mvume lokuthengisa ngezi ntsuku namaxesha alandelayo:

(a) ngalo naluphi usuku lweveki; kunye

(b) nangamaxesha okuthengisa amiselwe kwiShedyuli.

(2) Umntu onephepha-mvume unakho ukuvumela abathengi ukuba bagqibe ukusela utywala kwakulo ndawo buthengiswa kuyo ngexesha kungavunyelwanga ukuthengiswa kotywala ngulo Mthetho kaMasipala, kodwa akunakuvunyelwa ukuselwa kobo tywala ngaphakathu kwindawo leyo ethengisa utywala imizuzu engaphezu kwengama-30 emva kwexesha elivunyelwe ngulo Mthetho kaMasipala.

(3) Nangona kumiselweyo kulo Mthetho kaMasipala, umntu onephepha-mvume njengoko kuchaziwe kwicandelwana (1), uvumelekile ukuthengisa iwayini ehlwahlwazayo kwiindwendwe eziyinxalenye yethoko eliququzelelweyo nalapho ukungena kulawulwayo –

(a) ukususela ngentsimbi ye-08h00 ukuya ngeye-11h00 iintsuku ezisixhenxe ngeveki; kunye

(b) najengenxalenye yesidlo.

(4) Ihotele okanye indawo yeendwendwe eneempepha-mvume zokuthengisa utywala ukuze buselelwe kwalapha, inakho ukubonelela ngendawo yokungena ebharini engaphakathi kwigumbi ngalinye labucala okanye egumbini ukonwabisa iindwendwe ezikwelo gumbi labucala.

Indawo ethengisa utywala bungaselelwa kuyo

5. Umntu onephepha-mvume unakho ukuthengisa utywala ukuze buselelwe kwenye indawo ngalo naluphi usuku lweveki ukususela ngentsimbi ye-09:00 ukuya ngeye-18:00, ngaphandle kwangeeCawa.

AMAXESHA ANDISIWEYO OKURHWEBA

Isicelo sokongezwa kweentsuku namaxesha okuthengisa utywala

6. (1) Ngokuxhomekeke kwimiqathango yecandelwana (5),(6) nele-(7) nawuphi umnini wephepha-mvume esakuhlalwula umrhumo ofunekayo, angangenisa isicelo esibhaliweyo kwisiXeko sokwandisela iintsuku namaxesha okuthengisa utywala kulo ndawo inephepha-mvume ection .

(2) IsiXeko singasiphumeza, singasilungisa okanye singasikhaba isicelo sokwandiswa kweentsuku namaxesha okuthengisa utywala kwindawo ekuthengiswa utywala buselelwe kwakhona nakuleyo ithengisa utywala buselelwe kwenye indawo.

(3) Isicelo sokwandiswa kweentsuku namaxesha okurhweba ngotywala asivuselelwa ngokuzenzekelayo kwaye –

(a) masingeniswe kwisixeko ukuze siqwalaselwe rhoqo ngonyaka; yaye

(b) sinokuphunyezwa sisiXeko, ngokuxhomekeke ekumiselweni kwemiqathango yeentsuku namaxesha ongeziweyo okurhweba ngotywala.

(4) Akukho sicelo siya kuqwalaselwa okanye siya kujongelwa ukuphunyezwa sisiXeko ngexesha eliqala ngomhla woku-1 Disemba nophela ngowe-15 Janyuwari wonyaka olandelayo.

(5) Akukho mnini wephepha-mvume lendawo ethengisa utywala buselelwe kwalapho ekudidi 1, 2 nolwe-6 kwiShedyuli uvumelekileyo ukwenza isicelo sokwandiswa kwamaxesha okuthengisa utywala.

(6) IsiXeko sinakho ukusiphumeza, ukusilungisa okanye ukusikhaba isicelo sokwandiswa kwamaxesha okurhweba ngotywala –

(a) ukuya kuma ngentsimbi ye-04:00, ngosuku olulandelayo kwindawo ethengisa utywala obuselelwa kwalapho kulo ndawo ekudidi lwe-3 ukuya kwele-5 kwiShedyuli; kunye

(b) nokuya kuma gentsimbi ye-20:00 kwindawo ethengisa utywala bungaselelwa khona ukususela ngoMvulo ukuya ngoMgqibelo.

(7) IsiXeko sinakho ukusiphumeza, ukusilungisa okanye ukusikhaba isicelo sokuthengisa ngeCawa phakathi kwentsimbi ye-11:00 ukuya ngeye-18:00 kwindawo ethengisa utywala bungaselelwa khona.

(8) Akukho malungelo ongezelelekayo kuye nawuphi umnni wephepha-mvume ongenise isicelo sokwandiswa kweentsuku namaxesha okuthengisa utywala phambi kokuba afumane ubungqina besiphumezo esibhaliweyo kwisiXeko ngulo mnini wephepha-mvume.

(9) IsiXeko kufuneka, ngaphambi kokuphumeza isicelo sokwandiswa kweentsuku namaxesha okurhweba, siqwalasele ngokufanelekileyo nangobulungisa ezinye iinkalo ezinokuquka, *phakathi kwezinye izinto* –

(a) ukuba semthethweni kwephepha-mvume lokuthengisa utywala;

(b) xa kufanelekile, ukuba semthethweni kwephepha-mvume leshishini elikhutshwe ngokwemigaqo yoMthetho olawula amaShishini ka-1991 (uMthetho onguNomb. 71 ka-1991);

(c) udidi lwendawo ngokungqinelana neShedyuli;

(d) ukumiswa, ukulungiswa nokurhoxiswazi kwangaphambili kweentsuku namaxesha andisiweyo okurhweba kuquka neenkukacha zangaphambili zezikhalazo ezaphandwayo nezaqinisekisiwayo ngokubhekiselele kwiinyanga ezilishumi elinambini ezidlulileyo ezandulela isicelo sangoku sokwandiswa kwamaxesha neentsuku zokurhweba;

(e) ukuba kufuphi kwindawo enephepha-mvume kwingingqi ecandelwe indawo yokuhlala, kumaziko enkubeko, enkolo kunye nawemfundo;

(f) isiphumo sothethwa-thethwano ekuhlaleni kunye nesindululo esenziwe kwiwadi efanelekileyo;

(g) impembelelo enokubakho kwimeko-bume engqongileyo;

- (h) nokuba ingaba kungemfuno yoluntu ukuphumeza nokunikezela ukwandiswa kwamaxesha neentsuku zokurhweba ngotywala; okanye
- (i) isiphakamiso esenziwa ngumfaki-sicelo esijongene nempembelelo koku –
 - (i) imingcipheko neenkathazo kuluntu olukufuphi;
 - (ii) amanyathelo okucutha oku kuncediswa ekulawuleni imingcipheko neenkathazo; kunye
 - (iii) iinzuzo ezinokubakho ngamaxesha neentsuku ezandisiweyo zokurhweba ngotywala kuluntu olungqongileyo.
- (10) Isiseko nengqiqo ezikhokela zonke iimeko zokwenziwa kwezigqibo mazibhalwe phantsi.

ISaziso sokuThobela imiqathango

7. (1) Igosa eligunyazisiweyo linakho ukukhupha isaziso sokuthobela imiqathango kumnini wephepha-mvume ngalo ndlela liyalela lowo unephepha-mvume ukuba athobele imiqathango yalo Mthetho kaMasipala.

(2) Isaziso sokuthobela masichaze oku–

- (a) ukophulwa kwemigaqo namanyathelo okulungisa alindelweyo kolo lwaphulo-mthetho;
- (b) ixesha elimisiweyo apho umnini wephepha-mvume kumele ukuba alungise ukwaphulwa komthetho yaye athobele nawo nawuphi umyalelo osemthethweni oqulethwe kwisaziso sokuthobela imiqathango; kunye
- (c) neziphumo zokungaphumeleli ukuthobela imiqathango ekwimihlathi (a) no-(b).

(3) Umnini wephepha-mvume uya kuba wophula umthetho ukuba lowo unephepha-mvume akaphumeleli ukuthobela imiyalelo equlethwe kwisaziso sokuthobela imiqathango.

UkuMiswa, ukuLungiswa nokuRhoxiswa kweentsuku namaxesha andisiweyo okuThengisa uTywala

8. (1) Igosa eligunyazisiweyo linakho–

- (a) emva kokuphela kwexesha elimisiweyo elichaziweyo kwisaziso sokuthobela imiqathango; kunye
- (b) naxa kusakunikezelwa isaziso sokumiswa kumnini wephepha-mvume kwangoko makurhoxiswe amaxesha neentsuku ezongeziweyo zokurhweba ngotywala ubuninzi isithuba seentsuku ezi-7 zomsebenzi.

(2) Isaziso sokurhoxisa kufuneka–

- (a) sichaze ngokucacileyo izizathu namaxesha amisiweyo ekuza kusebenza ngazo oko kurhoxiswa kwamaxesha neentsuku ezandisiweyo zokurhweba ngotywala; kwaye

- (b) sichaze ngokucacileyo ibhungana ekuya kuxelwa kulo oko kurhoxswa.
- (3) Igosa eligunyazisiweyo malichaze kwangoko oko kumiswa ngokubhaliweyo, kwibhungana elifanelekileyo lalo ngingqi ikwisiXeko, lichaza ngokunezizathu inkqubo ekhokelele kwisigqibo sokukhupha eso saziso sokumiswa kumnini wephepha-mvume.
- (4) Inkqubo echazwe kwicandelwana (3) linokuquka –
- (a) ukwaphulwa kwemiqathango yalo Mthetho kaMasipala; kunye
 - (b) nokungaphumeleli ukuthobela isaziso sokuthobela imiqathango.
- (5) IBhungana –
- (a) maliqwalasele ingxelo yokumiswa yegosa eligunyazisiweyo;
 - (b) malivumele umnini wephepha-mvume ukuba enze inkcaza ebhaliweyo;
 - (c) maliqinisekise, lilungise okanye lisirhoxise isigqibo segosa eligunyazisiweyo sokumisa iintsuku namaxesha andisiweyo okurhweba kulo ndawo inephepha-mvume;
 - (d) linokulungisa okanye lirhoxise kwangoko iintsuku namaxesha andisiweyo okurhweba, yaye
- (6) IBhungana malithi kwangoko lazise umnini wephepha-mvume ngokubhaliweyo ngaso nasiphi isigqibo namanyathelo athathiweyo ngokungqinelana necandelwana (5).
- (7) Akukho mntu uvumelekileyo ukuqhubeka ethengisa utywala ekuhlaleni ngamaxesha apho kumisiweyo, kulungelelanisiweyo okanye kurhoxisiweyo ukwandiswa kweentsuku namaxesha okuthengisa utywala.
- (8) IsiXeko asinakuthwala xanduva ngokulahleka kwengeniso okwenzeke kumnini wephepha-mvume ngalo naliphi ixesha lokumiswa kweentsuku namaxesha okurhweba.
- (9) IsiXeko masazise uGunyaziwe ojongene nokuthengiswa koTywala kwiNtshona Koloni ngaso nasiphi isigqibo sokuqinisekisa, ukulungisa okanye ukurhoxisa amaxesha andisiweyo okurhweba ngotywala.

UKUTHINTELWA KOKUTHENGISWA KOTYWALA NOKUTHINJWA KOTYWALA

Ukuthintelwa kokuThengiswa koTywala nokuThinjwa koTywala

9. (1) IsiXeko sinakho ukuthi, kwimeko yokuba umnini wephepha-mvume ethe wophula imiqathango yalo Mthetho kaMasipala ze wangaphumeleli ukuthobela isaziso sokuthobela okanye sokumiswa ngokwemigaqo esakhutshwayo –
- (a) ukubangela ukuvalwa okwethutyana kwendawo; kunye
 - (b) nokuthimba nabuphi utywala kwindawo ethengisayo ngokungqinelana neenkqubo zokuSebenza ezisemthethweni ezichazwe kuMthetho olawula iiNkqubo zoLwaphulo-mthetho, 1977 (uMthetho onguNomb. 51 ka-1977).

(2) Kwimeko apho ukuthengiswa kotywala kuthintelweyo yaye notywala buthiniwe njengoko kuchaziwe kwicandelwana (1), isiXeko sinakho ukufumana kwakhona iindleko ezenziwe sisiXeko kumnini wephepha-mvume.

Ukuxhonywa kwemiqondiso, isiqinisekiso senani labantu nazo naziphi ezinye izinyanzeliso zomnini wephepha-mvume

10. (1) Umnini wephepha-mvume makaqinisekise ukuba iziphumezo ezifanelekileyo eziphathelele namaxesha okurhweba nokucandwa komhlaba ndawonye nesiqinisekiso senani labantu zihlala zixhonyiwe kulo ndawo.

(2) Abanini bamaphepha-mvume mabaqinisekise ukuba indawo enephepha-mvume ihlangabezana yaye ithobela yonke imiqathango yokusingqongileyo yezempilo, yocwangciso, imithetho yokhuseleko nemiqathango emiselwe sisiXeko.

UKhuselo noKhuseleko

11. Umnini wephepha-mvume okanye umntu ophetheyo makaqinisekise ukuba akho amanyathelo afanelekileyo okhuseleko nokhuseleko kulungiselelwa ukukhusela abaxhasi abathenga kwindawo enephepha-mvume ngokuqinisekisa ukuba, *phakathi kwezinye izinto* –

- (a) ukugcinwa kwempahla nezixhobo nemeko yendawo leyo naso nasiphi isakheko esilapho azibangeli ubungozi kukhuseleko lwabaxhasi abangaphakathi kulo ndawo;
- (b) indawo leyo iyazithobela iimfuno zeMiqathango yoKwakha kuZwelonke kunye noMthetho olawula uMgangatho woKwakha, 1977, (uMthetho 103 ka-1977), uMthetho kaMasipala wesiXeko saseKapa ojongene noKhuseleko lweMililo ekuHloleni, 2007 nazo naziphi ezinye iimvume ezinikezelwa sisiXeko; yaye
- (c) makubekho izibane ezaneleyo ngaphandle kwalo ndawo apho abaxhasi nabasebenzi bengenabaphume khona kwindawo enephepha-mvume.

Iinkathazo

12. Umnini wephepha-mvume othengisa utywala ekuhlaleni makathathe amanyathelo afanelekileyo ukuqinisekisa ukuba abahlali bendawo engqongileyo abachatshazelwa ngokungafanelekanga yaye abafakwa engxakini yingxolo okanye zezinye iinkathazo ezivela kule ndawo.

Ulwaphulo-mthetho nezohlwayo

13. Nawuphi umnini wephepha-mvume othe –

- (a) wophula imiqathango yamacandelo 3; 4; 5; 6; 7; 8(7); 10; 11 okanye 12;
- (b) ongaphumeleli ukuthobela nasiphi isaziso sothobela imiqathango esikhutshwe ngokungqilana nalo Mthetho kaMasipala,

unetyala lolwaphulo-mthetho yaye esakugwetywa uya kuba noxanduva lokuhlulwa umdliwo, okanye uya kuvalelwa ixesha elingadlulanga kwiminyaka emithathu, okanye zombini lo mdlwiwo noko kuvalelwa.

ILungelo lokuBhena

14. Nawuphi umnini wephepha-mvume okanye umchasi othe amalungelo akhe achatshazelwa sisigqibo sokugqibela esithathwe libhungana ngokuphathelene –

- (a) nesicelo sokwandiswa kwamaxesha neentsuku zokurhweba ngotywala ; okanye
- (b) nokulungiswa okanye ukurhoxiswa kwamaxesha neentsuku ezandisiweyo zokurhweba ngotywala,

unakho ukufaka isibheni esichasene neso sigqibo sokugqibela ngokwemigaqo yecandelo lama-62 loMthetho olawula iiNkqubo zikaMasipala: kubuRhulumente beNgingqi, 2000 (uMthetho onguNomb. 32 ka-2000).

Ukubhangiswa

15. Ngenxa yoko le Mithetho kaMasipala ilandelayo iyabhangiswa:

- (a) UMthetho kaMasipala wesiXeko saseKapa olawula iiNtsuku namaXesha okuThengisa uTywala, 2010 (PG6788; LA 22327); kunye
- (b) NoMthetho kaMasipala wesiXeko saseKapa olawula iiNtsuku namaXesha okuThengisa uTywala, 2010 owalungiswayo ngo-2012 (PG6990; LA 24493).

Isihloko esifutshane

16. Lo mthetho kamasipala ubizwa ngokuba nguMthetho kaMasipala wesiXeko saseKapa: Ukulawulwa kweendawo ezithengisa utywala ekuhlaleni, 2013.

ISHEDYULI**Amaxesha okuthengisa utywala kwindawo ethengisa utywala ze buselelwe kwalapho enephepha-mvume**

Udidi lwendawo nohlobo lwendawo enephepha-mvume	Ubuninzi bamaxesha avunyelweyo okurhweba
1. INdawo yokuHlala	
INdawo yokuhlala iindwendwe	11:00 – 23:00
Iindawo zoshishino	
Indawo yolonwabo	
Amaziko emidlalo nawoluntu ngaphandle kwamaziko amatheko akhethekileyo afuna iimpepha-mvume zethutyana	
Ihotele	11:00 – 02:00 ngosuku olulandelayo
Indawo yokungcakaza	
2. Ummandla woshishino wasekuhlaleni okanye ebumelwaneni kuqukwa imimandla esetyenziselwa izinto ezininzi	
INdawo yokuhlala iindwendwe	11:00 – 23:00
Iindawo zoshishino	
Indawo yolonwabo	
Amaziko emidlalo nawoluntu ngaphandle kwamaziko amatheko akhethekileyo afuna iimpepha-mvume zethutyana	11:00 – 24:00
Ihotele	11:00 – 02:00 ngosuku olulandelayo
Indawo yokungcakaza	
3. UMmandla woshishino jikelele	
INdawo yokuhlala iindwendwe	11:00 – 02:00 ngosuku olulandelayo
Iindawo zoshishino	
Indawo yolonwabo	
Amaziko emidlalo nawoluntu ngaphandle kwamaziko amatheko akhethekileyo afuna iimpepha-mvume zethutyana	
Ihotele	
Indawo yokungcakaza	
4. Ummandla wemizi-mveliso	
Iindawo zoshishino	11:00 – 02:00 ngosuku olulandelayo
Indawo yolonwabo	
Amaziko emidlalo nawoluntu ngaphandle kwamaziko amatheko akhethekileyo afuna iimpepha-mvume zethutyana	
5. Ummandla wezolimo	
INdawo yokuhlala iindwendwe	11:00 – 02:00 ngosuku olulandelayo
Iindawo zoshishino	
Indawo yolonwabo	
Amaziko emidlalo nawoluntu ngaphandle kwamaziko amatheko akhethekileyo afuna iimpepha-mvume zethutyana	
Indawo eyenza iwayini	
Ihotele	
6. Imihlatyana okanye ummandla wasemaphandleni	
INdawo yokuhlala iindwendwe	11:00 – 24:00
Iindawo zoshishino	
Indawo yolonwabo	
Amaziko emidlalo nawoluntu ngaphandle kwamaziko amatheko akhethekileyo afuna iimpepha-mvume zethutyana	
Indawo eyenza iwayini	

7. Ezinye iindawo ezifunelwa iinjongo ezithile	
Izithuthi okanye izinto ezihambayo ezisetyenziswa ukonwabisa abakhenkethi okanye ulonwabo okanye iinjongo zolonwabo ngokungqinelana nenkcazelo ethi ' iindawo ' kwicandelo 1 loMthetho, ngaphandle apho uMthetho kaMasipala wesiXeko saseKapa olawula amaTheko aKhethekileyo umisela ngolunye uhlobo	11:00 – 24:00
Iindawo zamatheko akhethekileyo okanye iindawo ezinempephamvume zethutyana	Njengoko kumiselweyo kwiPhePhamvume lamaTheko lesiXeko saseKapa elinikezelwa ngokungqinelana noMgaqo-nkqubo olawula amaTheko wesiXeko saseKapa nowaphunyezwa liBhungana elifanelekileyo
8. ISikhululo seeNqwelo-ntaka samaZwe ngamaZwe saseKapa	
Kulinganiselwe kwiNdawo yokukhwela iiNdwendwe eziHambayo zamaZwe ngamaZwe	00:00 – 24:00

Qaphela: Ukuqondwa kohlobo lwendawo efanelekileyo

Kwimeko apho uhlobo lwendawo njengalapha ngentla kungacacanga okanye akuvumelani okanye kunzima ukuyiqonda okanye imimandla ayahlulwanga ngokufanayo (umz. iindawo ezicandelwe ushishino ziphakathi kwindawo yokuhlala), olona cando lwalo mhlaba, imvume okanye amalungelo osetyenziso-mhlaba ezo ndawo zineempepha-mvume luya kukhokela xa kuqondwa uhlobo lwendawo leyo.