Kannaland, South Africa

Liquor Trading Days and Hours

Legislation as at 8 February 2013

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Liquor Trading Days and Hours
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Kannaland
South Africa

Liquor Trading Days and Hours By-law, 2013

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

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

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

WHEREAS it is the intention of the municipality to only permit trade in liquor from correctly zoned premises in terms of the Zoning Scheme of the municipality;

WHEREAS it is the intention of the municipality to set trading days and hours for all licensed undertakings situated within the Kannaland area that sell liquor to the public;

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

1. Definitions

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

"**agricultural zoned area**" means an area zoned in terms of the Zoning Scheme for the promotion and protection of agriculture on farms 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;

"**general business zoned areas**" means areas zoned in terms of the Zoning Scheme designed to promote economic development in business districts and development corridors, and includes a wide range of land uses such as business, residential and community uses;

"**general industrial zones**" means zones that accommodate all forms of industry, but do not include noxious trade and risk activity;

"**general residential zones**" means zones designed to provide healthy, safe, and pleasant environment for urban living and higher densities;

"**guest house**" means a dwelling house or second dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the restrictions of a bed and breakfast establishment, and may include facilities for business meetings or training sessions by guests on the property;

"**hotel**" means a property used as a temporary residence for transient guests, where lodging and meals are provided, and may include -

(i) a restaurant or restaurants;

(ii) conference and entertainment facilities that are subservient and ancillary to the dominant use of the property as a hotel;

(iii) premises which are licensed to sell alcoholic beverages for consumption on the property,

but does not include an off-sales facility, a dwelling house or dwelling unit.

"**Kannaland Municipality**" means the Kannaland Municipality established by the Establish Notice published in Provincial Notice No. 498 of 2000, (Provincial Notice no 5592 van 22 September 2000) as amended, and "Municipality" has a corresponding meaning;

"**liquor**" means liquor as defined in section 1 of the Act;

"**Liquor Licensing Tribunal**" means the Liquor Tribunal as defined in section 1 of the Act;

"**local business zones**" means zones that provide intermediate zones, which can act as a buffer or interface between general business zones or other high intensity non-residential uses and residential areas;

"**place of entertainment**" means a place predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, which includes a cinema, theatre, amusement park, dance hall, gymnasium and nightclub;

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

"**single residential zone**" means a zone -

(a) which is designed to provide locations for predominantly single-family dwelling houses in low medium density neighbourhoods; or

(b) where there are controlled opportunities for home employment, additional dwellings and low intensity mixed use development on a single residential property;

"**the Act**" means the Western Cape Liquor Act, 2008 (Act No. 4 of 2008);

"**undertaking**" includes any premises, business, outlet or land use activity from which liquor is sold; and

"**zoning scheme**" means the zoning scheme applicable to the area and in force within the area of jurisdiction of the Kannaland Municipality.

(2) In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act has that meaning.

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

(1) Undertakings licensed to sell liquor by the Liquor Licensing Tribunal in terms of the Act may sell liquor for consumption on licensed premises of such undertakings situated within the area of jurisdiction of the Kannaland Municipality, on the following days and hours:

(a) on any day of the week from Monday to Sunday; and

(b) during the hours of trade as set out in the Schedule; or

(c) any such day or hour as the Municipality may determine, subject to any other law.

(2) Despite subsection (1), a hotel or guest house licensed to sell liquor by the Liquor Licensing Tribunal may offer a room service facility.

3. Trading days and hours for consumption of liquor off licensed premises

Undertakings licensed to sell liquor by the Licensing Tribunal in terms of the Act may sell liquor for consumption off the licensed premises of such undertakings situated within the area of jurisdiction of the Kannaland Municipality, on the following days and hours:

(a) on any day of the week with the exception of Sundays, Christmas day and Good Friday; and

(b) during the hours of trade as set out in the Schedule; or

(c) any such day or hour as the Municipality may determine, subject to any other law.

4. Transitional services

(1) Subject to the provisions of the Act, trading hours applicable to a liquor license issued before the commencement of this By-law shall continue to apply until such license is renewed in terms of the Act.

(2) The trading hours referred to in subsection (1) shall be valid until the license has lapsed as contemplated in section 62(2) of the Act.

5. Offences and penalties

(1) A person who contravenes sections 2 and 3 of this By-law commits an offence.

(2) A person who commits an offence referred to in subsection (1) is, on conviction, liable for a fine not exceeding R30 000,00 or to a term of imprisonment not exceeding three years, or both such fine or such imprisonment.

6. Short title

This By-law is called the Kannaland Municipality By-law on Liquor Trading Days and Hours and comes into operation on date of publication.

Schedule

Trading hours of licensed premises

Location category (with predominant land use character as indicated below) & Licensed premises type	Permitted maximum trading hours	
	On-consumption	**Off-consumption**
1. Residential (including informal and general residential) area (e.g. areas zoned informal, single residential or any other equivalent zoning)		
Guest houses permitted as of right (i.e. without need for any separate zoning approval)	None (subject to existing and section 89 of the Act)	
Guesthouses / hotels / backpacker's lodges (whether conference facilities / events / function centres included or not)	From 9:00 and not later than 24:00	
Pub / bar / tavern / restaurant		
Night club / karaoke /place of entertainment / theatres		
Sports & community / service club / amenity facilities / community centres (excluding special events / temporary license		
2. Local / neighbourhood business centres (including mixed use areas consisting of single / general residential interspersed with business uses) (e.g. areas local business or community use or any other equivalent zoning)		
Guest houses / hotels / backpacker's lodges (whether conference facilities / events / functions included or not)	09:00 - 24:00	
Pub / bar / tavern / restaurant		
Night club / karaoke / place of entertainment / theatres		

Sports & community / service club / amenity facilities / community centres (excluding special events / temporary license)	09:00 - 24:00	
Liquor / bottle stores / specialised wine shops		Mondays - Thursdays and Saterdays: 09:00 - 18:00 Fridays: 09:00 - 20:00
3. General business centres / areas (e.g. areas zoned general business or any other equivalent zoning)		
Guest houses / hotels / backpacker's lodges (whether conference facilities / events / functions included or not)	09:00 - 02:00 following day	
Pub / bar / tavern / restaurant		
Night club/ karaoke / place of entertainment / theatres		
Sports & community / service club / amenity facilities / community centres (excluding special events / temporary license)		
Supermarkets with retail food component / Retail food store		Mondays - Thursdays and Saterdays: 09:00 - 18:00 Fridays: 09:00 - 20:00
Liquor / bottle stores / specialised wine shops		
4. Industrial areas (e.g. areas zoned general industry use or any other equivalent zoning)		
Pub / bar / tavern / restaurant	09:00 - 02:00 following day	
Night club / karaoke / place of entertainment / theatres		
Sports & community / service club / amenity facilities / community centres (excluding special events / temporary license)		
Liquor / bottle stores / specialised wine shops		Mondays - Thursdays and Saterdays: 09:00 - 18:00

		Fridays: 09:00 - 20:00
5. Agricultural / rural areas (e.g. areas zoned agriculture or rural or any other equivalent zoning)		
Guest accommodation (whether conference facilities / events / function centres included or not)	09:00 - 02:00 following day	
Pub / bar / tavern / restaurant		
Sports & community / service club / amenity facilities / community centres (excluding special events / temporary license)		
Wine farms / wine shops	09:00 - 23:00	Mondays - Thursdays and Saterdays: 09:00 - 18:00 Fridays: 09:00 - 20:00 Sundays: 09:00 - 17:00
6. Small holding areas (e.g. areas zoned agriculture or rural or any other equivalent zoning)		
Guest accommodation (whether conference facilities / events / function centres included or not)	09:00 - 02:00 following day	
Pub / bar / tavern / restaurant / tourist facilities		
Night club / karaoke / place of entertainment / theatres		
Sports & community / service club / amenity facilities / community centres (excluding special events / temporary license)		
7. Other (ad -hoc) locations		
Vehicles / mobile undertakings used for tourist / entertainment / recreational purposes (as per definition of "premises" in Section 1 of Act 4/08) except where approval in terms of Kannaland	09:00 - 24:00	

applicable by-laws determines otherwise		
Special events / temporary licensed premises	As determined by event permit and / or Liquor Tribunal	

Note: Determination of applicable location in category

Where the location category as set out above is unclear or in dispute or difficult to determine or areas are not zoned homogenously (e.g. a business zoned premises in the middle of a residential zoned area). The actual zoning of the subject licensed premises will take precedence in order to determine the category.