

---

# Stellenbosch Municipality Liquor Trading Hours **2013** by-law

---



## STELLENBOSCH MUNICIPALITY

### PREAMBLE

Stellenbosch Municipality, by virtue of the powers vested in it by **section 156 (2)** of the **Constitution of the Republic of South Africa** as amended, read with **section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)** , has made the By-law set out below.

In this by-law, words used in the masculine gender include the feminine.

All singular meanings shall include the plural interpretation and vice versa.

The English text shall prevail in the event of an inconsistency between the different texts, unless the context otherwise indicates.

### LIQUOR TRADING HOURS BY-LAW

### INDEX

1. Definitions
  2. Applications of By-law
  3. Trading hours
  4. Departure from trading hours
  5. Offence
  6. Penalties
  7. Transitional provisions
-

# Stellenbosch Municipality Liquor Trading Hours **2013** by-law

---

## 1. DEFINITIONS

In this by-law unless the context otherwise indicates –

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

“**agriculture area**” means an area predominantly zoned agriculture or any other equivalent, zoning with the purpose of promoting and protecting agriculture activity on a farm as an important economic, environment and culture resources , where limited provision is made for non-agriculture uses to provide owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agriculture resources;

“**agricultural land**” (landbougrond) means land used for farming purposes including forestry;

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

“**general business area**” means an area predominantly zoned general business or any other equivalent zoning, with the purpose activity in a business district and development corridor;

“**guest accommodation establishment**” means premises used as temporary residential accommodation, and includes the provision of meals for transient guests for compensation and includes backpacker’s lodges, a bed-and-breakfast establishment, guest house and guest farm or lodges, as well as facilities for business meetings, conferences, events or training sessions of resident guests, but excludes a hotel;

“**guest house**” (gastehuis) means an owner-managed commercial accommodation establishment of not more than 16 bedrooms or suits, which has as its primary source of business the supply of tourist accommodation and a substantial breakfast for resident guests; provide that-

- (i) the individual bedrooms or suits may be marketed by means of short term renting only;
  - (ii) the building may, in terms of the **Liquor Act, 1989 (Act 27 of 1989)**, be licensed only for the purposes of on-consumption and subject to any conditions or restrictions which the Council may impose; and
  - (iii) a hotel, hostel and accommodation establishment are not included in the definition;
-

## Stellenbosch Municipality Liquor Trading Hours 2013 by-law

**“hotel”** (hotel) means a purpose built building in which lodging, meals and beverages are provided, which is readily to the public and which qualifies for membership of the National Grading and Classification Scheme of the South African Tourism Board;

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

**“licensed business”** means the business that may be conducted upon licensed premises as authorized by the Liquor Authority;

**“licensee”** means the person to whom a liquor license<sup>1</sup> has been issued in terms of the Act;

**“liquor Authority”** means the Western Cape Liquor Authority established by section 2(1) of the Act;

**“mixed use development”** means any urban, suburban or village development, or even a single building, that blends a combination of residential, commercial, cultural, institutional or industrial uses, where those functions are physically and functionally integrated, and that provides pedestrian connections.

**“Municipality”** means Stellenbosch Municipality established in terms of **section 12 of the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998)**, published in **Provincial Notice 5643 dated 4 December 2000** and includes any political office-bearer, councilor , or any employee therefore acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political office-bearer, councilor, or employees.

**“place of entertainment”** means a place used 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 al large basis, and includes a cinema , theatre ,amusement park, dance hall, gymnasium, totalisator or facility for betting, gambling hall, karaoke bar and nightclub;

**“place of recreation”** (ontspanningsplek) means a sport field, amusement park or similar public place intended for communal recreation , mainly in the open air;

**“residential area”** means an area, predominantly zoned informal, single or general residential or any equivalent zoning , with the purpose predominantly single family

<sup>1</sup> Section 33 of the Act provides for the following categories of licenses –

- (a) a license for the micro-manufactured and sale of liquor for consumption both on and off the premises where the liquor is sold ;
- (b) a license for the sale of liquor for consumption on the premises where the liquor is sold;
- (c) a license for the sale of liquor for consumption off the premises where the liquor is sold;
- (d) in exceptional circumstances , a license for the sale of liquor for consumption both on and off the premises where the liquor is sold;
- (e) a license for the sale of liquor for consumption on or off the premises upon which liquor is sold at special events ;
- and
- (f) a temporary liquor liquor license for the sale for consumption on or off the premises upon which liquor is sold .

# Stellenbosch Municipality Liquor Trading Hours **2013** by-law

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;

**“specific business”** (spesifieke besigheid) means a business use of a particular nature, but within the compass of section 10.7 that is prescribed for a specific site by the Council<sup>2</sup>;

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

**“the Act”** means the **Western Cape Liquor Act, 2008 (Act 4 of 2008)** as amended;

**“trading days”** means the days on which liquor may be sold on trading hours;

**“trading hours”** means the hours during which liquor may be sold on trading days;

**“tourist facility”** means amenities for tourists such as lecturer rooms, restaurants, gift shops and restrooms permitted by the Council as a consent use, but does not include overnight accommodation.<sup>3</sup>

**“wine industry”**(wynbedryf) means a site or building, or portion of a site or building utilized or intended to be utilized for the manufacture of liquor in the form of wine or spirits from grapes;

## 2. APPLICATION OF BY-LAW

This by-law applies to all-

- (a) licensees licensed to sell liquor in terms of the Act or any other applicable legislation;
- (b) licenses renewed in terms of the Liquor Act, 1989 (Act 27 of 1989) within the jurisdiction of Stellenbosch;
- (c) the approval of the Liquor trading hours by-law, should not be interpreted as the sanctioning of any trade, which had not been approved in terms of relevant legislation.

## 3. TRADING HOURS<sup>4</sup>

### *Consumption on the licensed premises*

<sup>2</sup> Definitions of Stellenbosch Zoning scheme regulations

<sup>3</sup> Definitions clause of Land use Planning Ordinance, 1985 (Ordinance 15 of 1985)

<sup>4</sup> The trading hours in respect of all categories of licenses are grouped together as “on consumption,” “off consumption” and “on and off consumption.”

---

## Stellenbosch Municipality Liquor Trading Hours **2013** by-law

---

- (1) A licensee may sell liquor for consumption on the licensed premises on the following days and hours:
  - (a) on any day of the week, with the exception that places of entertainment, sports bars, pubs, nightclubs should not be allowed to trade on closed days for instance Sundays, Good Friday, Christmas day, Ascension day and other religious days;
  - (b) during the hours of trade as set out in the Schedule.
- (2) Despite subsection (1) a hotel or guest house licensed to sell liquor may offer a room service facility at any time of the day.
- (3) Despite the provisions of this by-law, a licensee as contemplated in subsection (1), may serve sparkling wine-
  - (a) from 8h00 to 11h00 for seven days a week;
  - (b) as part of a meal; and
  - (c) to guests who are part of an organized function where admittance is controlled.

### ***Consumption off the licensed premises***

- (4) A licensee may sell liquor for consumption off the licensed premises on the following days and hours:
  - (a) on any day of the week with the exception of Sundays, Good Friday, Christmas day provided such exception does not apply to a winery and/or tourist facility consisting of a wine and/or liquor shop, or any other facility related to the wine industry; and
  - (b) from 9h00 to 20h00.

### ***Consumption on and off the licensed premises***

- (5) A licensee of premises upon which liquor may be sold for consumption on and off the licensed premises may sell liquor in terms of the trading hours prescribed in subsection (3) and (4).

## **4. DEPARTURE FROM TRADING HOURS**

- (1) The Council may, in the interests of the community and on application by a licensee of premises upon which liquor may be sold for consumption on the licensed premises, grant consent to that licensee to sell liquor between other
-

---

# Stellenbosch Municipality Liquor Trading Hours **2013** by-law

---

times than those determined by section (3) and (4), but only if the following requirements are complied with:

- (a) a written application for a departure to the Office of the Municipal Manager;
  - (b) payments of the requisite administration cost of such an application;
  - (c) complete reasons for the departure;
  - (d) any other information requested by Council.
- (2) Council, in considering the application referred to in subsection (1) shall take into account the following factors:
- (a) outcome of community consultation;
  - (b) impact the environment;
  - (c) any other relevant factor Council relevant.

## **5. OFFENCE**

Subject to section 7, a licensee who sells, supplies or allows the consumption of liquor on the licensed premises at a time when the sale of liquor is not permitted by license, is guilty of an offence.

## **6. PENALTIES**

Any person who commits an offence referred to in section 5 is upon conviction liable to a fine or imprisonment, or to both a fine and imprisonment .

## **7. TRANSITIONAL PROVISIONS**

The trading hours in respect of any license for premises upon which liquor may be sold for consumption either on or off the licensed premises, issued prior to the commencement of this By-law will be replaced by the provisions of this by-law.

## **8. SHORT TITLE**

This by-law is called the "Stellenbosch Liquor Trading Hours By-Law".

---

# Stellenbosch Municipality Liquor Trading Hours 2013 by-law

## SCHEDULE

Trading hours for selling liquor on licensed premises is enclosed below:

LOCATION CATEGORY & LICENSED PREMISES TYPE	MAXIMUM PERMITTED TRADING HOURS
<b>1. RESIDENTIAL AREA</b>	
General accommodation established/Guest house	11h00 to 24h00
Business premises/Specific business	
Place of entertainment/Place of recreation/Gathering place	
Sports and community club excluding special events requiring temporary licenses	
Hotel	
	11h00 to 2h00 the following day
<b>2. LOCAL OR NEIGHBOURHOOD BUSINESS AREA INCLUDING</b>	
Guest house accommodation established /Guest house	11h00 to 23h00
Business premises/Specific business, /Gathering place, except on Sundays, Good Friday, Christmas day and Ascension day.	
Place of entertainment/Place of recreation	
Sports and community club excluding special events requiring temporary licenses	11h00 to 24h00
Hotel	11h00 to 2h00 the following day
<b>3. GENERAL BUSINESS AREA</b>	
Guest house accommodation established	11h00 to 2h00 the following day
Business premises /Specific business	
Place of entertainment/Place of recreation/Gathering places	
Sports and community club excluding special event requiring temporary licenses/	
Hotel	
General Business in "Historical Core"	11h00 to 2h00 the following day

# Stellenbosch Municipality Liquor Trading Hours **2013** by-law

<b>4. INDUSTRIAL AREA</b>	
Business premises/ Specific business	11h00 to 2h00 the following day
Place of entertainment/Place of recreation/Gathering places	
Sports and community club excluding special events requiring temporary licenses	
<b>5. AGRICULTURE AREA/ RURAL AREA</b>	
Guest house accommodation establishment/	11h00 to 2h00 the following day
Business premises/Specific business/Gathering places	
Place of entertainment/Place of recreation	
Sports and community club excluding special events requiring temporary licenses/	
Winery/Wine industry	
Hotel	
<b>7. OTHER AD HOC LOCATIONS</b>	
Special events or temporary licensed premises	As determined by special applications

**Note : Determine of application of applicable location category**

Where the location category as set out above is unclear or in dispute or difficult to determine or areas are not zoned homogenously (eg. a business zoned premises in the middle of a residential area) then the actual zoning, consent use or departure rights of the subject licensed premises will take precedence in order to determine the category.