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BUFFALO CITY MUNICIPALITY : LIQUOR TRADING HOURS BY-LAW

It is hereby published for general information that the Municipal Council of Buffalo City Municipality, acting under the authority of section 11 (3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with sections 22(2) and 42(b) of the Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003), has taken a decision on, and passed, by-law on liquor trading hours.

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1. DEFINITION

In these by-laws unless the context otherwise indicates –

"Act" means the Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003);

"Board" means the Eastern Cape Liquor Board established by Section 4 of the Liquor Act

"Council" means the Buffalo City Municipality or any other committee, official or Councilor acting by virtue of powers delegated to it by Council as well as any powers and duties with regard to this by-law

"Community" means the resident, governing body of schools or places of Worship within a 100m radius from the premises in respect of which the application for registration is made.

"Official" means any person authorized by Council to perform the function of an officer under these regulations and includes any member of the South African Police Services or a Traffic and Law Enforcement officer as appointed by Buffalo City Municipality

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

"Regulations" means the regulation, published as per Notice No. 1143 of 8 April 2004, made under the Act;

"Residential premises" means premises zoned to permit residential purposes in accordance with applicable Zoning Scheme Regulation;

Trading hours" means the time when an establishment shall open to the time that the establishment shall cease to trade and in the case of on site consumption establishments, the time when they shall cease to operate and shall close, in accordance with 'Schedule 1' of this By-law.

"Ward committee" means a committee as contemplated in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

2. PURPOSE OF BY-LAW

The Council, acting in terms of the powers granted to it in the Act, adopts these by-laws with the aim of:

- (1) Regulating the hours during which liquor may be sold.
- (2) Regulating the operating hours of businesses where liquor is consumed on the premises.

3. APPLICATION OF BY-LAW

This By-law shall be applicable in respect of all premises situated within the area of jurisdiction of the Council where trade in liquor is conducted or is intended to be conducted.

4. LEGISLATIVE FRAMEWORK

These By-laws fall within the following legislative framework, including any other relevant legislation –

- a) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- b) Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
- c) Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)
- d) Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003)

5. TRADING HOURS

- (1) The Council has determined the trading hours of the different types of registrations listed in the first column of Schedule 1 as the trading hours listed in the second column of the said Schedule.
- (2) A departure from the hours stipulated in Schedule 1 shall occur only upon application and approval by Council.
- (3) Council reserves the right to depart from the stipulated trading hours in the interests of the community.

6. REPORT BY WARD COMMITTEE

- (1) The ward committee must, upon receipt of a notice of application for registration in terms of Section 22(2)(d)(i) of the Liquor Act, consult the community of the area, within one hundred metres of the premises, which are sought to be registered.
- (2) The ward committee must submit a report to the board and the Council within thirty days (in terms of item 3(2) of the Regulation, Notice No. 1143 of 8 April 2004, made under the Act) in which it contains the details of the consultative process with the community, advises on objections to the application and makes recommendations.

7. ENFORCEMENT

- (1) The Council may appoint and mandate officials to enforce these By-laws
- (2) An official, acting within the powers vested in him or her by these By-laws must, on demand by a member of the public produce proof of identity and the capacity in which they purport to conduct their business
- (3) An official, acting in terms of the mandate contemplated in Subsection 7(1) may_
 - a) Enter upon premises on which a business is being or is intended to be carried on; and

- b) Request any person to provide such information as he or she deems necessary.

8. GENERAL OFFENCES

8.1 No person shall

- (a) hinder or interfere with an official in the execution of his or her official duties;
- (b) falsely present him or herself to be an official;
- (c) furnish false or misleading information when complying with a request of an official; or
- (d) fail to comply with a request of an official
- (e) operate any liquor outlet contrary to the hours as appears in schedule 1

9. PENALTIES

Any person who contravenes or fails to comply with any provision of this By-Law shall be guilty of an offence and liable on conviction to a penalty not exceeding R2000,00 or imprisonment not exceeding three years or to both such fine and imprisonment.

10. SHORT TITLE AND COMMENCEMENT

This by-law shall be known as the Buffalo City Municipality Liquor Trading Hours By-Law and comes into operation on the date of publication in the Gazette.

SCHEDULE 1

COLUMN 1	COLUMN 2
<p>TYPE OF REGISTRATION</p> <p>Sec. 20(a) – Registration in terms of the Liquor Act for the retail sale of liquor for consumption off the premises where the liquor is being sold.</p> <p>(liquor store, grocers wine)</p>	<p>TRADING HOURS</p> <p>Monday to Saturday 08:00 to 20:00</p> <p>Sunday 09:00 to 13:00</p>
<p>Sec. 20(b) – Registration in terms of the Liquor Act for the retail sale of liquor for consumption on the premises where liquor is sold.</p> <p>(restaurant, night club, pool bar, hotel, pub, accommodation, lodge)</p>	<p>Monday to Thursday 10:00 to 23:00</p> <p>Friday to Saturday 10:00 to 02:00</p> <p>Sunday 12:00 to 22:00</p>
<p>Sec. 20 (c) – Registration in terms of the Liquor Act for the retail sale and consumption of liquor on and off the premises on which the liquor is being sold.</p> <p>(taverns)</p>	<p><u>Off-consumption</u></p> <p>Monday to Saturday 08:00 to 20:00</p> <p>Sunday 09:00 to 13:00</p> <p><u>On-consumption</u></p> <p>Monday to Thursday 08:00 to 22:00</p> <p>Friday to Saturday 08:00 to 24:00</p> <p>Sunday 12:00 to 22:00</p>
<p>Sec. 20(d) – Registration in terms of the Liquor Act for the retail sale of liquor and consumption at special events.</p>	<p>Trading hours to be determined by the Council on application</p>
<p>Sec. 20(e) – Registration in terms of the Liquor Act for licensed micro-manufacturing.</p>	<p>Monday to Saturday 07:00 to 22:00</p> <p>Sunday 09:00 to 13:00</p>

General hours are subject to amendment upon application