

## **BUFFALO CITY METROPOLITAN MUNICIPALITY: LIQUOR TRADING HOURS BY-LAW**

It is hereby published for general information that the Council of Buffalo City Metropolitan 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. DEFINITIONS**

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 Act;

“**Council**” means the municipal council of the Buffalo City Metropolitan Municipality or any other committee, official or councillor acting by virtue of powers delegated by the municipal council;

“**community**” means the residents, school governing bodies or places of worship within a 100m radius from the premises in respect of which the application for registration is made;

“**departure application**” means a written application in duplicate made in accordance with Schedule 2 or Schedule 3, as the case may be;

“**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 or a Law Enforcement officer as appointed by Buffalo City Metropolitan Municipality; or an inspector as appointed or designated in terms of section 46(1) of the Act.

“**premises**” includes any place, land, building or conveyance, or any part thereof, which is registered, or in respect of which registration is sought, to permit trade in liquor;

“**regulations**” means the regulations, published as Provincial Notice No. 17 of 28 May 2004, as amended, and made under the Act;

“**residential premises**” means premises zoned to permit residential purposes in accordance with the applicable Zoning Scheme Regulation;

“**trading hours**” means the hours during which trade in liquor on premises is permitted in accordance with Schedule 1; and

“**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 this by-law with the aim of regulating the hours during which liquor may be sold.

## **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**

This by-law falls 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 Structures Act, 1998 (Act No. 117 of 1998);
- (c) Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (d) Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003).

## **5. TRADING HOURS**

- (1) The Council has determined the trading hours for 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 1.
- (2) A departure from the hours stipulated in Schedule 1 may be granted only upon application made to the City Manager and in terms of written approval granted by Council as per schedules 2(a) or 3(a).
- (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 Act, consult members of the community residing or operating within one hundred metres of the premises in respect of which registration is sought.
- (2) The ward committee must submit a report to the board and the Council within 28 days, in terms of item 5 of the regulations, 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 this by-law.
- (2) An official, acting within the powers vested in him or her by this by-law, must, on demand by a member of the public, produce proof of identity and the capacity in which he or she purports to conduct his or her business.

- (3) An official, acting in terms of the mandate contemplated in sub-section 7(1) may –
- (a) enter 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**

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;
- (d) fail to comply with a request of an official; or
- (e) operate any liquor outlet contrary to the hours that appear 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 shall be liable, on conviction, to a penalty not exceeding R2,000 or imprisonment not exceeding three years or to both such fine and imprisonment.

### **9A. TEMPORARY EXEMPTION PENDING DECISION ON DEPARTURE APPLICATION**

The trading hours specified in Schedule 1 shall not apply, and the operator of premises shall be exempt from compliance, pending a decision on a departure application in respect of the premises, provided that-

- (a) a copy of the departure application in respect of the premises, endorsed by the municipal manager, is kept on such premises and;
- (b) the said copy is produced for the inspection of an official on request.

## **10. REPEAL OF BY-LAW**

Local Authority Notice 125 of 28 October 2008 is hereby repealed in its entirety.

## **11. SHORT TITLE AND COMMENCEMENT**

This by-law shall be known as the Buffalo City Metropolitan Municipality Liquor Trading Hours By-law and takes effect upon publication in the Provincial Gazette.

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**SCHEDULE 1**

**COLUMN 1**

**COLUMN 2**

TYPE OF REGISTRATION	TRADING HOURS
<p>Sec. 20(a)- Registration in terms of the Act for the retail sale of liquor for consumption off the premises where the liquor is being sold (e.g. liquor store, grocer's wine, etc).</p>	<p><b>Monday to Saturday-</b> <b>08:00 to 20:00</b></p> <p><b>Sunday-</b> <b>9:00 to 13:00</b></p>
<p>Sec. 20(b)- Registration in terms of the Act for the retail sale of liquor for consumption on the premises where the liquor is being sold (e.g. restaurant, night club, pool bar, hotel, pub, accommodation, lodge, etc).</p>	<p><b>Monday to Thursday-</b> <b>10:00 to 23:00</b></p> <p><b>Friday to Saturday-</b> <b>10:00 to 02:00</b></p> <p><b>Sunday-</b> <b>12:00 to 22:00</b></p>
<p>Sec. 20(c)- Registration in terms of the Act for the retail sale and consumption of liquor on and off the premises where the liquor is being sold (e.g. taverns).</p>	<p><b>OFF-CONSUMPTION</b></p> <p><b>Monday to Saturday-</b> <b>08:00 to 20:00</b></p> <p><b>Sunday-</b> <b>09:00 to 13:00</b></p> <p><b>ON-CONSUMPTION</b></p> <p><b>Monday to Thursday-</b> <b>08:00 to 22:00</b></p> <p><b>Friday to Saturday-</b></p>

	<b>08:00 to 24:00</b>  <b>Sunday-</b> <b>12:00 to 22:00</b>
Sec. 20(d)- Registration in terms of the Act for the retail sale of liquor and consumption at special events.	<b>Trading hours to be determined by the Council on application.</b>

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**BUFFALO CITY METROPOLITAN MUNICIPALITY**  
**APPLICATION TO SELL LIQUOR OUTSIDE TRADING HOURS [SECT 5(2)]**  
**BUFFALO CITY METROPOLITAN MUNICIPALITY : LIQUOR TRADING HOURS BY-**  
**LAW**

A) APPLICANT

Full Names: .....

I.D. Number: .....

[Attach copy of Identity Document]

Physical Address: .....

.....

.....

Postal Address: .....

.....

Telephone No: .....

B) BUSINESS PARTICULARS

Trading Name: .....

Company Name: .....

[Act No 10 of 2003] Registration Cert. No. and date [attach copy] .....

Physical Address of the premises from which liquor is sold or supplied:

.....

.....

Erf No: .....

C) REASONS FOR DEPARTURE FROM HOURS AS STIPULATED IN  
SCHEDULE 1.

[If necessary attach additional page/s]

.....

.....

.....

D) DEPARTURE APPLIED FOR:

Monday ..... to .....



Tuesday ..... to .....  
Wednesday ..... to.....  
Thursday ..... to .....  
Friday .....to .....  
Saturday ..... to .....  
Sunday ..... to .....

E) TYPE OF LIQUOR BEING SOLD OR SUPPLIED

.....  
.....  
.....

Signature of Applicant.....

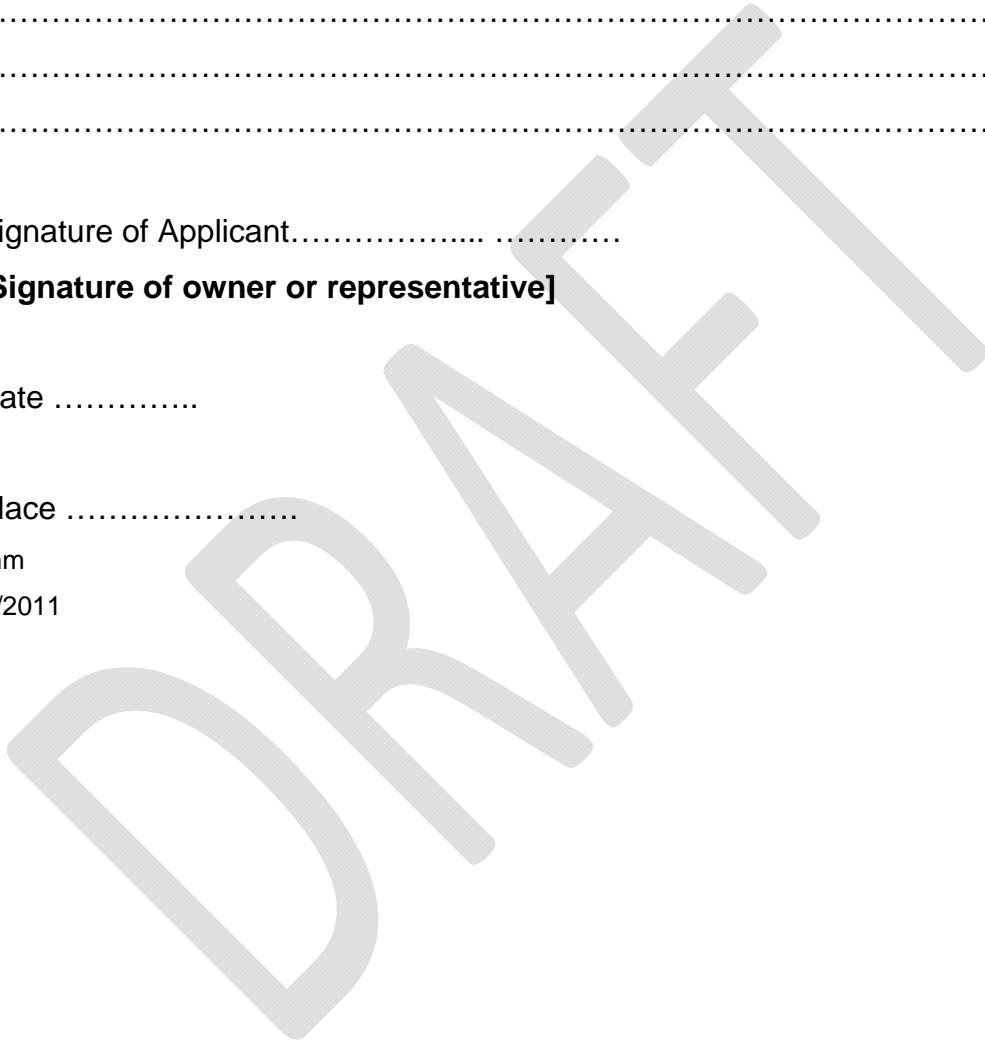
**[Signature of owner or representative]**

Date .....

Place .....

AST/hm

04/10/2011





**BUFFALO CITY METROPOLITAN MUNICIPALITY**

**APPROVAL FOR THE SALE OF LIQUOR OUTSIDE TRADING HOURS**  
**[SECT. 5(2) : BUFFALO CITY METROPOLITAN MUNICIPALITY : LIQUOR TRADING**  
**HOURS BY-LAW**

A Trading hours approved in terms of Section 5(2)

A1 APPROVAL IN RESPECT OF:

Full Names: .....

I.D. Number: .....

Trading Name: .....

Company Name: .....

Physical Address: .....

Erf No: .....

Registration Certificate No. ....

[Act No. 10 of 2003 : Eastern Cape Liquor Act, 2003]

A2 HOURS APPROVED

Monday ..... to .....

Tuesday ..... to .....

Wednesday ..... to .....

Thursday ..... to .....

Friday ..... to .....

Saturday ..... to .....

Sunday ..... to .....

A3 APPROVED BY:

SIGNATURE: .....

INITIALS & SURNAME: .....

CAPACITY: .....

DATE: .....

PLACE: .....

**DATE STAMP**

AST/hm  
04/10/2011

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**BUFFALO CITY METROPOLITAN MUNICIPALITY**

**APPLICATION FOR TRADING HOURS TO SELL LIQUOR AT SPECIAL EVENTS.  
[SCHEDULE 1 OF THE BUFFALO CITY METROPOLITAN MUNICIPALITY : LIQUOR  
TRADING HOURS BY-LAW]**

A) APPLICANT

Full Names: .....

I.D.Number: **[Attach copy]** .....

Physical Address: .....

Postal Address: .....

Telephone No: .....

B) BUSINESS PARTICULARS

Trading Name: .....

Company Name: .....

Registration Certificate No.

[Act No 10 of 2003 : Eastern Cape Liquor Act] .....

Physical Address: .....

C) LOCALITY OF SPECIAL EVENT

Type of Special Event: .....

Physical Address: .....

Erf No: .....

Attach plan of area of special event indicating points of sale of liquor

D) TYPE OF LIQUOR TO BE SOLD

.....

.....

E) DATES AND TIME OF SALE OF LIQUOR

.....  
.....  
.....

F) MOTIVATION FOR SALE OF LIQUOR AT SPECIAL EVENT

.....  
.....  
.....  
.....  
.....  
.....

SIGNATURE OF APPLICANT: .....

DATE: .....

PLACE: .....

**N.B. Application to be submitted at least fourteen days before the special event.**



**BUFFALO CITY METROPOLITAN MUNICIPALITY**

**APPROVAL OF TRADING HOURS FOR THE SALE OF LIQUOR AT SPECIAL  
EVENTS : BUFFALO CITY METROPOLITAN MUNICIPALITY : LIQUOR TRADING  
HOURS BY-LAW**

A. Trading hours for the sale of liquor at special events.

A1 APPROVAL IN RESPECT OF:

Full Name: .....

I.D.I Number: .....

Physical Address: .....

Telephone No: .....

Company Name: .....

Registration certificate number .....

[Act No 100 of 2003 : Eastern Cape Liquor Act, 2003]

A2 LOCALITY OF SPECIAL EVENT

Type of special event: .....

Physical Address: .....

.....

.....

Erf No: .....

A3 TYPE OF LIQUOR TO BE SOLD

.....

.....

A4 DATES AND TIMES LIQUOR AUTHORISED TO BE SOLD

<u>DATE</u>	<u>DAY</u>	<u>TIME</u>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

A5 APPROVED BY:

SIGNATURE: .....

INITIALS & SURNAME: .....

CAPACITY: .....

DATE: .....

PLACE: .....

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DATE STAMP