

# **PROPOSED MAKANA MUNICIPALITY LIQUOR TRADING HOURS BY-LAWS**

**The proposed passing of Liquor Trading Hours By Laws is hereby advertised for public comment.**

It is hereby published for general information that the Municipal Council of Makana, 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) (d) and 42(b) of the Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003), taken decision on, and passed, a 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 Liquor Act

“Council” means the Makana Municipal Council or Executive Mayor .

“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 regulations, published as Notice No. 1143 of 8 April 2004, made under the Act;

“Residential premises” means premises zoned to permit residential purposes as per the applicable Zoning Scheme Regulations;

“Trading hours” means time when an establishment opens to the time that the establishment shall cease to trade or operate as effected in Schedule 1 of this By-law

### **2. PURPOSE OF BY-LAWS**

The Council, acting in terms of the powers granted to it in the Act, adopts these by-laws with the aim of determine the hours during which liquor may be sold and reserving its right to make proposals to the Eastern Cape Provincial Administration regarding trading

hours.(section 42(b))

### **3. APPLICATION OF BY-LAW**

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

### **4. LEGISLATIVE FRAMEWORK**

These By-laws fall within the legislative framework of the –

- (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**

The Council has determined the trading hours of the different types of registrations listed in Schedule 1

### **6. PENALTIES**

Any person who contravenes or fails to comply with the provisions of this By-law is guilty of an offence and upon conviction will be liable to a fine of R3000,00 or imprisonment of 3 years, or both fine and imprisonment

### **7. SHORT TITLE AND COMMENCEMENT**

These By-laws may be cited as the Liquor By-laws and come into force on  
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### **SCHEDULE 1**

**COLUMN1**

**COLUMN 2**

<b>TYPE OF REGISTRATION</b>	<b>TRADING HOURS</b>
Sec.20(a) – Registration in terms of the Liquor Act for retail sale of liquor off-consumption from the premises where liquor is sold	<b>Monday to Saturday</b> <b>08h00 to 20h00</b>  <b>Sunday</b> <b>08:00 to 13h00</b>
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.	<b>Monday to Saturdays</b> <b>10h00 to 24h00</b> <b>Sunday</b> <b>10h00 to 22h00</b>
Sec.20(d) Registration in terms of the Liquor Act for the retail sale of liquor and consumption at special events.	<b>Trading hours to be determined by</b> <b>Liquor Board</b>
Sec.20(e) Registration in terms of the Liquor Act for micro-manufacturing.	<b>Monday to Saturday</b> <b>08h00 to 17h00</b>  <b>Sunday</b> <b>08h00 to 13h00</b>