

ACCRA METROPOLITAN ASSEMBLY
(Sale of Intoxicating Liquor) Bye-laws, 2017

In exercise of the powers conferred upon the ACCRA METROPOLITAN ASSEMBLY by section 181 of the Local Governance Act, 2016 (ACT 936), this Bye-law is hereby made.

1. Licence

- (a) A person shall not distil or sell any intoxicating liquor either as a wholesale or retailer in any part of the Metropolis without a licence issued by the Assembly for that purpose.
- (b) The Assembly shall issue separate licenses for distillation and retailing of intoxicating liquor.
- (c) Hotels, restaurants, bars and food joints that sell intoxicating liquor shall apply for a licence before selling intoxicating liquor at their premises.
- (d) The Assembly shall fix the fees payable for the licence so issued and such a license shall expire on the 31st December of the year in which the licence was issued.
- (e) The Assembly shall grant a license after the Environmental Department of the Assembly and the Police have conducted a survey certifying the suitability of the premises for either the distilling or sale of the intoxicating liquor.

2. Application to be in writing

- (a) Any person who needs a license under this Bye-law shall submit an application in writing to the Assembly which shall contain the name, the address, the place and type of liquor the applicant intends to sell or is selling.
- (b) The licence shall be issued, if the report of the Environmental Health Department and other relevant departments and agencies certifies the place as suitable for the activity.
- (c) Before a licence is issued to any applicant, the applicant and its workforce who are to handle the liquor, either through sale or otherwise shall submit themselves for medical examinations to be conducted by an accredited. service provider or contracted service provider of the Assembly.
- (d) A health certificate of all such persons shall be issued as evidence that they are fit to sell liquor at their respective places of work and be renewed on expiry on a yearly basis.
- (e) The Assembly shall not issue a licence to a distiller or seller who operates with children under 18 years of age.
- (f) Where a person issued with a license operates with children under 18 years, the licence shall be revoked and shall only be restored after the Assembly has satisfied itself that the breach shall not continue.

3. Condition and Duration of License

A licence issued under this Bye-law-:

- (a) Shall abide by the provision in the Liquor Licensing Act of 1970, and
- (b) Shall expire on the 31st December, of the year in which it was issued.

4. Fees

The Assembly shall by a resolution fix the fees payable for the issuance of the licence.

5. Powers of Collection of Fees

- (a) An officer of the Revenue Department duly authorised by the Assembly shall, at all reasonable times take steps to recover the approved fees.
- (b) Where a person operates without the requisite license, the Assembly shall impose a penalty to be fixed by the Assembly on the person in addition to the payment of the approved fees.

6. Revocation of Licence

- (a) The Assembly may revoke any such licence where the proprietor or any person acting in that capacity
 - i. Has refused to pay the approved fee;
 - ii. Is acting in a manner repugnant to the Assembly's interest?
 - iii. Is acting in a way injurious to public interest; or
 - iv. Does not use the place for the purpose for which it was originally intended.
- (b) A person shall not obstruct or otherwise interfere with any officer of the Assembly or other persons authorized by the Assembly in the performance of any duties assigned to them under this Bye-law.

7. Inspection

- (a) An officer from the Health Department of the Assembly may enter upon the premises of the distiller or seller of liquor for purposes of inspecting the premises used for distilling or selling of the intoxicating liquor in respect of:
 - (b) whether he is complying with the terms of the license,
 - (c) Randomly test samples of the intoxicating liquor for analysis.

8. Prohibition

- (a) A licence holder shall not allow any person who has not attained 18 years to distil, buy or sell intoxicating liquor at his premises.
- (b) The licence holder shall demand proof of age and identity where the person seems not to have attained 18 years.
- (c) A licence holder shall not sell intoxicating liquor to a drunken person and shall ensure that the premises are not used for any disorderly activities.
- (d) A licence holder who contravenes any of the provisions of this Bye-law commits an offence and he shall be liable on conviction to a fine of between 60 -100 penalty units and in default to a term of imprisonment not exceeding three months or both.
- (e) Where the default continues, the Assembly shall revoke the licence.

9. Penalty

A person who contravenes this Bye-law commits an offence and is liable on summary conviction to a fine, not more than one hundred penalty units or a term of imprisonment of not less than thirty days and not more than six months or to both; and in case of a continuing offence, is liable to a fine of not more than one penalty unit for each day that the offence continues. Fifty percent (50%) of the fine paid should be allotted to Accra Metropolitan Assembly

10. Interpretation

In his Bye- law unless the context otherwise requires;

"Liquor" means any distilled alcoholic drink or any liquor produced by boiling/fermenting of food substance for example from malt, millet, sugar and sugar cane.

"Assembly" means Accra Metropolitan Assembly.

11. Revocation

Any Bye-law on sale of intoxicating liquor in force immediately before the coming into force of this Bye-law is hereby revoked.

Made at a meeting of the Accra Metropolitan Assembly held on the 19th of April, 2017

Presiding Member

HON THOMAS MUSTAPHER ASHONG

Co-ordinating Director/Secretary

SAMUEL AYEY DARTEY

Approved by the Regional Co-ordinating Council, Greater Accra on behalf of the Minister of local Government and Rural Development.

.....April, 2017

ANUGBE NYANGBE

Regional Co-ordinating Director and secretary to R.C.C

Accra Metropolitan Assembly(Billboards or Signboards and Advertising) Bye-laws, 2017

In exercise of the powers conferred upon the ACCRA METROPOLITAN ASSEMBLY by section 181 of the Local Governance Act, 2016 (ACT 936), this Bye-law is hereby made.

1. License

- (a) A person shall not erect, site or hang a billboard or sign-board or paint a building or any open space for purposes of advertising within the area of authority of the Assembly, unless the person first obtains a licence from the Assembly for that purpose.
- (b) The prospective applicant must first present an application to the Assembly spelling out the kind of billboard, signboard or the advert to be placed. The application shall contain a sketch showing the sizes, heights and structural character of the advert.
- (c) The Assembly shall vet the application by considering among others, the location, size and its propriety before issuing a licence for the advert, after the payment of the appropriate fees fixed by a resolution of the Assembly.
- (d) A licence issued under this Bye-law shall expire on the 31st day of December of the year in which it was granted, but in the case of a banner or a sign-board for an occasion the license shall expire after the period specified.
- (e) An applicant (s) has a period of three (3) months to mount Billboard (s) / Signage (s) upon issuance of the permit.
- (f) An applicant (s) who fails to comply within the 3 months given under clause 1 (5) WOULD require an approval of one TIME extension with one month duration.
- (g) Permit for a Billboard (s) /Signage (s) is renewable every year.
- (h) The prospective applicant shall display the number allotted by the Assembly, failure of which the Assembly shall notify the owner to display the number within three days.
- (i) Failure to display such number may result in removal of the advertisement without any further notice to the person who placed it and surcharge the owner with the cost of removal.
- (j) An applicant (s) SHALL notify and seek approval from the Assembly within 30 days prior to the transfer of ownership of a specific outdoor advertising structure for which a permit has been lawfully obtained.

2. Dilapidated Billboards and Signboards

- (a) Billboards, signboards or any advert that have become dilapidated or expired with time shall either be replaced or removed by the owners thereof.
- (b) Where the owners of dilapidated or expired billboards, signboards or advert take no steps to either replace or remove, the same may be removed by the Assembly and thereafter impose a penalty on the defaulting owner (s).

3. Designated Locations

- (a) The Assembly reserves the right to determine the specific location or area suitable for the erection of one or more reflector directional signboards.
- (b) To avoid a cluster of directional signboards in an area, the Assembly may make provision for one general directional sign-board to accommodate the lot.
- (c) In such a situation, the Assembly shall approve of a recognized individual or company with the requisite know-how to undertake the provision of the general reflector signboard based upon a dimension approved by the Metro Roads in conjunction with the relevant Depai intent of Assembly.
- (d) A prospective advertiser shall not choose a site for the erection of a billboard or signboard unless it has been inspected and approved by the Department of Physical Planning of the Assembly.
- (e) The Assembly shall charge a fee to be determined by the resolution of the Assembly for the provision of spaces within the metropolis for posters.
- (f) A poster pasted at an unauthorized location shall attract a penalty as stipulated in the fee fixing resolution of the Assembly.

4. Erection of Boards without authority

Where a billboard or a signboard is erected without a license from the Assembly, it shall levy the owner as follows-

- (a) The payment of the approved fees and a penalty of 50% of the fees payable shall be imposed on the owner thereof if, in the opinion of the Assembly, the billboard or signboard is not suitably located. The owner shall regularize his application to the Assembly within seven days of the owner being notified in writing.
- (b) The billboard, or signboard shall be removed without notice if in the opinion of the Assembly it is wrongly located and shall surcharge the owner with the cost of removal.
- (c) For the purposes of this Bye-law, a house or any open space painted with any product shall constitute an advertisement and the provisions of this Bye-law shall apply to same.

5. Prohibition

- (a) An advert shall not be erected on any electricity pole.
- (b) Signs which are located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
- (c) Signs not securely affixed to a substantial structure.
- (d) Billboards and signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- (e) An advert so placed, shall be removed and the owner surcharged with the cost of removing the advert.

6. Enforcement and Monitoring

- (a) The Department of Development Planning /Physical Planning and the metro guards shall ensure the compliance and enforcement of the provisions of this Bye-law.
- (b) For purposes of Bye-law, the enforcement team has power to remove any signboard or billboard wrongly located.

7. Revocation of a Permit

- (a) A permit is revoked if the applicant (s) goes contrary to the conditions of the permit.
- (b) If approved location (s) is needed for future development.
- (c) Failure to affix permanent permit sticker within 48 hours after erection of the outdoor advertisement.
- (d) Failure to maintain an outdoor infrastructure such that it becomes obsolete and poses danger to public safety.

8. Penalty

A person who contravenes this Bye-law commits an offence and is liable on summary conviction to a fine, not more than one hundred penalty units or a term of imprisonment of not less than thirty days and not more than six months or to both; and in case of a continuing offence, is liable to a fine of not more than one penalty unit for each day that the offence continues. Fifty percent (50%) of the fine paid should be allotted to Accra Metropolitan Assembly

9. Interpretation

In this Bye-law, unless the context otherwise requires;

"a bill, sign-board" or 'an advert' includes a banner or placard made from cloth, wood or metal for occasions like funeral, procession, religious or secular activity or a house or store or an open space painted for promoting a product and includes a poster;

"A dilapidated billboard or signboard" means, where the message contained thereon has expired or has become obliterated or it has fallen into a state of disrepair with parts falling into pieces.

"Assembly" means Accra Metropolitan Assembly.

10.Revocation

The Accra Metropolitan Assembly Advertising Bye-Law, 1995 is hereby revoked

Made at a meeting of the Accra Metropolitan Assembly held on the 19th of April, 2017

Presiding Member

Co-ordinating Director/Secretary

HON THOMAS MUSTAPHER ASHONG

SAMUEL AYEH DARTEY

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