

TARARUA DISTRICT COUNCIL

Alcohol Bylaw 2018

In pursuance of the powers contained in the Local Government Act 2002 and any other act or authority enabling the Tararua District Council in that behalf the Council makes the following bylaw:

THE TARARUA DISTRICT COUNCIL ALCOHOL BYLAW 2018

Analysis

1. Title and Commencement
2. Interpretation
3. Purpose
4. Acts Prohibited in Designated Public Places within the District
5. Exclusions
6. Offences
7. Penalties
8. Powers of Arrest, Search and Seizure

1. TITLE AND COMMENCEMENT

- (a) This bylaw may be cited as the Tararua District Council Alcohol Bylaw 2018.
- (b) This bylaw shall come into force on the 17th day of December, 2018.

2. INTERPRETATION

In this bylaw unless the context otherwise requires:

“**Act**” means the Local Government Act 2002.

“**Council**” means the Tararua District Council

“**District**” means the district of the Tararua District Council.

“**Liquor**” has the meaning given to it in the Sale and Supply of Alcohol Act 2012 defined as “any fermented, distilled, or spirituous liquor (including spirits, wine, ale, beer, port, honeymead, stout, cider and perry) that is found on analysis to contain 1.15 percent or more alcohol by volume”.

“**Public Place**” means a public place as defined under Section 147(1) of the Local Government Act 2002 being:

- (a) A place that is under the control of the Council and that is open to, or being used by, the public, whether or not there is a charge for admission and
- (b) Includes a road, whether or not the road is under the control of the Council and any part of a public place.

- (c) **“Designated Public Place”** means any public place that is within an area described in the Schedule to this Bylaw, and/or any place so designated for a particular event or time as provided under Clause 4 of this bylaw. For the avoidance of any doubt this does not include privately owned and controlled premises within the boundaries of the area described.

3. PURPOSE

The purpose of this bylaw is to enhance safety and the public enjoyment of public places within the District by providing for liquor control in designated public places to minimise the incidence of alcohol related offences and behaviour.

4. ACTS PROHIBITED IN DESIGNATED PUBLIC PLACES WITHIN THE DISTRICT

4.1 The Council may from time to time make a resolution:

- (a) prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods:
- (i) The consumption of liquor in a public place; or
 - (ii) the bringing of liquor into a public place; or
 - (iii) the possession of liquor in a public place; or
 - (iv) in conjunction with a prohibition relating to liquor under paragraphs (i) to (iii), the presence or use of a vehicle in a public place; or
- (b) varying existing specified places; or
- (c) varying existing specified periods.

5. EXCLUSIONS

This bylaw does not prohibit, in the case of liquor in an unopened bottle or other unopened container, -

- (a) The transport of that liquor from premises that adjoin a public place during any period when, under the Sale and Supply of Alcohol Act 2012, it is lawful to sell liquor on those premises for consumption off the premises, provided the liquor is promptly removed from the public place:
- (b) The transport of that liquor from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of liquor under the Sale and Supply of Alcohol Act 2012:
- (c) The transport of that liquor from outside a public place to premises that adjoin a public place
- (i) By, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
 - (ii) From those premises to a place outside the public place by a resident of those premises, provided the liquor is promptly removed from the public place.

6. OFFENCES

Every person commits an offence who breaches the provisions of this bylaw.

7. PENALTIES

Every person who commits an offence against this bylaw is liable on summary conviction to a fine. For offences relating to the consumption and possession of liquor within the specified area, including in a motor vehicle, the maximum fine is \$20,000.00.

For offences relating to refusals to comply or surrender liquor within the specified area the maximum fine is \$5,000.00.

8. POWERS OF ARREST, SEARCH AND SEIZURE

8.1 For the enforcement and purposes of this bylaw and pursuant to Section 169 of the Act a member of the Police may, without warrant:

- (a) For the purpose of ascertaining whether liquor is present, search:
 - (i) A container (for example, a parcel, package, bag or case) in the possession of a person who is in, or entering, a public place.
 - (ii) A vehicle that is in, or is entering, a public place.
- (b) Seize and remove liquor and its container if the liquor is in a public place in breach of the bylaw.
- (c) Arrest a person whom the member of the Police finds committing an offence.
- (d) Arrest a person who has refused to comply with a request by a member of the Police:
 - (i) To leave the public place; or
 - (ii) To surrender to a member of the Police the liquor that, in breach of the bylaw, is in that person's possession.

Any liquor or container seized under Clause 8.1 is forfeited to the Crown if the person from whom the liquor or container is seized is convicted of breaching the bylaw.

8.2 Before a member of the Police exercises the power of search under Clause 8.1 the Council must, pursuant to Section 170 of the Act:

- (a) Specify the public place where and the period when, this power may be exercised by the Police by public notice given 14 days in advance of the ban taking effect and
- (b) Indicate the location of the public place by one or more clearly legible notices affixed in one or more conspicuous places on, or adjacent to, the place to which the notice relates, unless it is impracticable or unreasonable to do so.

- 8.3 Before a member of the Police exercises the power of search under Clause 8.1 in relation to a container or a vehicle the Police must, pursuant to Section 170 of the Act:
- (a) Inform the person in possession of the container or the vehicle, as the case may be, that he or she has the opportunity of removing the container or the vehicle from the public place; and
 - (b) Provide the person with a reasonable opportunity to remove the liquor or the vehicle, as the case may be, from the public place.

This bylaw has been made and confirmed by a resolution passed at a meeting of the Tararua District Council held on 12 December 2018.

THE COMMON SEAL of the
TARARUA DISTRICT COUNCIL
was hereunto affixed in the
presence of:

MAYOR

CHIEF EXECUTIVE

Specified Places and Specified time to which the Bylaw applies:

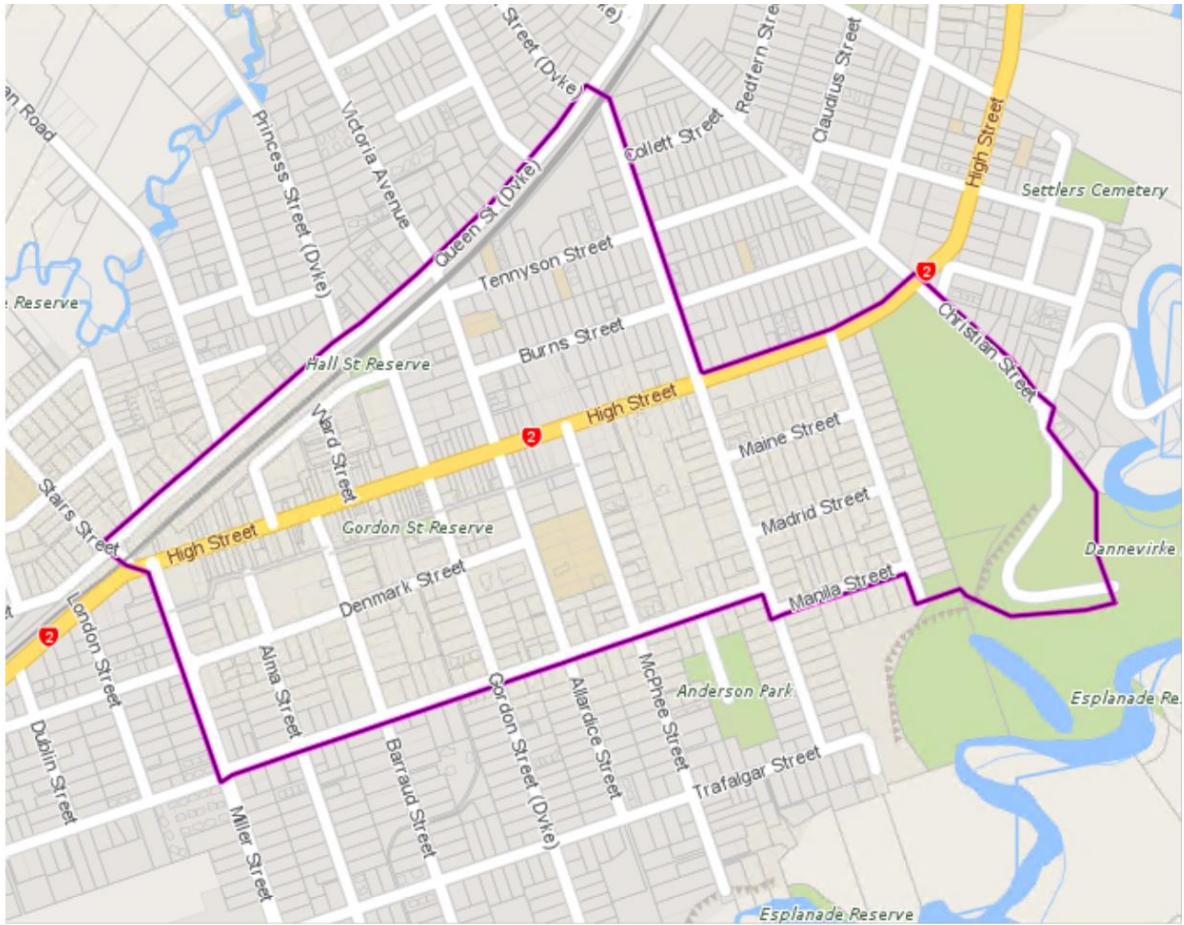
Public Place	Period
<p>A. Dannevirke Central Business District</p> <p><i>All areas bounded by and including Miller Street, Queen Street, Swinburn Street and Waterloo Street.</i></p> <p><i>High Street from Swinburn Street to Christian Street, Christian Street from High Street to George Street, Manila, Madrid, Maine and York Streets and the Dannevirke Domain with the exception of the Camping Ground.</i></p> <p><i>(As delineated on the attached map marked Map A.)</i></p>	<p><i>24 hours per day, seven days per week.</i></p>
<p>B. Pahiatua</p> <p><i>All areas bounded by and including Victoria Street from Tararua College to Mangahao Road, Mangahao Road from Victoria Street to Albert Street, Albert Street from Mangahao Road to Cambridge Street, Cambridge Street from Albert Street to Julia Street, Julia Street from Cambridge Street to "Boundary Road", "Boundary Road" (Lot 2 DP 52391 and Lot 5 DP 77025) from Julia Street to Main Street, Main Street from "Boundary Road" to Paterson Street, Paterson Street from Main Street to Sedcole Street, Sedcole Street from Paterson Street to Tiraumea Road, Tiraumea Road from Sedcole Street to Main Street, Main Street from Tiraumea Road to Churchill Street, Churchill Street from Main Street to Tararua College, Arthur Street from Churchill Street to Duke Street, Duke Street from Arthur Street to Victoria Street including Albert Street south towards Tararua College.</i></p> <p><i>(As delineated on the attached map marked Map B.)</i></p>	<p><i>24 hours per day, seven days per week.</i></p>
<p>C. Akitio Beach</p> <p><i>All public streets, reserves and beachfront areas from the Akitio Bridge to the southern end of the Esplanade reserve.</i></p> <p><i>(As delineated on the attached map marked Map C.)</i></p>	<p><i>From 12 noon on 24 December in any year to 7.00am on 3 January of the following year at all times.</i></p>

The specified places do not include:-

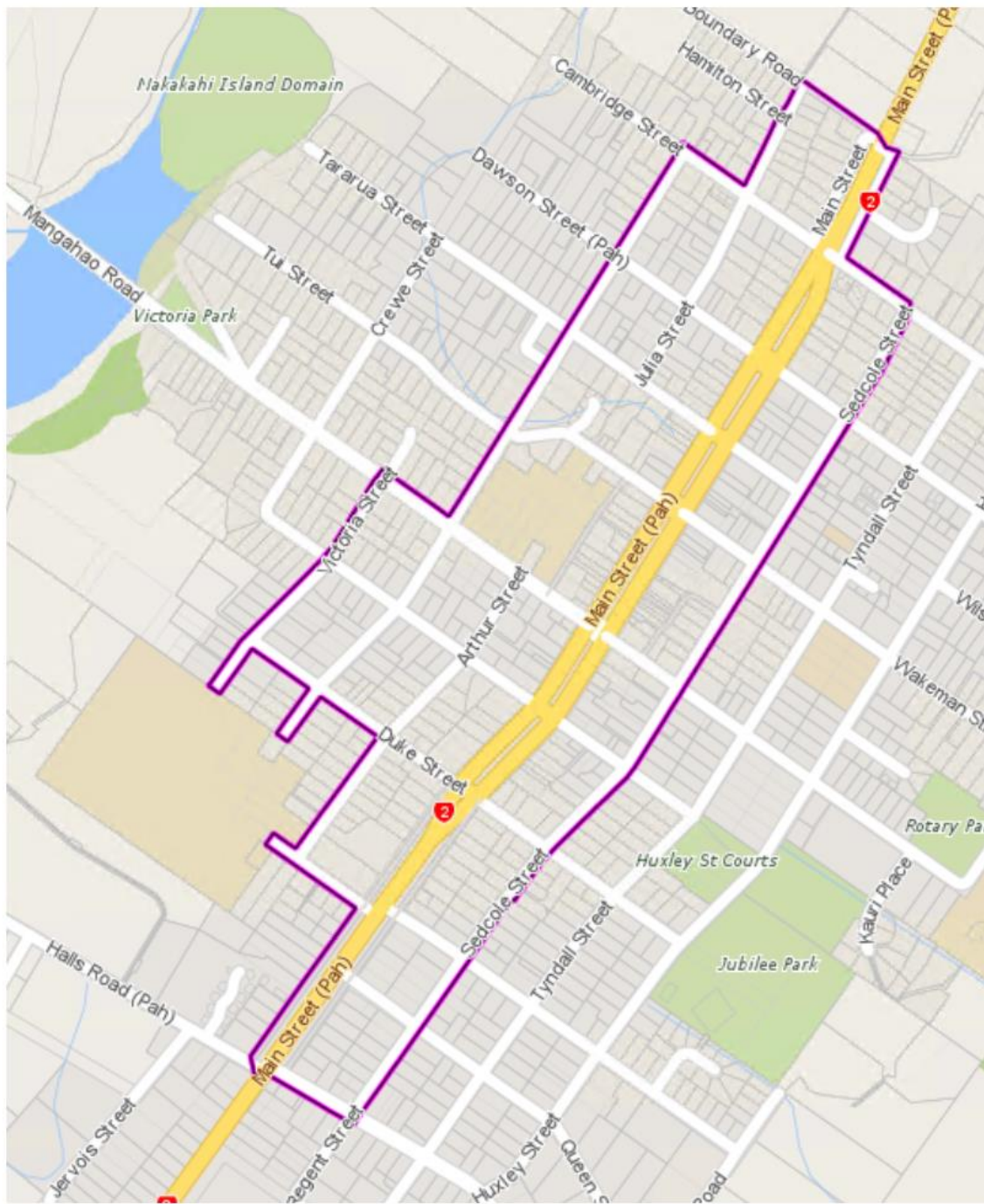
- any public place which is also a licensed premises during any period in which the licensee is serving or allowing consumption of liquor on those licensed premises; and
- any public place during any period in which that public place is the subject of a special licence.
 - (i) The consumption of liquor in any public place; and
 - (ii) the bringing of liquor into any public place; and
 - (iii) the possession of liquor in any public place; and
 - (iv) in conjunction with any prohibition relating to liquor under paragraphs (i) to (iii), the presence or use of a vehicle in any public place.

Note: These restrictions do not apply to any licensed premises during any period in which the licensee is serving or allowing the consumption of liquor in any area covered by an on-licence or special liquor licence.

Map A Dannevirke



Map B Pahiatua



Map C Akitio

