

# **ALCOHOL (LIQUOR) BYLAW 2015**



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**HOROWHENUA DISTRICT COUNCIL  
ALCOHOL (LIQUOR) BYLAW 2015**

**1. PREAMBLE**

The Horowhenua District Council in pursuance of the powers contained in the Local Government Act 2002, the Bylaws Act 1910 and any other authority enabling the Council in that behalf makes the following Bylaw.

**2. TITLE AND COMMENCEMENT**

This Bylaw shall be known as "The Horowhenua District Council Alcohol (Liquor) Bylaw 2015" and shall come into effect on the 5<sup>th</sup> day of May 2016.

**3. SCOPE**

The Bylaw is made under the authority of Section 147 of the Local Government Act 2002. The primary purpose of this bylaw is to enhance safety and the public enjoyment of public places in a reasonable manner by providing for liquor control in specified areas to reduce the incidence of alcohol related offences.

**4. DEFINITIONS AND INTERPRETATION**

In this Bylaw, if not inconsistent with the context:

- "Alcohol" has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012".
- "Act" means the Local Government Act 2002.
- "Council" means the Horowhenua District Council.
- "Enforcement Officer" means a person appointed by the Council pursuant to s177 of the Local Government Act 2002 to exercise the powers of an Enforcement Officer.
- "Alcohol prohibition" means a prohibition specified in this Bylaw, on the consumption of alcohol, the bringing of alcohol into, and the possession of alcohol, in a designated public place (subject to the prescribed exceptions in Section 147(3) of the Local Government Act 2002).
- "Member of the Police" means a sworn member of the Police appointed under the Policing Act 2008.
- "Offence" means an offence under Section 239 of the Local Government Act 2002 that is a breach of this bylaw.
- "Licensed Premises" has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.
- "Public Place" -
  - (i) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
  - (b) does not include licensed premises.
- "Vehicle" means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes a hovercraft, a skateboard, in-line skates, and roller skates.

**5. ENFORCEMENT POWERS UNDER THIS BYLAW**

**5.1 Powers of Search**

Where Council has resolved to prohibit the consumption or possession of alcohol in any public place, the requirements on Police relating to Search, Seizure and Arrest are detailed in Clause 5.2.

## 5.2 Powers of Search, Seizure and Arrest

A member of the police may, without warrant, -

- (a) for the purpose of ascertaining whether alcohol 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 alcohol and its container if the alcohol is in a public place in breach of a bylaw:
- (c) arrest a person whom the member of the Police finds committing an offence against this bylaw.
- (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 alcohol that, in breach of a bylaw, is in that person's possession.

5.3 Before exercising the power of search under Clause 5.2(a) in relation to a container or a vehicle, a member of the police must -

- (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 alcohol or the vehicle, as the case may be, from the public place.

## 5.4 Power to Request Name and Address

Any person whom an Enforcement Officer or member of the Police believes on reasonable grounds is committing or has committed an offence against this bylaw fails or refuses when required by the Enforcement Officer or member of the Police to give his/her name and/or address, or give a false name and/or address, he/she shall be guilty of an offence against the Act and liable on conviction to a fine not exceeding \$5,000.

## 6. PUBLIC PLACES

6.1 The places listed below are designated by this part of this Bylaw as public places in respect of which the consumption of alcohol, the bringing of alcohol into and the possession of alcohol in those places is prohibited on the days of the week and during the hours prescribed for each place:

- 6.1.1 *Waitarere Beach.* This public place is the area known as Waitarere Beach depicted on the map as Appendix 1, and includes all reserves, formed and unformed public roads, thoroughfares, walkways, access ways and vehicle parking areas located within the boundaries specified.



Alcohol Prohibition. A alcohol prohibition applies in this public place from:

- (a) 5.00 pm on Guy Fawkes evening until 7.00 am on the day following, of each year
- (b) 5.00 pm on New Year's Eve evening until 7.00 am of New Year's Day of each year.

6.1.2 *Foxton Beach*. This public place is the area known as Foxton Beach depicted on the map as Appendix 2, and includes all reserves, formed and unformed public roads, thoroughfares, walkways, access ways and vehicle parking areas located within the boundaries specified.

Alcohol Prohibition. A alcohol prohibition applies in this public place from:

- (a) 5.00 pm on Guy Fawkes evening until 7.00 am on the day following, of each year
- (b) 5.00 pm on New Year's Eve evening until 7.00 am of New Year's Day of each year.

6.1.3 *Hokio Beach*. This public place is the area known as Hokio Beach depicted on the map as Appendix 3, and includes all reserves, formed and unformed public roads, thoroughfares, walkways, access ways and vehicle parking areas located within the boundaries specified.

Alcohol Prohibition. A alcohol prohibition applies in this public place from:

- (a) 5.00 pm on Guy Fawkes evening until 7.00 am on the day following, of each year
- (b) 5.00 pm on New Year's Eve evening until 7.00 am of New Year's Day of each year.

6.1.4 *Waikawa Beach*. This public place is the area known as Waikawa Beach depicted on the map as Appendix 4, and includes all reserves, formed and unformed public roads, thoroughfares, walkways, access ways and vehicle parking areas located within the boundaries specified.

Alcohol Prohibition. A alcohol prohibition applies in this public place from:

- (a) 5.00 pm on Guy Fawkes evening until 7.00 am on the day following, of each year
- (b) 5.00 pm on New Year's Eve evening until 7.00 am of New Year's Day of each year.

6.1.5 *Levin CBD*. This public place is the area known as Levin CBD depicted on the map as Appendix 5, and includes all reserves, formed and unformed public roads, thoroughfares, walkways, access ways and vehicle parking areas located within the boundaries specified, including the Sunrise Projects Limited carparks of Levin New World Supermarket, 21 Bath Street, Levin, and Write Price Foodbarn, 508 Queen Street, Levin.

Alcohol Prohibition. A alcohol prohibition applies in this public place at all times.

- 6.1.6 *Foxton CBD*. This public place is the area known as Foxton CBD depicted on the map as Appendix 6, and includes all reserves, formed and unformed public roads, thoroughfares, walkways, access ways and vehicle parking areas located within the boundaries specified.

*Alcohol Prohibition*. A alcohol prohibition applies in this public place at all times.

- 6.1.7 *Shannon CBD*. This public place is the area known as Shannon CBD depicted on the map as Appendix 7, and includes all reserves, formed and unformed public roads, thoroughfares, walkways, access ways and vehicle parking areas located within the boundaries specified.

*Alcohol Prohibition*. A alcohol prohibition applies in this public place at all times.

- 6.1.8 *Jubilee Park, Levin*. This public place is designated as the Jubilee Park site and includes all footpath areas bounding this site along Bath Street and Parker Avenue, Levin.

*Alcohol Prohibition*. A liquor prohibition applies in this public place at all times.

## **7. EXCEPTIONS FROM THIS BYLAW FOR TRANSPORTATION OF ALCOHOL**

There is no offence against this Bylaw where alcohol has been purchased from an Off Licensed premises within the Liquor Ban area, and is being transported in an unopened state from this area.

## **8. EXCEPTIONS FROM THIS BYLAW FOR LICENSED PREMISES**

Prohibitions in this Bylaw do not apply -

- alcohol sold by premises in a liquor ban area, under the Sale and Supply of Alcohol Act 2012, in an unopened state.
- Liquor being transported in an unopened state from premises in a liquor ban area, licensed for the sale and/or consumption of liquor under the Sale and Supply of Alcohol Act 2012;
- Where in compliance with a licence for the sale and/or consumption of alcohol under the Sale and Supply of Alcohol Act 2012, alcohol is allowed to be consumed in the areas that are licensed as part of the liquor licence where they may be established in a liquor ban area.

## **9. POWER OF WAIVER, DISPENSATION AND SUSPENSION FOR SPECIAL EVENTS**

- 9.1 The Chief Executive of the Horowhenua District Council or his/her nominated representative may, on application by any person including a Council officer, grant a waiver, dispensation or licence to do or refrain from doing anything which would otherwise be in breach of this bylaw for the purpose of enabling possession and/or consumption of alcohol in a public place at the time of any special event.
- 9.2 Such a waiver, dispensation or suspension of operation of any part of this bylaw shall be granted only in respect of specific time periods and specific locations associated with the special event, to enable better enjoyment of the event by members of the public.

- 9.3 In considering any such application, the person responsible for making a decision shall obtain and consider a response from New Zealand Police to the request, including the reasons for that response.
- 9.4 Where any such waiver, dispensation or suspension is granted, public notice of the waiver, dispensation or suspension should be given by public notice advertisement in a daily newspaper circulating the Horowhenua District at least 6 days prior to the commencement of the period when the waiver, dispensation or suspension commences.
- 9.5 A fee or charge may be payable by the applicant to cover any direct costs or outgoings associated with the public notice and/or obtaining a police response to the application under this section. This fee or charge may be refunded, remitted or waived at the discretion of the Chief Executive of the Horowhenua District Council, or his/her nominated representative.
- 9.6 Nothing in this Section over-rides any conditions in the Sale and Supply of Alcohol Act 2012 pertaining to Special Licences requirements.

**10. ADDITION OR DELETION OF PUBLIC PLACES**

The Council may from time to time add other public places to which the provisions of this bylaw shall then apply, or in like manner may delete public places in respect of which it considers this bylaw should no longer apply. In any case, the Special Consultative Procedure shall be used.

**11. BREACH OF BYLAW AND PENALTY**

Any person who acts in breach of any provision of this bylaw commits an offence and on summary conviction is liable to a fine not exceeding \$20,000.

The foregoing Bylaw was duly made by the Horowhenua District Council by a resolution passed on the 7th day of October 2015 and was confirmed following consideration of community submissions received during a special consultation procedure, by a resolution passed on the 4<sup>th</sup> day of May 2016.

The Common Seal of the  
HOROWHENUA DISTRICT COUNCIL  
was hereunto affixed in the presence of: )  
)  
)



B. J. Rafter

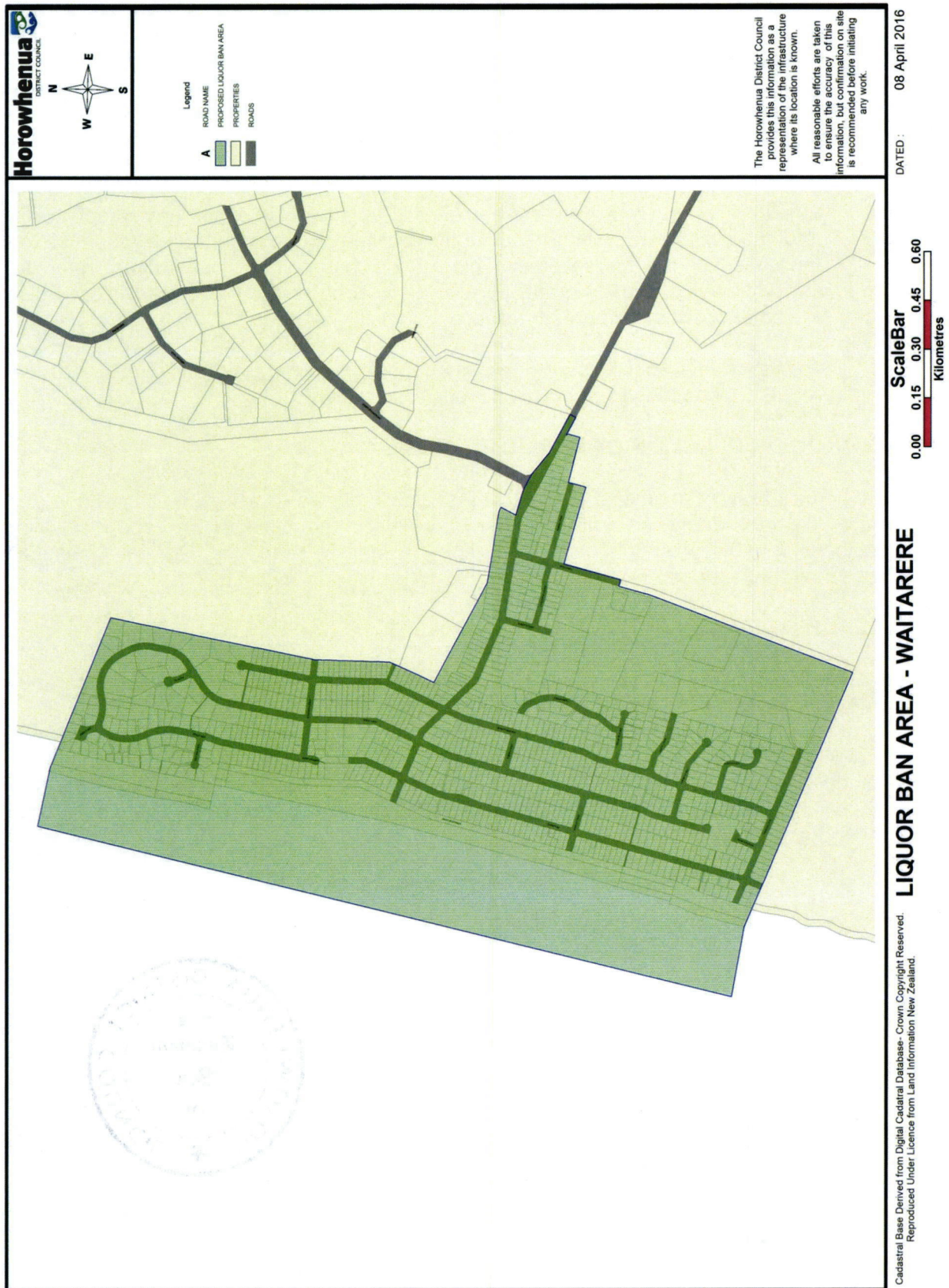
Mayor

DM Chapperton

Chief Executive

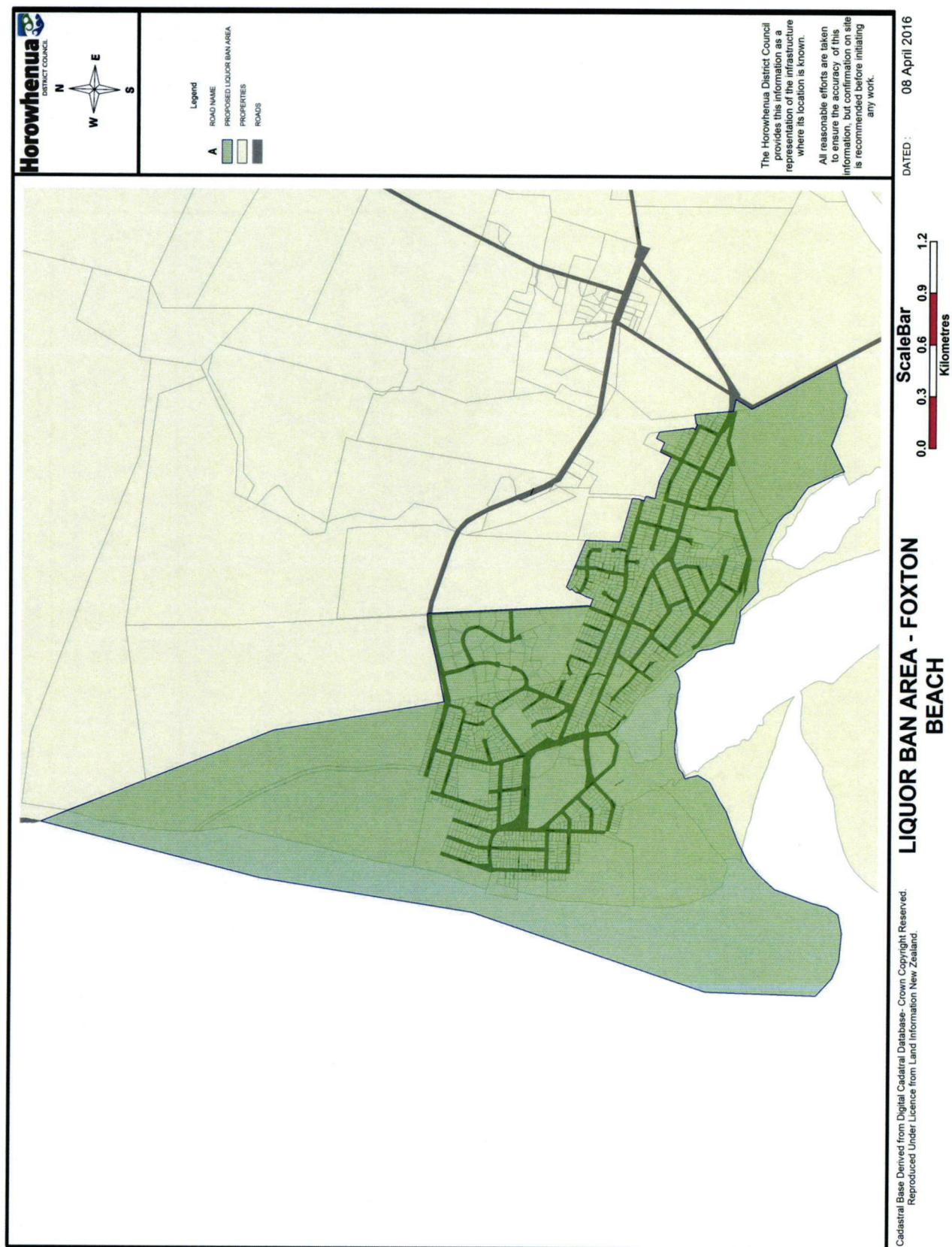


# APPENDIX 1



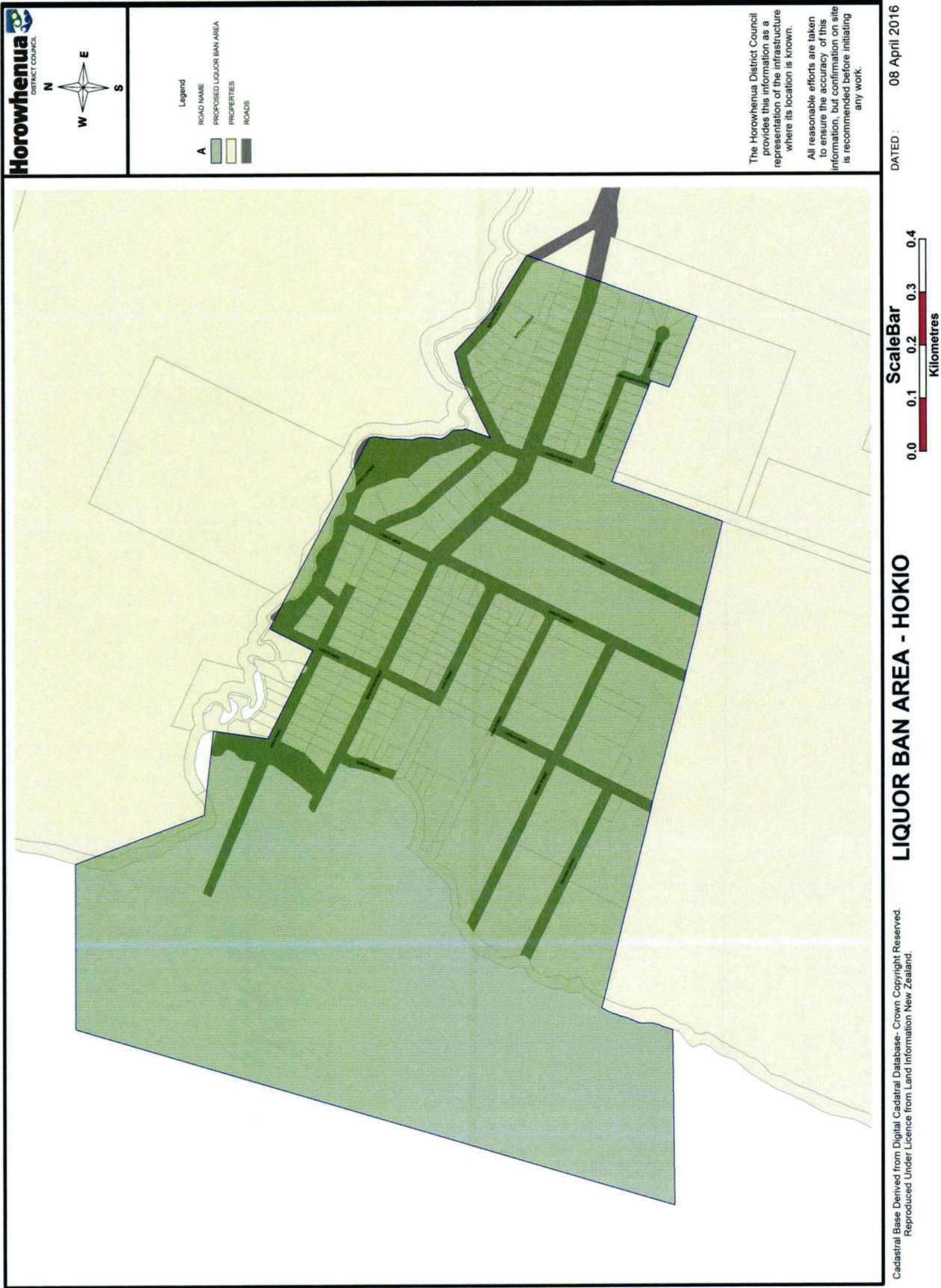


## APPENDIX 2

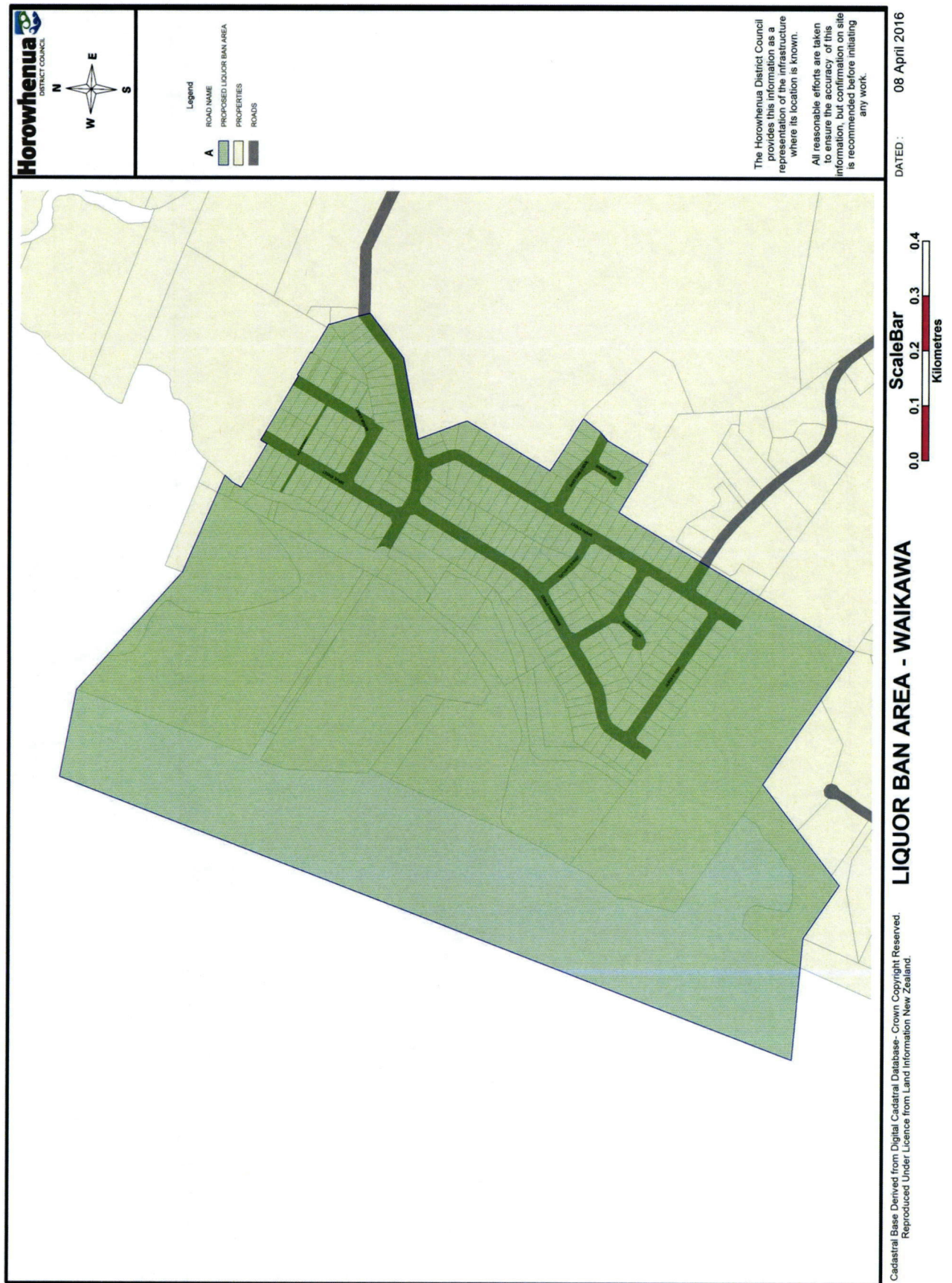




APPENDIX 3







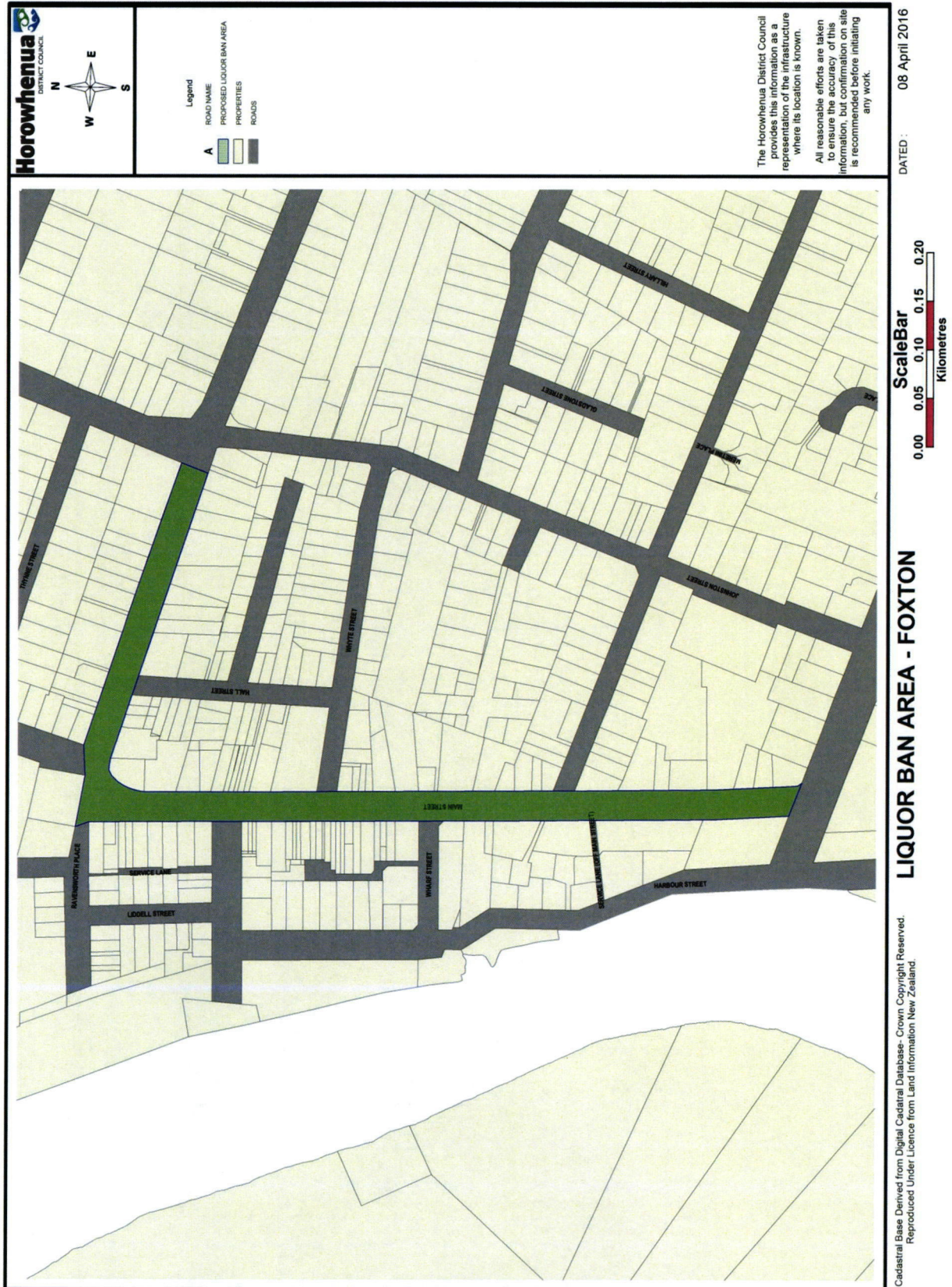


# APPENDIX 5





# APPENDIX 6





# APPENDIX 7

