

SOUTHLAND DISTRICT COUNCIL
PUBLIC PLACES LIQUOR CONTROL BYLAW 2005

In pursuance of the powers vested in it by the Local Government Act 2002 the Southland District Council makes the following Bylaw:

THE SOUTHLAND DISTRICT COUNCIL PUBLIC PLACES LIQUOR CONTROL BYLAW 2005

Analysis

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1.0 **REVOCAATION**

The Southland District Council Public Places Liquor Control Bylaw 2003 is revoked with effect from the day this Bylaw comes into force.

2.0 **TITLE AND COMMENCEMENT**

- (a) This Bylaw may be cited as the Southland District Council Public Places Liquor Control Bylaw 2005.
- (b) This Bylaw shall come into force on the 1st day of October 2005.

3.0 **INTERPRETATION**

In this Bylaw unless the context otherwise requires:

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

“**C ouncil**” means the Southland District Council.

“**D esignated Public P lace**” means any public place that is within an area described in:

- (a) The Schedule to this Bylaw (as varied by any subsequent Council resolution for liquor control within the District); or
- (b) A Council resolution for liquor control within the District,

at which the consumption, bringing or possession of liquor is prohibited during a specified period.

[For the avoidance of any doubt this does not include privately owned and controlled premises within the boundaries of the area described].

“**D istrict**” means the district of the Southland District Council.

“**L icensed prem ises**” means premises licensed for the sale or consumption of liquor under the Sale of Liquor Act 1989.

“**L iquor**” has the meaning given to it in the Sale of Liquor Act 1989 defined as “any fermented, distilled, or spirituous liquor (including spirits, wine, ale, beer, port, honey mead, stout, cider and perry) that is found on analysis to contain 1.15 percent or more alcohol by volume”.

“**P ublic N otice**” means a notice published once in any newspaper circulating within the District.

“**P ublic P lace**” 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.

“**S pecified period**” means the period or periods specified in:

- (a) The Schedule to this Bylaw (as varied by any subsequent Council resolution for liquor control within the District); or
- (b) A Council resolution for liquor control within the District, during which the consumption, bringing or possession of liquor is prohibited in a designated public place.

4.0 **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.

5.0 **ACTS PROHIBITED IN DESIGNATED PUBLIC PLACES WITHIN THE DISTRICT**

The following acts are prohibited in or at any designated public place:

- (a) The consumption of liquor in or at any designated public place.
- (b) The bringing of liquor into any designated public place.

- (c) The possession of liquor in or at any designated public place, including but not limited to liquor in any kind of container such as a bag, parcel or package, or liquor in or on a vehicle.

6.0 **COUNCIL RESOLUTION FOR LIQUOR CONTROL**

6.1 The Council may from time to time, for the purposes of this Bylaw, make a resolution:

- (a) To prohibit or regulate or control either generally or for one or more specified periods:
 - (i) The consumption of liquor in any other public place, or
 - (ii) The bringing of liquor into any other public place, or
 - (iii) The possession of liquor in any other public place, including but not limited to liquor in any kind of container such as a bag, parcel or package, or liquor in or on a vehicle

being a public place deemed pursuant to a Council resolution to be a designated public place; or

- (b) To vary existing designated public places; or
- (c) To vary existing specified periods.

6.2 All persons shall comply with the terms of any such resolution made by the Council under Clause 6.1 of this Bylaw.

6.3 Where other public places are so designated under Clause 6.1 of this Bylaw, or where there is a variation to any designated public place or existing specified period the Schedule to this Bylaw shall be amended accordingly and the Council shall give public notice of all such additions, amendments or variations made to the Schedule.

7.0 **EXEMPTION FROM PROHIBITION FOR RESIDENTS AND THEIR BONA FIDE VISITORS**

The prohibitions in this Bylaw and pursuant to any subsequent resolutions made by the Council for the purposes of this Bylaw do not apply in any case where the liquor is in an **unopened** bottle or other **unopened** container and:

- (a) The liquor is being transported from outside a designated public place to premises that adjoin a designated public place by, or for delivery to, a resident of those premises or by his or her bona fide visitors, or
- (b) The liquor is being transported from premises that adjoin a designated public place to a place outside the designated public place by a resident of those premises, provided that the liquor is promptly removed from the designated public place.

8.0 **EXEMPTION FROM PROHIBITION FOR LICENSED PREMISES**

The prohibitions in this Bylaw and pursuant to any subsequent resolutions made by the Council for the purposes of this Bylaw do not apply in any case where the liquor is in an **unopened** bottle or other **unopened** container and:

- (a) The liquor is being transported from premises that adjoin a designated public place where it is lawful to sell liquor on those premises for consumption off the premises provided the liquor is promptly removed from the designated public place, or
- (b) The liquor is being transported from outside a designated public place for delivery to premises that adjoin the designated public place provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989, or
- (c) The possession and/or consumption of liquor at any premises with the Designated Public Place in compliance with a licence for the sale and/or consumption of liquor under the Sale of Liquor Act 1989. The term „premises includes any footpath areas and alfresco dining areas that are licensed as part of those premises and are clearly defined by the placement of tables and chairs outside those premises, and other areas, clearly defined and identified under an appropriate liquor licence for an event or function at the time of possession and/or consumption of alcohol.

9.0 **OFFENCES**

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

10.0 **PENALTIES**

Every person who commits an offence against this Bylaw is liable on summary conviction to a fine not exceeding \$20,000.00.

11.0 **POWER OF ARREST, SEARCH AND SEIZURE**

11.1 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 11.1 is forfeited to the Crown if the person from whom the liquor or container is seized is convicted of breaching the Bylaw.

11.2 Before a member of the police exercises the power of search under Section 169 in relation to a container or a vehicle 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 liquor or the vehicle, as the case may be, from the public place.

11.3 In those circumstances where the prohibition, regulation or control of liquor in a designated public place has been imposed by way of a Council resolution on specified dates or in relation to designated events then a member of the police is authorised to exercise the power of search of the container or vehicle WHERE the Council has:

- (a) Specified the designated public place and the period when, this power may be exercised by the police by way of public notice given 14 days in advance of the ban taking effect AND
- (b) Indicated 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.

This Bylaw has been made and confirmed by a resolution passed at a meeting of the Southland District Council held on the _____ day of _____ 2005.

THE COMMON SEAL of the _____ }
 SOUTHLAND DISTRICT COUNCIL }
 was hereunto affixed in the presence of _____ }

MAYOR

CHIEF EXECUTIVE

SCHEDULE

The Designated Public Places and Specified Periods are as follows:

Te Anau Liquor Ban Area

Within the area shown on the attached Map 1 and bordered by a bold black line incorporating those public places being:

Designated Public Place	Specified Period
Part of Lakefront Drive from Mokoroa Street to Town Centre	24 hours per day, seven days per week
Part of Te Anau Terrace from Town Centre to Matai Street	
Part of Matai Street from Te Anau Terrace to Mokonui Street	
Part of Mokonui Street from Matai Street to Town Centre	
Town Centre	
Miro Street	
Milford Crescent	
The Lane	
Wong Way	
Village Place	
Office Lane	
Garage Lane	
Park Lane	
Little Park Lane	
Mokoroa Street	
Luxmore Drive from Milford Crescent to Mokoroa Street	
Lot 1 DP 14912, being all open space contained within and being part of the Fiordland Community Centre carpark and surrounding land	
Section 3 SO 12359, being that parcel of public land linking Little Park Lane with Town Centre	
Part Section 1 SO 11972 and Section 9 SO 12359, known as Little Lake Te Anau Reserve	
Lots 10, 11, 15, 16, 17 DP 13044 and that part of Lot 4, DP 13044 that contains the open space surrounding the Te Anau library building	
That part of Lakefront Drive and Te Anau Terrace between Mokoroa Street and Matai Street that lies between the west side of the formed carriageway and the edge of Lake Te Anau	Between half an hour after sunset on any day and half an hour before sunrise on the next day; seven days per week
Part Section 1 SO 10501 known as Memorial Park, except for that part of Memorial Park occupied by the Te Anau Bowling Club.	Between half an hour after sunset on any day and half an hour before sunrise on the next day; seven days per week
Lots 26 to 31, Block I, DP 280 and Section 136, Block I, Manapouri Survey District known as Lions Park	Between half an hour after sunset on any day and half an hour before sunrise on the next day; seven days per week

