

SOUTHLAND DISTRICT COUNCIL

Alcohol Control Bylaw 2015



December 2015



SOUTHLAND DISTRICT COUNCIL
ALCOHOL CONTROL BYLAW 2015

Pursuant to Section 147 of the Local Government Act 2002 the Southland District Council makes the following bylaw:

1.0 TITLE AND COMMENCEMENT

- (a) This Bylaw is the Alcohol Control Bylaw 2015.
- (b) This Bylaw comes into force on 12 December 2015.
- (c) The Public Places Liquor Control Bylaw 2005 is consequently repealed.

2.0 INTERPRETATION

In this Bylaw unless the context otherwise requires:

Act means the Sale and Supply of Liquor Act 2012.

Alcohol has the meaning given by Section 5 (1) of the Act.

Alcohol Free Area means any public place identified:

- (a) In the Schedule to this Bylaw; or
- (b) In any resolution of the Council pursuant to clause 4.0 of this Bylaw.

Constable has the meaning given by Section 2 of the Policing Act 2008.

Council means the Southland District Council.

Licensed premises has the meaning given by Section 5 (1) of the Act.

Public notice means a notice published once in a newspaper circulating in the area to which the notice applies.

Public place means:

- (a) 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 and includes roads whether or not under the control of the Council and vehicles in those public places; but
- (b) Does not include licensed premises.

Specified period means:

- (a) For an Alcohol Free Area specified in the Schedule to this Bylaw, the days and times specified in the Schedule.
- (b) For an Alcohol Free Area established by a resolution of the Council under clause 4.0 of this Bylaw means the days, times and period specified in that resolution.

3.0 PROHIBITED ACTS

Except in accordance with clauses 5.0 and 6.0 of this Bylaw no person shall:

- (a) Consume alcohol in an Alcohol Free Area.
- (b) Bring alcohol into an Alcohol Free Area.
- (c) Possess alcohol in an Alcohol Free Area.

4.0 ESTABLISHMENT OF ALCOHOL FREE AREA BY RESOLUTION

- (a) The Council may from time to time by resolution establish Alcohol Free Areas in public places for specified periods.
- (b) The Council may at any time, by resolution amend or revoke any resolution under this clause 4.
- (c) The Council shall give public notice of any resolution made under clauses 4 (a) and (b) not less than 14 days before the establishment, amendment or revocation of an Alcohol Free Area under this clause 4.

5.0 EXEMPTIONS

5.1 This Bylaw does not prohibit the transport of alcohol in an unopened container:

- (a) From licensed premises next to an Alcohol Free Area, if the alcohol was lawfully bought on those premises for consumption off those premises and it is promptly removed from the Alcohol Free Area; or
- (b) From outside of an Alcohol Free Area to licensed premises next to the Alcohol Free Area; or
- (c) From outside of an Alcohol Free Area to premises next to an Alcohol Free Area by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
- (d) From premises next to an Alcohol Free Area to a place outside the Alcohol Free Area if the transport is undertaken by the resident of those premises and the alcohol is promptly removed from the Alcohol Free Area.

6.0 DISPENSATIONS

6.1 The Council may from time to time on application in writing by any person and on payment of the fee prescribed by the Council, grant a dispensation from any or all of the prohibited acts specified in clause 3.

6.2 The dispensation may be granted without conditions or subject to such conditions as the Council thinks fit.

7.0 **NO WARNING IN CERTAIN CIRCUMSTANCES**

7.1 Any constable is authorised to exercise the powers under Section 170 (2) of the Local Government Act 2002 on specified dates or in relation to specified events in respect of which the Council has:

- (a) By public notice 14 days in advance specified the Alcohol Free Area where, and the period when, any constable can exercise those powers; and
- (b) Where it is has been practical or reasonable to do so, indicated the location of the Alcohol Free Area by one or more clearly legible notices affixed in one or more conspicuous places on or adjacent to the Alcohol Free Zone.

8.0 **OFFENCES**

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

9.0 **PENALTIES**

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

SCHEDULE

The Alcohol Free Areas and Specified Periods are as follows:



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