



KAWERAU DISTRICT COUNCIL

Liquor Control Bylaw 2009

Kawerau District Council

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Explanatory Statement

The Kawerau District Council wishes to continue to address issues of inappropriate, annoying and offensive behaviour arising from alcohol consumption in public places.

The Kawerau District Council has determined that a Bylaw is the most appropriate mechanism to address these issues and to enhance public safety and community well-being without unduly restricting public rights. The objective of this Bylaw is to help minimise the potential for inappropriate and offensive behaviour in public places, protect the public from nuisance and protect, promote and maintain public health and safety.

The Bylaw is made under the powers granted to territorial authorities by Part 8 of the Local Government Act 2002.

**Kawerau District Council
Liquor Control Bylaw 2009**

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Kawerau District Council

Liquor Control Bylaw 2009

1. Title and Commencement

This Bylaw may be cited as “The Kawerau District Council Liquor Control Bylaw 2009” and shall come into force on 1 June 2009.

2. Purpose

The purpose of this Bylaw is to help minimise the potential for offensive behaviour, to protect the public from nuisance and protect, promote and maintain public health and safety by prohibiting or otherwise regulating or controlling liquor consumption in specified public places in Kawerau.

3. Interpretation

Council means the Kawerau District Council.

Liquor has the meaning given to it in the Sale of Liquor Act 1989.

Prohibited Liquor Area means:

- (a) Those public places identified in Schedule 1; and
- (b) Such other public places as the Council may from time to time specify in Schedule 1.

Public Place:

- a) means a place -
 - (i) that is under the control of the territorial authority; and
 - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and
- (b) includes -
 - (i) a road, whether or not the road is under the control of a territorial authority; and
 - (ii) any part of a public place.

Restricted Liquor Area means:

- (a) Those public places identified in Schedule 2; and
- (b) Such other public places as the Council may from time to time specify in Schedule 2

Specified Time means such time or times specified in Schedule 2 in relation to a restricted liquor area.

4. Application of the Bylaw in the District

4.1 No person shall at any time:

- (i) consume liquor in; or
- (ii) bring liquor into; or
- (iii) possess liquor in

any public place situated in any prohibited liquor area.

4.2 No person shall during any specified time:

- (i) consume liquor in; or
- (ii) bring liquor into; or
- (iii) possess liquor in

any public place situated in any restricted liquor area.

4.3 The provisions of clauses 4.1 and 4.2 shall 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 prohibited or restricted liquor area during any period when, under the Sale of Liquor Act 1989, it is lawful to sell liquor on those premises for consumption off the premises, provided the liquor is promptly removed from the prohibited or restricted liquor area .
- (b) the transport of that liquor from outside a prohibited or restricted liquor area for delivery to premises that adjoin the prohibited or restricted liquor area, provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989.

- (c) the transport of that liquor from outside a prohibited or restricted liquor area to premises that adjoin a prohibited or restricted liquor area -
 - (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 prohibited or restricted liquor area by a resident of those premises, provided the liquor is promptly removed from the prohibited or restricted liquor area.

4.4 The provisions of clauses 4.1 and 4.2 shall not apply to any public place or specified part of that public place in respect of which a special licence under the Sale of Liquor Act 1989 has been granted for any occasion, event, series of occasions, or events described in the licence.

4.5 The provisions of clauses 4.1 and 4.2 shall not apply to any public place or specified part of that public place in respect of which an exemption has been granted.

Application for exemption may be made to the Chief Executive Officer. Exemptions will be granted at the discretion of the Chief Executive Officer, in consultation with the NZ Police.

5. Offences and Breaches

Every person who breaches this Bylaw commits an offence and is liable on summary conviction to the penalty set out in section 242 of the Local Government Act 2002.

6. Powers of Arrest, Search and Seizure

6.1 A member of the Police may, in any prohibited liquor area or restricted liquor area, without warrant:

- (a) For the purpose of ascertaining whether liquor is present, search:
 - (i) A container (such as a parcel, package, bag or case) in the possession of a person, who is in, or is 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 who the member of the Police finds committing the 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 the person's possession.

7. Revocations

The Liquor Control Bylaw 2004 is hereby revoked.

The Kawerau District Council Liquor Control Bylaw 2009 was duly made by a resolution passed at a meeting of the Kawerau District Council held on 26 May 2009 following a special consultative procedure.

The Common Seal of the
Kawerau District Council
was affixed hereto in the presence of:

.....
Mayor

.....
Chief Executive Officer

.....
Date

Schedule 1 – Prohibited Liquor Areas

The area shaded on the attached map includes:

- The Kawerau Town Centre bounded by and including Islington Street, Onslow Street and Plunket Street.
- The area from Onslow Street by the Navalmen’s Club to Prideaux Park including the areas around the Ron Hardie Recreation Centre (including the circus paddock, outdoor basketball courts, BMX track and skateboard park).
- Tamarangi Drive from the Pinelands Hotel into the Town Centre (including Liverpool Street and Islington Street).
- The Stoneham Walk Reserve through to Valley Road.
- The Reserve opposite the Tamarangi Drive/Islington Street intersection.

Schedule 2 – Restricted Liquor Areas

(Note: No areas specified by Council at the the time of making the Bylaw)

KAWERAU



Kawerau District Council
Liquor Control Bylaw 2004
Areas where liquor is prohibited

DRIVE	D3	D2	C3	B4
	D1	C2	D1	C3
	D1	C3	D4	C3
	C1	C1	D3	D3
	UE	ET	D4	D4
			B4	B4
			D1	D1
DRIVE	D3	D2	C3	B4
	D1	C2	D1	C3
	D1	C3	D4	C3
	C1	C1	D3	D3
	UE	ET	D4	D4
			B4	B4
			D1	D1
DRIVE	D3	D2	C3	B4
	D1	C2	D1	C3
	D1	C3	D4	C3
	C1	C1	D3	D3
	UE	ET	D4	D4
			B4	B4
			D1	D1

