

Liquor Control Bylaw 2007

THE OTOROHANGA DISTRICT COUNCIL

LIQUOR CONTROL BYLAW

In exercise of the powers and authorities conferred on it by Section 147 of the Local Government Act 2002, and all other authorities enabling it in that behalf, the Otorohanga District Council makes the following Bylaw.

1. TITLE AND COMMENCEMENT

This bylaw shall be known as “**The Otorohanga District Council Liquor Control Bylaw**” and shall come into force on 9 October 2007.

2. PURPOSE

The purpose of this Bylaw is to regulate and control

- (a) the consumption of liquor in a public place ; and
- (b) the bringing of liquor into a public place; and
- (c) the possession of liquor in a public place.

3. DEFINITIONS

In this Bylaw, unless inconsistent with the context,

“liquor” means liquor as defined in the Sale of Liquor Act 1989

“public place” (a) means a place as defined in the First Schedule to this Bylaw-

- i. that is under the control of the Otorohanga District Council; 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 the Otorohanga District Council; and
- ii. any part of a public place.

(c) but excludes any public place or part of a public place which is set aside for the consumption of alcohol in connection with al fresco dining and which is clearly defined by the placement of tables and chairs, and is included as part of premises which have a liquor licence issued under the Sale of Liquor Act 1989.

4. ACTS PROHIBITED IN PUBLIC PLACES

4.1 During the currency of this bylaw, the following activities are prohibited in a public place at the times set out in the Second Schedule to this Bylaw:-

- (a) The consumption of liquor;
- (b) The possession of liquor;
- (c) The bringing of liquor into any public place and
- (d) In conjunction with a prohibition relating to liquor under paragraphs (a) to (c), the presence or use of a vehicle in a public place.

5. AMENDMENT OF TIMES AND DATES OF APPLICATION OF BYLAW

5.1 The dates and times specified in the Second Schedule to this Bylaw may be amended from time to time by resolution of the Otorohanga District Council in accordance with Section 151 of the Local Government Act 2002.

6. EXCEPTIONS TO PROHIBITION

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 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 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 of Liquor Act 1989;
- (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.

7. ENFORCEMENT OF BY-LAW

For the avoidance of doubt, Sections 169 and 170 of the Local Government Act 2002 (which relate to the powers of arrest, search and seizure by members of the New Zealand Police) apply in respect of this Bylaw.

8. OFFENCES AND PENALTY

- 8.1 Every person commits an offence against this bylaw who does or omits or causes to be done or omitted any act contrary to the provisions of this Bylaw.
- 8.2 Any person who commits an offence against this bylaw is liable on conviction to a fine not exceeding \$20,000.00.

The above bylaw was made pursuant to a resolution passed by the Otorohanga District Council on 9 October 2007.

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

Mayor

Chief Executive

FIRST SCHEDULE - AREA OF LIQUOR BAN

Kawhia & Aotea

Period

This Bylaw shall be in force for the Christmas/New Year Holiday period within any given year, such period being defined as from 4.00pm on 23 December to 4.00pm on 6 January each year, except that when 6 January falls on a Friday, the period of the ban is extended to 4.00pm on the following Monday .

Location

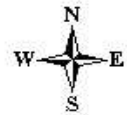
This Bylaw shall apply to the following location: the towns of Kawhia & Aotea and all of the surrounding area, west of Aotea Road, as shown and described on the attached map – “Kawhia & Aotea Liquor Ban Area”
All public places including roads, beaches and reserves.

SECOND SCHEDULE - DATES AND TIMES OF LIQUOR BAN

This Bylaw shall be in force for the Christmas/New Year Holiday period within any given year, such period being defined as from 4.00pm on 23 December to 4.00pm on 6 January each year, except that when 6 January falls on a Friday, the period of the ban is extended to 4.00pm on the following Monday.



KAWHIA AND AOTEA LIQUOR BAN AREA



Any dimensions given are indicative and are not of Street Grade Accuracy.

The information on this map has copyright; contact the Otorohanga District Council before reproduction.
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The Otorohanga District Council is not responsible for consequences due to inaccuracies on this map.

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