



Te Kaunihera ā-Rohe o
Ōtorohanga
District Council
Where kiwi can fly

ŌTOROHANGA DISTRICT COUNCIL

ALCOHOL CONTROL BYLAW 2023

This Bylaw was made pursuant to a resolution passed

by the Ōtorohanga District Council

on Tuesday, 19 September 2023.

Contents

1. Title and Commencement	2
2. Purpose	2
3. Definitions	2
4. Acts prohibited in public places	3
5. Amendment of times and dates of application of Bylaw	3
6. Exceptions to prohibition	3
7. Enforcement of Bylaw	4
8. Offences and Penalty	4

Schedules

First Schedule – Area of Alcohol Ban	5
Second Schedule – Dates and times of alcohol ban	5
Map - Kāwhia and Aotea Alcohol Ban Area	6

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 Ōtorohanga District Council makes the following Bylaw.

1. Title and Commencement

This bylaw shall be known as the “**Ōtorohanga District Council Alcohol Control Bylaw**” and shall come into force on Tuesday, 19 September 2023.

2. Purpose

The purpose of this Bylaw is to regulate and control:

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

3. Definitions

In this Bylaw, unless inconsistent with the context,

<i>“alcohol”</i>	means alcohol as defined in the Sale and Supply of Alcohol Act 2012
<i>“alcohol ban”</i>	means a bylaw made under Section 147 Local Government Act 2002
<i>“public place”</i>	<ol style="list-style-type: none">a. means a place as defined in the First Schedule to this Bylaw -<ol style="list-style-type: none">i. that is under the control of the Ōtorohanga District Council; andii. that is open to, or being used by, the public, whether or not there is a charge for admission; andb. Includes -<ol style="list-style-type: none">i. a road, whether or not the road is under the control of the Ōtorohanga District Council; andii. 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 an alcohol licence issued under the Sale and Supply of Alcohol Act 2012.

4. Acts prohibited in public places

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 alcohol;
- b. The possession of alcohol;
- c. The bringing of alcohol into any public place; and
- d. In conjunction with a prohibition relating to alcohol 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

The dates and times specified in the Second Schedule to this Bylaw may be amended from time to time by resolution of the Ōtorohanga 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 alcohol in an unopened bottle or other unopened container –

- a. The transport of that alcohol from premises that adjoin a public place during any period when, under the Sale and Supply of Alcohol Act 2012, it is lawful to sell alcohol on those premises for consumption off the premises provided the alcohol is promptly removed from the public place.
- b. The transport of that alcohol from outside a public place for delivery to premises that adjoin the public place provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012.
- c. The transport of that alcohol 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 alcohol is promptly removed from the public place.

7. Enforcement of Bylaw

For the avoidance of doubt, Sections 169 169A 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

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.

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

Breaches of this bylaw are also Infringement Notice offences under Section 245 of the Local Government Act 2002.

The above bylaw was made pursuant to a resolution passed by the Ōtorohanga District Council on Tuesday, 19 September 2023.

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



His Worship the Mayor, Max Baxter



Chief Executive, Tanya Winter

First Schedule – Area of Alcohol Ban

Kāwhia & Aotea

Location

This Bylaw shall apply to the following location: the towns of Kawhia and Aotea and all of the surrounding area, west of Aotea Road, as shown and described on the attached map – “Kāwhia and Aotea Alcohol Ban Area”

All public places including roads, beaches and reserves.

Second Schedule – Dates and times of alcohol 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 February each year, except that when Waitangi Day (6 February) falls on a Friday, Saturday, or Sunday the period of the ban is extended to 4.00pm on the following Tuesday.

Map - Kāwhia and Aotea Alcohol Ban Area

