

# Liquor Control Bylaw 2007



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# THE OTOROHANGA DISTRICT COUNCIL LIQUOR CONTROL BYLAW

Adopted pursuant to a resolution passed by the Otorohanga District Council on 12<sup>th</sup> October 2005.

Reviewed and approved without change by the Otorohanga District Council on 4<sup>th</sup> December 2012.

Amended in accordance with a resolution passed by the Otorohanga District Council on 19<sup>th</sup> December 2013 (first and second schedules).

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 alcohol as defined in the Sale and Supply of Alcohol Act 2012

*“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 and Supply of Alcohol Act 2012.

#### **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 and Supply of Alcohol Act 2012, 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 and Supply of Alcohol Act 2012;
- (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.

**8.0 WAIVER**

The Chief Executive is hereby delegated the authority to waive these requirements for special events of a specific purpose, duration and location that would otherwise be in breach of this bylaw.

**9. OFFENCES AND PENALTY**

- 9.1 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.
- 9.2 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 and amended in accordance with a resolution passed by the Otorohanga District Council on 19<sup>th</sup> December 2013.

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



Mayor



Chief Executive





Date

## **FIRST SCHEDULE - AREA OF LIQUOR BAN**

### **Kawhia & Aotea**

#### **First Schedule - 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 'Kawhia and Aotea Liquor Ban Area', in all public places including roads, beaches and reserves.

## **SECOND SCHEDULE - DATES AND TIMES OF LIQUOR BAN**

#### **Second Schedule - Period**

This Bylaw shall be in force 24 hours per day, in all public places within the Kawhia & Aotea Liquor Ban Area from 4.00pm on the 23 December till 4.00 on the 7 February\*.

**“In the event of Waitangi Day falling on a Saturday or Sunday the bylaw period will end at 4.00pm of the Tuesday following Waitangi Day.”**

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