

BANNING OF LIQUOR IN PUBLIC PLACES BYLAW 2005

As amended at 25 July 2012

Pursuant to section 147 of the Local Government Act 2002, the Buller District Council makes the following bylaw.

1.0 Bylaw

1.1 This bylaw shall be known as the Banning of Liquor in Public Places Bylaw 2005.

1.2 This bylaw came into force on 7 November 2005.

1.3 Amendments to this bylaw came into force on 8 October 2007 and 6 October 2008.

1.4 Further amendments to this bylaw shall come into force on 3 August 2012.

2.0 Interpretation

Council means the Buller District Council.

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

Public Place –

- a. means a place –
 - (i) that is under the control of the 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 Council; and
 - (ii) any part of a public place.
- c. In respect of powers of arrest, search, and seizure, public place means a public place as defined in a. and b. in respect of which there is a bylaw prohibiting –
 - (i) the consumption and/or possession of liquor in, or the bringing of liquor into, that place; or
 - (ii) in conjunction with a prohibition relating to liquor, the presence or use of a vehicle in that place.

Reefton Liquor Ban Area is as described in Schedule 1 of this bylaw.

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

The Act means the Local Government Act 2002.

Vehicle –

- a. Has the meaning given to it in Section 2 of the Land Transport Act 1998; but
- b. Does not include an ambulance, fire engine or police vehicle.

Westport Liquor Ban Area is as described in Schedule 1 of this bylaw.

3.0 Liquor Ban

Except pursuant to the grant of a Special Licence, or with the prior written consent of the Council in instances where a Special Licence is not required, no person shall:

- a. Consume liquor in;
- b. Bring liquor into; or
- c. Possess liquor in,

the Reefton Liquor Ban Area or the Westport Liquor Ban Area at any time, or any Public Place specified in a resolution of the council under Clause 4 of this bylaw at any time during the period specified in the resolution.

4.0 Liquor Ban – Other Public Places

The Council may from time to time, by resolution, prohibit for one or more specified periods:

- a. The consumption of liquor in;
- b. The bringing of liquor into; and/or
- c. The possession of liquor in,

any Public Place. The prohibition must be publicly notified in a newspaper circulating in the Buller District.

5.0 Council consent discretionary

Any consent sought under clause 3 must be applied for in writing to the Chief Executive Officer of the Council. Consent may be granted with or without conditions, at the absolute discretion of the Council, where the Council considers that the granting of that consent would not be contrary to the purpose of this bylaw.

6.0 Exceptions

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 the 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.


7.0 Conditions Relating to Power of Search

A member of the police is authorised to exercise the power of search under Sec 170(2) of the Act on specified dates or in relation to specified events notified by the Council under Sec 170(3) of the Act.

These bylaws have been made by resolution of the Council passed at a meeting held on **25 July 2012.**

THE COMMON SEAL of
BULLER DISTRICT COUNCIL
was hereunto affixed in the
presence of:




MAYOR


CHIEF EXECUTIVE

SCHEDULE I

Specified Places

Reefton Liquor Ban Area

All public places, including streets, verges, service lanes, lanes, footpaths, reserves, parks and carpark areas within:

- (a) The area bounded by a line between the intersection of Smith Street and The Strand extending east to incorporate part of Walsh Street where it intersects Broadway extending east to incorporate part of Bridge Street where it intersects with Broadway, south across part of the sports field through a line between the Fir trees and actual skatepark to the Inangahua River, west along the northern most bank of the Inangahua River to intersect with an extended line to Smith Street; and
- (b) Broadway between its intersections with Kelly and Bridge Streets, and along Smith Street between its intersections with Broadway and Buller Road.

The Reefton Liquor Ban Area is shown on Map 1.

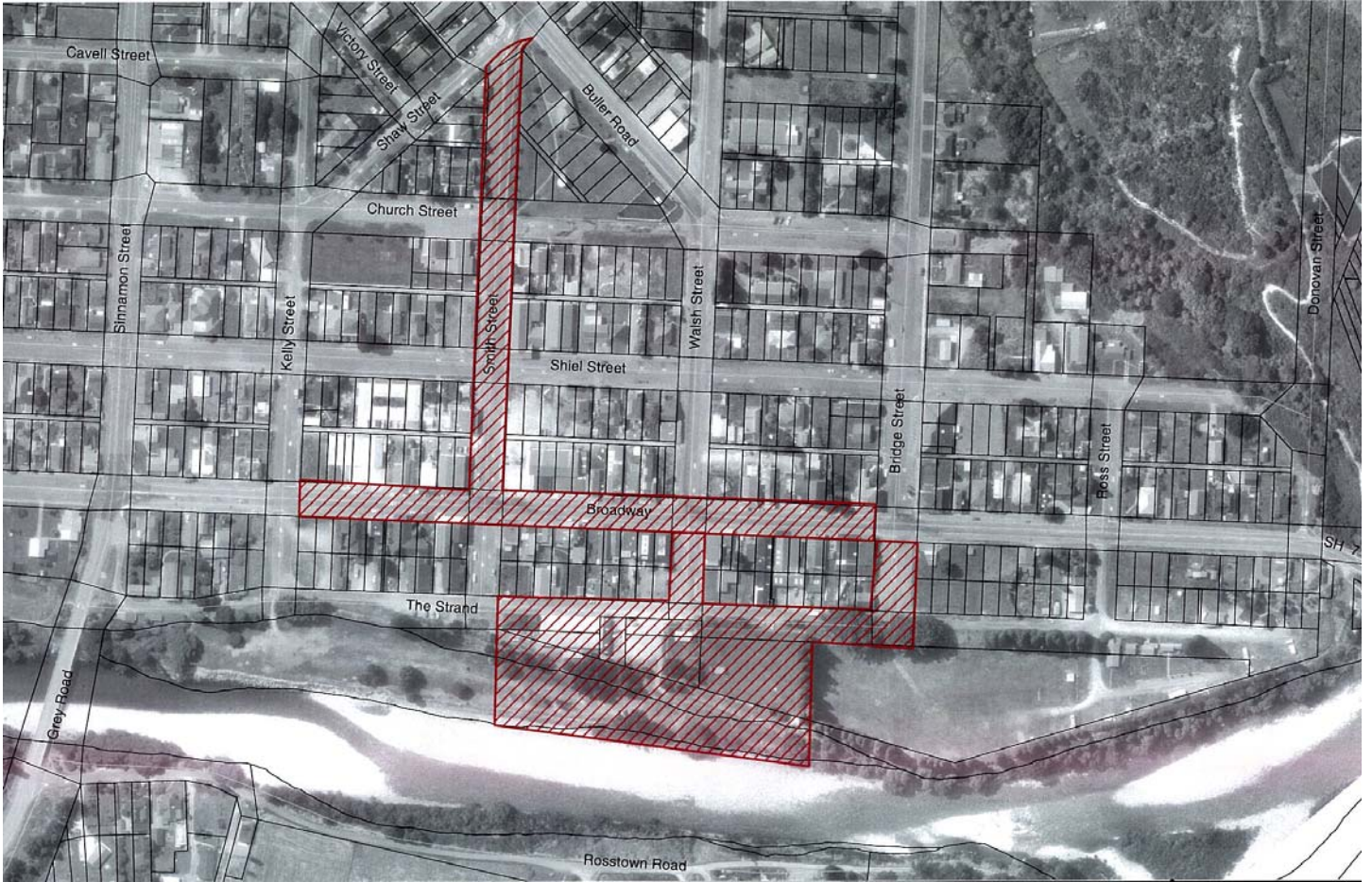
Westport Liquor Ban Area

All public places, including streets, verges, service lanes, lanes, footpaths, reserves, parks and carpark areas within:

- (a) The area encompassed by Peel, Brougham, Lyndhurst, and Russell Streets, including the Westport Skatepark, children's playground, former bowling green, White Star Rugby Club, Passive Garden, Croquet Green which includes;
- (b) Palmerston and Russell Streets from Cobden to Fonblanque Streets, including parts of streets within that area of Pakington, Henley, Lyndhurst, Brougham, Wakefield and Rintoul Streets; and
- (c) The area bounded by the intersections of the west side of Palmerston Street, the north side of Henley Street, the west side of Adderley Street and the south side of Fonblanque Street.

The Westport Liquor Ban Area is shown on Map 2.

Map 1—Reefton Liquor Ban Area (shown hatched in red)



Map 2—Westport Liquor Ban Area (shown hatched in red)

