



BANNING OF ALCOHOL IN PUBLIC PLACES BYLAW 2018

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 Alcohol in Public Places Bylaw 2018.
- 1.2 This bylaw comes into force on 12 February 2018.

2.0 Interpretation

Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Council means the Buller District Council.

Licensed premises has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Public Place has the meaning given by section 147 of the Local Government Act 2002.

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

Special Licence has the meaning given to it by section 22 of the Sale and Supply of Alcohol Act 2012.

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

3.0 Alcohol 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 alcohol in;
 - b. Bring alcohol into;
 - c. Possess alcohol in; or
 - d. Consume, bring or possess alcohol in a vehicle within,
- the Reefton Alcohol Ban Area or the Westport Alcohol 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 Alcohol Ban – Other Public Places

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

- a. The consumption of alcohol in;
 - b. The bringing of alcohol into;
 - c. The possession of alcohol in: and/or
 - d. The consumption, bringing or possession of alcohol within,
- any Public Place. The prohibition must be publicly notified in accordance with the Act (including any subsequent amendments).

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, regulate, or control, in the case of alcohol in an unopened container –

- a. the transport of the alcohol from licensed premises next to a public place, if -
 - (i) it was lawfully bought on those premises for consumption off those premises: and
 - (ii) it was promptly removed from the public place; or
- b. the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or

- c. the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to a resident of those premises or by his or her bona fide visitors; or
- d. the transport of the alcohol from premises next to a public place to a place outside the public place if –
 - (i) the transport is undertaken by a resident of those premises; and
 - (ii) the alcohol 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 section 170(2) of the Act on specified dates or in relation to specified events notified by the Council under section 170(3) of the Act.

These bylaws have been made by resolution of the Council passed at a meeting held on **31 January 2018**.

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

MAYOR

CHIEF EXECUTIVE

SCHEDULE I

Specified Places

Reefton Alcohol 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 Alcohol Ban Area is shown on Map 1.

Westport Alcohol 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 Alcohol 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)



