

Rangitikei District Council

LIQUOR CONTROL IN A PUBLIC PLACE BYLAW 2010

1. TITLE

The title of this Bylaw is the Rangitikei District Council Liquor Control in a Public Place Bylaw 2010.

2. SCOPE

This Bylaw is made under the authority of Section 147 of the Local Government Act 2002. The purpose of the Bylaw is to enhance public safety and to minimize potential for offensive alcohol-related behaviour in public places, by providing for liquor control in specified public places.

3. COMMENCEMENT

This Bylaw comes into force on 1 September 2010.

4. DEFINITIONS AND INTERPRETATION

In this Bylaw unless the context otherwise requires:

THIS BYLAW means the Rangitikei District Council Liquor Control in a Public Place Bylaw.

COUNCIL means the Rangitikei District Council.

OFFENCE means an offence against a bylaw and shall include the omission, failure, or neglect to comply with any part of a bylaw.

PUBLIC PLACE means:

- a) any place that is –
 - i. under the control of the Council; and
 - ii. 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; but
- c) does not include –
 - i. any part of a place for which a liquor license has been issued in accordance with the Sale of Liquor Act 1989, and
 - ii. “cafe style” outdoor seating located on public footpaths where patrons are using the area for the purposes of dining at a licensed premise up to

12.00 midnight. After that time, this Bylaw will again take effect and the acts prohibited in public place by this Bylaw will again be prohibited.

VEHICLE means:

- a) a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- b) includes:
 - i. a hovercraft, a skateboard, in-line skates, and roller skates; but
- c) Does not include—
 - i. a perambulator or pushchair:
 - ii. a shopping or sporting trundler not propelled by mechanical power:
 - iii. a wheelbarrow or hand-trolley:
 - iv. a child's toy, including a tricycle and a bicycle, provided, in either case, no road wheel (including a tyre) has a diameter exceeding 355 mm:
 - v. a pedestrian-controlled lawnmower:
 - vi. a pedestrian-controlled agricultural machine not propelled by mechanical power:
 - vii. an article of furniture:
 - viii. an invalid wheel-chair not propelled by mechanical power:
 - ix. any other contrivance in accordance with the provisions of the rules as provided for in the Land Transport Act 1998.

5. LIQUOR CONTROL

The following acts are prohibited at all times in all public places identified as being liquor control areas in Schedules 1A to 1C, 2A and 2B:

- a) to consume, bring into or possess liquor in a liquor control area;
- b) to consume, bring into or possess liquor in a vehicle in a liquor control area.

For the purposes of clarity, this Bylaw does not prohibit the activities described in section 147 (3) of the Local Government Act 2002, nor does it prohibit the consumption or possession of liquor in a place for which a liquor license has been issued under the Sale of Liquor Act 1989, nor does it prohibit, in the case of liquor in an unopened bottle or other unopened container, the transport of that liquor between premises that adjoin a public place provided the liquor is promptly removed from the public place.

Council may, through authorisation by the Chief Executive, grant a waiver or suspension of the Bylaw in respect of an organised event during a specific time period at a specific location where necessary to enable better enjoyment of the event by members of the public.

Every person who desires a waiver or suspension of the Bylaw to be considered by Council shall make an application in writing using the form prescribed by the Council, clearly identifying the public area, time period and reason for the application.

Where a waiver or suspension of the Bylaw has been granted for an organised event, a minimum of 14 days public notice must be given prior to the event, specifying the area, and the period of time the for which the dispensation applies. The applicant will be required to cover the costs of processing the application and any signage relating to dispensation for the organised event.

6. LIQUOR CONTROL AREAS

The liquor control areas are shown in Schedules 1A to 1C, 2A and 2B, attached to this Bylaw. Any roads that form a boundary are included in the liquor control areas.

7. TEMPORARY LIQUOR CONTROL AREAS

Temporary Liquor Control areas may be put in place by the Council as specified public areas for particular periods of time, to a maximum of 14 consecutive days in a 12 month period for any single temporary liquor control area.

Where an application for a temporary liquor control area is granted, a minimum of 14 days public notice must be given specifying these areas, and the period of time the for which the control applies. In the case of an application from the public, the applicant will cover the cost of signage and erection of the signage for the temporary control area.

Every person who desires a temporary liquor control area to be put in place by the Council, shall make an application in writing using the form prescribed by the Council, clearly identifying the public area, time period and reason for the application.

The Chief Executive will consider all applications from the public where the request does not exceed a time period of 24 hours, and will exercise their discretion in the approval of such applications in consultation with the Police.

The Council will consider applications from the public for a temporary liquor control area in all other cases, and will approve temporary liquor control areas if the Council is satisfied that a temporary liquor control area is necessary, and is an appropriate means of regulation of liquor within the area.

8. PENALTY FOR BREACH OF BYLAW

Any person who acts in breach of this Bylaw commits an offence and is liable on summary conviction to a fine of up to \$20,000.

9. ENFORCEMENT OF BYLAW AND POLICE POWERS

The Police will enforce this Bylaw under the powers of arrest, search and seizure found in sections 169 and 170 of the Local Government Act 2002.

No warrant is required for the police to conduct a search to ascertain whether liquor is present in a container or vehicle that is in or entering the public area. However, prior to exercising the power of search, a person must be informed that they have the opportunity to promptly remove the container or vehicle from the specified public area, and be given a reasonable opportunity to do so.

In circumstances where a person so informed has removed liquor from a public area, and subsequently returns with liquor to that public area within a period when it could reasonably be deemed that the person has been informed prior to search, the police shall not be required to provide the person with a further opportunity to remove that liquor from the specified public area prior to search.

10. DATE BYLAW MADE

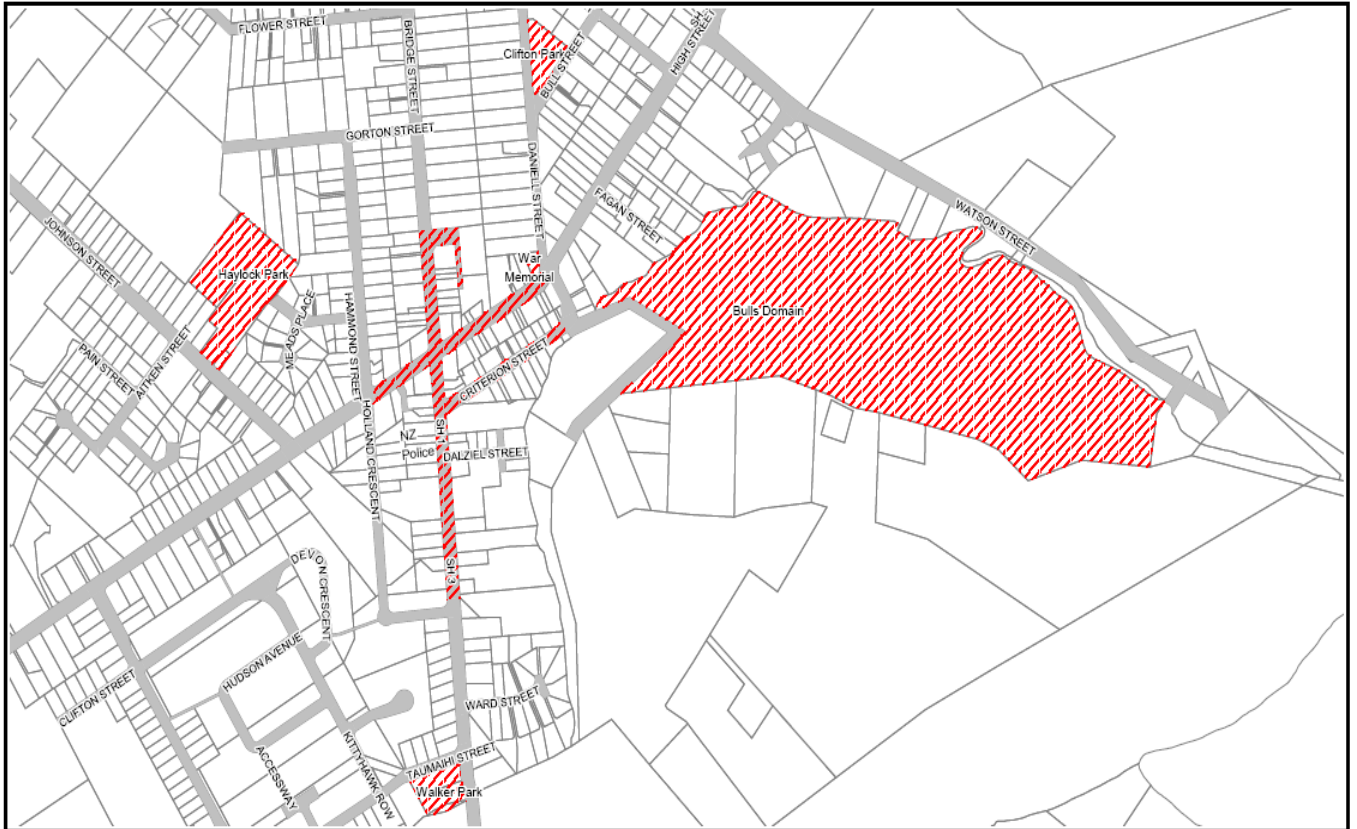
This Bylaw was adopted by the Rangitikei District Council on the 29 July 2010.

Rangitikei District Council

Liquor Control Bylaw – First Schedule

The activities described in section 5 a) to 5 c) of this Bylaw are prohibited in the areas shown on the following maps (schedules 1A to 1C, 2A and 2B):

SCHEDULE 1A BULLS

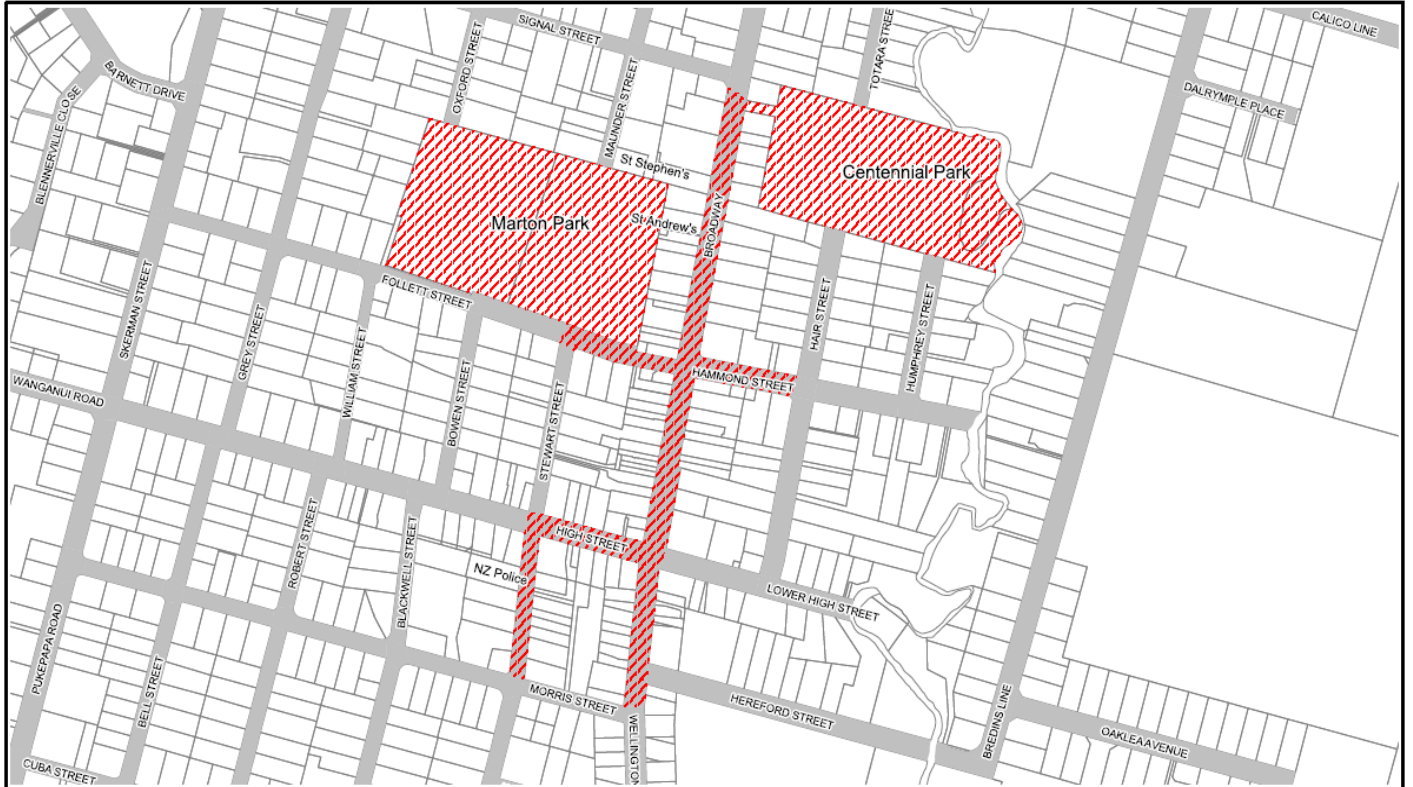


All prohibited areas are shown as shaded in red on map.

Liquor control areas:

- Bridge St from Holland St to 160 Bridge St
- Criterion St from Bridge St to Domain Rd
- High St from Hammond St to Daniell St
- Bulls Domain
- Haylock Park
- Walker Park
- Clifton Park

SCHEDULE 1B MARTON

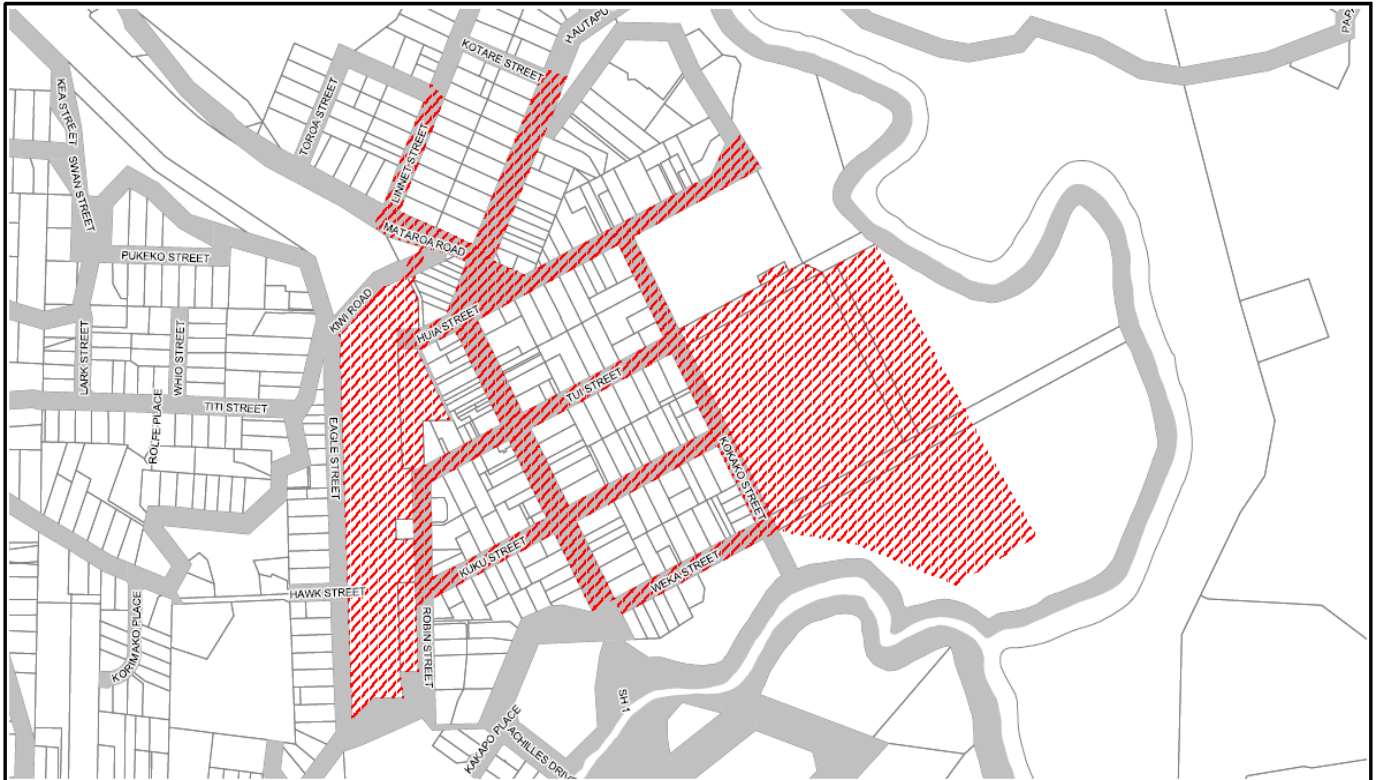


All prohibited areas are shown as shaded in red on map.

Liquor control areas:

- Broadway from Signal Street to Morris Street.
- Follett St from Stewart Street to Broadway.
- Hammond St from Broadway to Hair St
- Stewart St from High St to Morris St
- Centennial Park
- Marton Park

SCHEDULE 1C TAIHAPE



All prohibited areas are shown as shaded in red on map.

Liquor control area:

Hautapu Street from Weka St to the intersection of Hautapu St and Mataroa Rd

Mataroa Rd from the intersection of Hautapu St and Mataroa Rd to Linnet St

Kuku Stt from Robin Street to Kokako Street.

Tui Street from Robin Street to Kokako Street.

Huia St (including the Service Lane) from the area known as the “Outback” to Kokako Street.

The area known as “The Outback” and the area bordered by the following streets:

Robin St, Kaka Rd, Eagle St, Kiwi Rd and the service lane accessed from Huia St.

Linnet St from Mataroa Rd to Kotare St

Hautapu St from Mataroa Rd to Kotare St

Robin St from Tui St to Kuku St

Kokako Street from Huia Street to Weka Street

Taihape Memorial Park, including the parking area and shearing pavilion

SCHEDULE 2A HUNTERVILLE



All prohibited areas are shown as shaded in red on map.

Liquor control area:

Milne Street from the Reserve on Pourewa Road to the end of the Commercial Zone on Milne Street.

Bruce Street from Paraekaretu Street to the intersection of Milne Street, Pourewa Road, Bruce Street, and High Street.

High Street from the intersection of Milne Street, Pourewa Road, Bruce Street, and High Street to Main Street (including any railways)

The reserve area on Pourewa Rd

SCHEDULE 2B RATANA



All prohibited areas are shown as shaded in red on map.

Liquor control area:

Ratana Rd from State Highway 3 to Rangitahi Rd

The entire length of the following Roads and Streets:

- Rangitahi Rd
- Seamer St
- Taihauauru St
- Waipounamu St
- Ihipera-Koria St
- Tamariki Lane
- Kiatere St
- Taitokerau St
- Wharekauri St

The Park Reserves fronting Rangitahi, Seamer, Waipounamu and Taihauauru Streets

Ratana Temepara Grounds