



# Alcohol in Public Places Bylaw 2017

Effective 9 November 2017



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<b>Title</b>	Alcohol in Public Places Bylaw 2017
<b>Sponsor</b>	Strategic Planning Group Manager Planning & Environmental Services
<b>Approved by</b>	The Hauraki District Council
<b>Adoption date</b>	25 October 2017
<b>Adoption report</b>	2286332
<b>Review by</b>	25 October 2027
<b>File ref</b>	2517587
<b>Property of Hauraki District Council</b>	

## **1.0 Introduction**

### **1.1 Purpose**

The purpose of this bylaw is to regulate the consumption or possession of alcohol in specified public places, and for specified days, times and events.

This bylaw should be read in conjunction with section 147 of the Local Government Act 2002, which empowers the Council to make an alcohol control bylaw and sets out a number of specific exemptions to the bylaw with respect to the transportation of unopened containers of alcohol in an alcohol ban area.

In accordance with section 147 of the Local Government Act 2002, this bylaw does not apply to any licensed premises for which a licence is held under the Sale and Supply of Alcohol Act 2012.

### **1.2 Title**

This bylaw shall be known and cited as the Alcohol in Public Places Bylaw 2017.

### **1.3 Enabling enactments**

This bylaw is made in accordance with the Local Government Act 2002.

### **1.4 Commencement**

This bylaw comes into force on 9 November 2017.

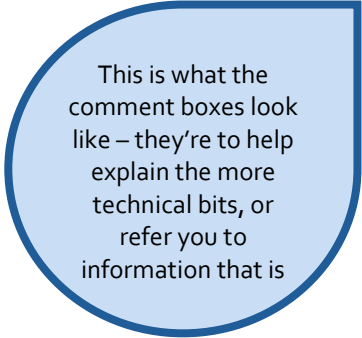
### **1.5 Review**

Review of this bylaw will be undertaken no later than 10 years after the last review.

### **1.6 Related information**

There is related information in comment boxes in this bylaw.

Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.



This is what the comment boxes look like – they're to help explain the more technical bits, or refer you to information that is

## 2.0 Definitions

For the purposes of this bylaw the following definitions apply.

<b>Alcohol</b>	has the same meaning as in the Sale and Supply of Alcohol Act 2012, or any subsequent legislation.
<b>Council</b>	means the Hauraki District Council or any officer authorised to exercise the authority of the Council.
<b>Licensed premises</b>	has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.
<b>Public place</b>	has the same meaning given by section 147(1) in the Local Government Act 2002; a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but b) does not include licensed premises

## 3.0 Designation of specified public place as an alcohol ban area

### 3.1

A person must not, at all times, in any public place:

- a) bring alcohol into an alcohol ban area specified in Schedule 1;
- b) consume alcohol in an alcohol ban area or in a vehicle within an alcohol ban area specified in Schedule 1;
- c) have alcohol in their possession in an alcohol ban area or in a vehicle that is in an alcohol ban area specified in Schedule 1.

The ban does not apply if you are transporting unopened alcohol to/from a licensed premises to your house or vehicle.

## 4.0 Temporary alcohol bans

### 4.1

The Council may from time to time, by resolution under section 151 and pursuant to section 147B of the Local Government Act 2002, specify an additional area(s) as an alcohol ban area for a particular period relating to a specified event or particular time of year.

The same prohibitions in clause 3.1 apply for the period of the temporary ban.

### 4.2

Where a temporary alcohol ban is put in place, a minimum 7 days' public notice of the temporary alcohol ban shall be given prior to the event or particular time of the year, specifying the

The Council still needs to comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002 when making decisions on temporary bans & dispensations.

additional alcohol ban area(s) and the time period when the provisions of clause 3.1 of this bylaw shall apply. Public notices shall be affixed in or adjacent to these alcohol ban areas at such times that the provisions of clause 3.1 of this bylaw apply.

## **5.0 Dispensation**

### **5.1**

- a) The Council may, on application by any person grant a waiver, dispensation or licence to do or refrain from doing anything which would otherwise be in breach of clause 3.1 of this bylaw for the purpose of enabling possession and/or consumption of alcohol in a public place at the time of any special event.
- b) Such a waiver, dispensation or suspension of operation of any part of clause 3.1 shall be granted only in respect of specific time periods and specific locations associated with the special event, to enable better enjoyment of the event by members of the public.
- c) The Council may at its discretion impose conditions on any such waiver or dispensation granted.

### **5.2**

- a) In considering any application as provided for in clause 5.1, the Council shall obtain and consider a response to the request from the New Zealand Police, including the reason for that response.
- b) The Applicant may be required to publicly notify the waiver, dispensation or suspension prior to the commencement period of the period when the waiver, dispensation or suspension commences.

## **6.0 Fees**

### **6.1**

The applicant may be required to pay the Council a fee or charge to cover any actual and reasonable costs associated with processing the application or obtaining a police response to the application under clause 5.1.

### **6.2**

Any relevant consent or approval fees are documented in the Council's Schedule of Fees and Charges.

## **7.0 Special licences**

This bylaw does not limit any individual or organisation (corporate or otherwise) from obtaining a Special Licence in accordance with the Sale and Supply of Alcohol Act 2012, in which case clauses 3.0 and 4.1 shall not apply.

## 8.0 Enforcement

- a) A constable may use their powers under the Local Government Act 2002 to enforce this bylaw.
- b) In addition to their general powers under sections 169 and 170 of the Local Government Act 2002, the Police may exercise the power under section 170(2) of that Act (to search a container or vehicle immediately and without further notice) on specified dates or in relation to specified events notified in accordance with section 170(3) of that Act.

## 9.0 Offences and Penalties

- a) Every person who breaches this bylaw commits an offence.
- b) Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

The Police can issue a \$250 fine for breaching an alcohol ban under the Local Government Act (Alcohol Ban Breaches) Regulations 2013.

## List of schedules passed

Schedule 1 - Alcohol ban areas.

## Alcohol in Public Places Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 25 October 2017, following public consultation.

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

\_\_\_\_\_ Mr. John Tregidga, Mayor

\_\_\_\_\_ Mr. Langley Cavers, Chief Executive

## Schedule 1: Alcohol ban areas

### Designation of specified public places as alcohol ban areas

The areas identified in this Schedule are those public places which have been designated as alcohol ban areas in which clause 3.1 of this bylaw applies. Maps are indicative only.

### Whiritoa

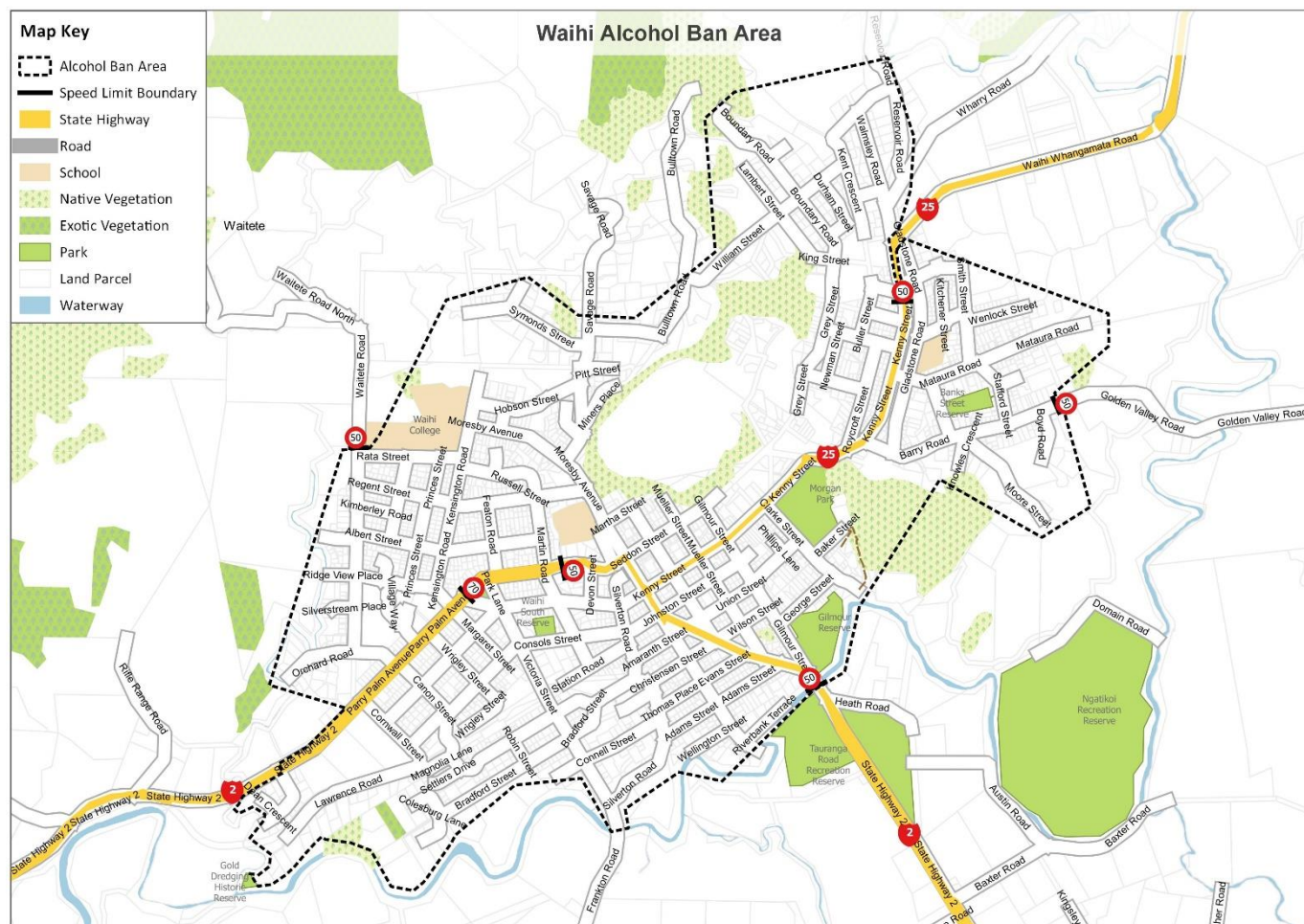
An alcohol ban is in place in all public places in Whiritoa during the periods indicated in the table below:

Period	Alcohol ban
Christmas and New Year period	From 4pm 23rd December to 4am 6th January the following year.
Auckland Anniversary Weekend	From 4pm Friday to 4am Tuesday inclusive each year
Easter Weekend	From 4pm Thursday to 4am Tuesday inclusive each year
Queen's Birthday Weekend	From 4pm Friday to 4am Tuesday inclusive each year
Labour Weekend	From 4pm Friday to 4am Tuesday inclusive each year
Any other weekend that has a public holiday on the Friday prior	From 4pm Thursday to 4am Monday inclusive each year
Any other weekend that has a public holiday on the Monday after	From 4pm Friday to 4am Tuesday inclusive each year

## Waihi

All public places are included in the permanent alcohol ban area at all times of the year within the areas of Waihi listed below:

- Within the 50 kilometre speed limit areas of the Waihi township, and
- Within the 70 kilometre speed limit area of Parry Palm Avenue and 100 kilometre speed limit area of Parry Palm Avenue from Dean Crescent toward the town centre.

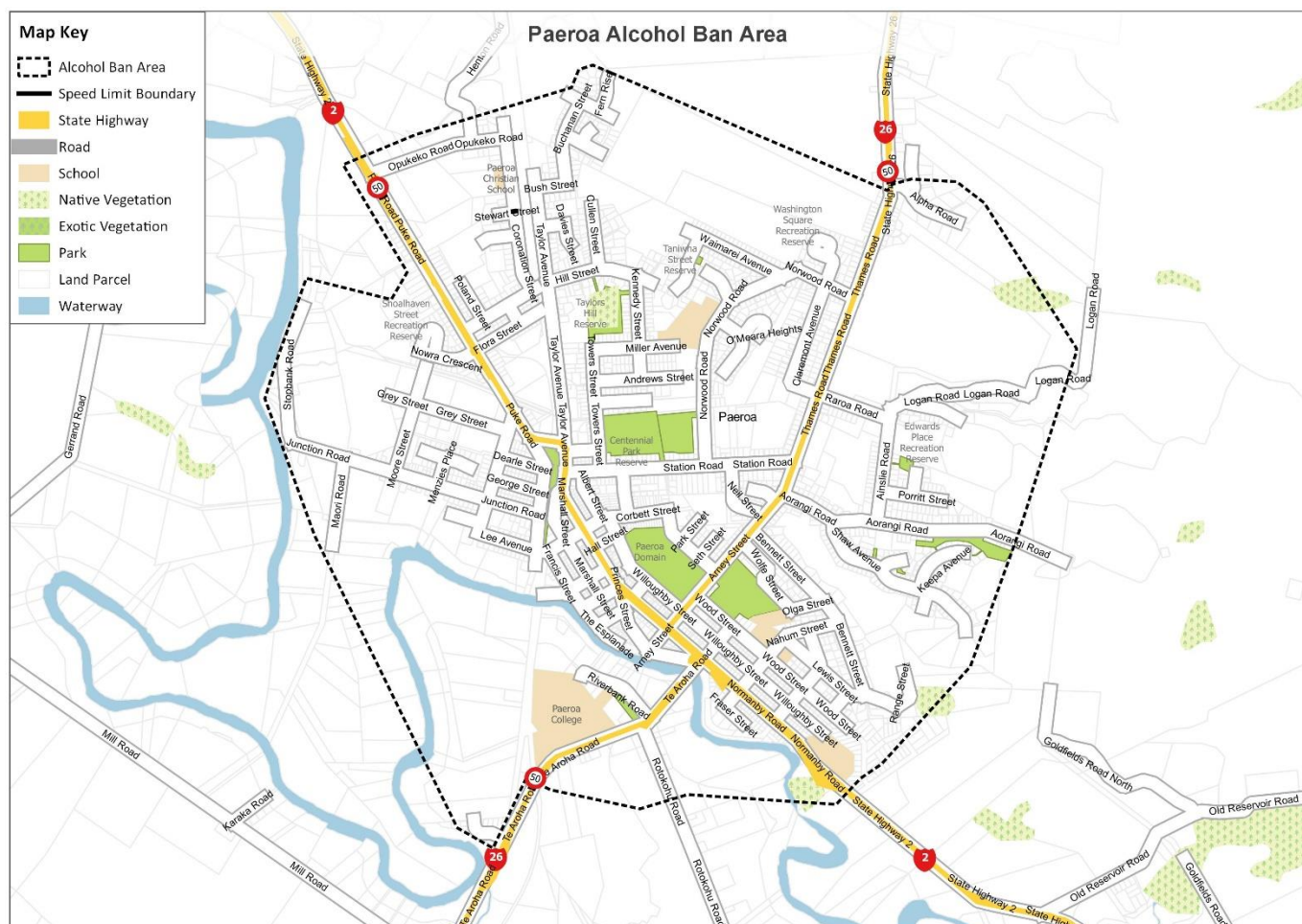




## Paeroa

All public places are included in the permanent alcohol ban at all times of the year within areas of Paeroa listed below:

- Within the 50 kilometre speed limit areas of the Paeroa township.



## Ngatea

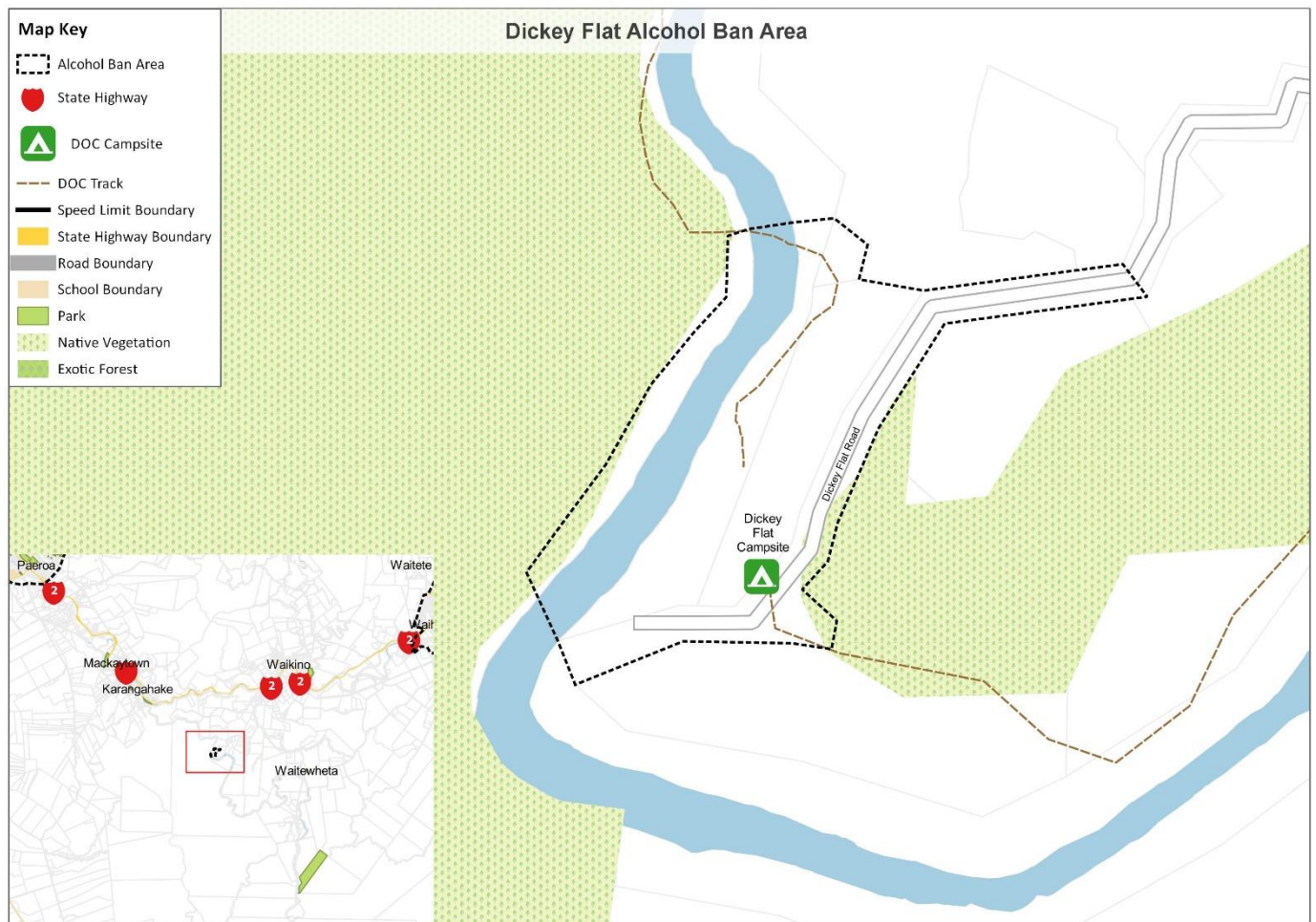
All public places are included in the permanent alcohol ban area at all times of the year within areas of Ngatea listed below:

- Within the 50 kilometre speed limit areas of the Ngatea township.



## Dickey Flat Camp Ground, Waitawheta

Dickey Flat campground is a permanent alcohol ban area at all times of the year.





For more information:

- **W** [www.hauraki-dc.govt.nz](http://www.hauraki-dc.govt.nz)
- **E** [info@hauraki-dc.govt.nz](mailto:info@hauraki-dc.govt.nz)
- **P** 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road