



**THE MASTERTON DISTRICT
COUNCIL CONSOLIDATED
BYLAW 2012**

PART SEVENTEEN

**LIQUOR CONTROL
IN PUBLIC PLACES**

Masterton District Council

The Consolidated Bylaws 2012
comprising parts one to eighteen
were adopted at the Council Meeting
held on Wednesday 14th August 2013.

The Consolidated Bylaws 2012 came into force
throughout the Masterton and South Wairarapa
Districts on the 1st September 2013

Amendment adopted by the Masterton District
Council on Wednesday 30th July 2014
and the amendment came into force on
1st September 2014

THE MASTERTON DISTRICT COUNCIL CONSOLIDATED BYLAW 2012

Part 17 – LIQUOR CONTROL IN PUBLIC PLACES

CONTENTS

Referenced documents.....	1
Foreword	2

SECTION

1 Scope and Definitions.....	2
2 Liquor prohibition	3
3 Council permission.....	3
4 Signage	4
5 Offences.....	4
6 Power to amend by resolution	4-5
FIRST SCHEDULE.....	6
SECOND SCHEDULE	9
THIRD SCHEDULE	11

REFERENCED DOCUMENTS

Reference is made in this document to the following:

Masterton District Council Liquor Control Bylaw 2008

New Zealand Legislation

Local Government Act 2002

Sale of Liquor Act 1989

Useful websites

www.legislation.govt.nz

FOREWORD

Territorial authorities are empowered under the Local Government Act 2002 to make Liquor Control Bylaws.

This Bylaw covers such matters as specification of public places, days and times where the Bylaw applies, the powers of the police and exemptions to the Bylaw, and it should be read in conjunction with the Local Government Act 2002, sections 147, 169 and 170.

Reference should be made to the Masterton District Councils Consolidated Bylaw 2008: Part 1: *Introductory* for any definitions not included in this part.

1 SCOPE AND DEFINITIONS

1.1 Scope

The Local Government Act 2002, section 147, gives authority to territorial authorities to adopt Bylaws to regulate activities which can be carried out in roads, public places and reserves. The purpose of this Bylaw is to enhance safety and the public enjoyment of public places by providing for liquor control in specified public places, and for specified days, times and events.

1.2 Definitions

Business District

Means the area as defined in the First Schedule, but excluding:

- a) Any area that is subject to a road encroachment issued by the Council;
- b) Any licensed premises that occupies a paved area on legal road or Council land where permission to occupy has been granted by the Council.

Queen Elizabeth Park Restricted Area

Means the general area of Queen Elizabeth Park area as depicted in the Second Schedule, but excluding:

- a) Any area that is subject to a road encroachment issued by the Council;
- b) Any licensed premises that occupies a paved area on legal road or Council land where permission to occupy has been granted by the Council.

Skate Park Queen Elizabeth Park Prohibited Area

Means the immediate vicinity of the skate park area of Queen Elizabeth Park, as depicted in the Third Schedule.

2 LIQUOR PROHIBITION

2.1

2.1.1

The consumption or possession of liquor in a public place (including while in a vehicle), within the Business District as shown in the First Schedule is prohibited at all times.

2.1.2

The consumption or possession of liquor in a public place (including while in a vehicle), within the Queen Elizabeth Park restricted area shown in the Second Schedule is prohibited during the times shown below:

- 9.00 pm Monday to Sunday nights through to 7.00 am on the following day.

2.1.3

The consumption or possession of liquor in a public place (including while in a vehicle), within the Skate Park Queen Elizabeth Park prohibited area shown in the Third Schedule is prohibited at all times.

2.2

In addition to the prohibitions in 2.1, the Council by resolution may order a prohibition of alcohol consumption or possession of liquor (including while in a vehicle) or prohibit vehicles in a public place within the Masterton district for certain specified times and/or within certain specified public places and areas within the Masterton district. The prohibition must be notified in the appropriate newspaper at least 14 days in advance of the special event. The Police powers of search under section 170(2) of the Local Government Act 2002 applies to these events.

3 COUNCIL PERMISSION

3.1

Any person may apply to the Council for prior written permission for any activity that would be in breach of any prohibition under this part of the Bylaw.

3.2

A special licence may be issued under the Sale of Liquor Act 1989 in respect of any location or event, and subject to the terms of that special licence will include waivers and dispensation according to those terms.

4 SIGNAGE

4.1

The Council will erect signage within public places covered by this Bylaw to provide information to the public on the terms of the Bylaw. The size, location and terms of this signage shall be at Council's discretion. To avoid any doubt, the absence of signage in any public place does not authorise breach of this part of the Bylaw.

5 OFFENCES

5.1

Everyone commits an offence who:

- a) Consumes or possesses any liquor in a public place in breach of a prohibition under this part of the Bylaw; and
- b) Breaches, or permits a breach of, the terms of any Council permission granted pursuant to clause 3 of this Bylaw.

6 POWERS TO AMEND BY RESOLUTION

6.1

The Council may from time to time by resolution publicly notified:

6.1.1

Amend or vary the hours or days when the consumption or possession of liquor is prohibited in a public place.

6.1.2

- a) Add schedules
- b) Make additions or deletions from the schedules
- c) Substitute new schedules

NOTE –

This Bylaw is introduced pursuant to the specific empowering provisions of the Local Government Act 2002 that provide for Bylaws for liquor control purposes. This Bylaw does not repeat or paraphrase those statutory provisions, and accordingly those provisions should be read in conjunction with this Bylaw. In particular, the following provisions are noted:

Section 147 empowers the Council to make this Bylaw. It also

defines 'liquor' and 'public place', In addition, section 147(3) sets out a number of specific exemptions when the Bylaw will not apply with respect to the transportation of unopened bottles or containers.

Section 169 provides the Police with powers of search and seizure, without warrant, to enforce the Bylaw. The Police are responsible for enforcing the Bylaw.

Section 170 sets out certain conditions imposed on the Police powers of search under section 169.

This Bylaw has no effect on any other Police powers of search, seizure and arrest or any other statutory offences.

Schedule 1 – Masterton Business District

Schedule 2 – Queen Elizabeth Park Restricted Area

Schedule 3 – Skate Park Queen Elizabeth Park Prohibited Area

FIRST SCHEDULE

Masterton Business District

- From and including Northern Roundabout
- Dixon Street from Northern Roundabout to the Southern Roundabout at High Street
- Worksop Road from Dixon Street to Queen Street
- Queen Street from the Northern Roundabout to its intersection with High Street
- Renall Street from Queen Street to Chapel Street including the Renall Street Roundabout
- Chapel Street from the Northern Roundabout to the Southern Roundabout at High Street including the roundabout.
- In addition the public carparks of:
 - Church Street carpark and Church Street from the carpark to Dixon Street.
 - Wrigley Street carpark and Wrigley Street from carpark to Chapel Street
 - McDonalds carpark and the MDC carpark adjacent to McDonalds
 - MDC carpark adjacent to and behind MDC Building and including the sections of Lincoln Road and Perry Street to Chapel Street
 - Town Square carpark including the sections of Perry and Cole Streets to Chapel Street
 - Essex Street carpark and Essex Street from the carpark to Chapel Street
 - The Masterton Club carpark on the corner of Chapel and Essex Streets
 - Dixon Street carpark adjacent to Southey Honda
 - Smith Street carpark adjacent to Moore Wilsons
 - MDC Carpark behind Kuripuni Tavern
 - MDC Park at Kuripuni off Dixon Street
 - MDC land on Chapel/Waltons Avenue corner

For the avoidance of doubt, this area includes the entire legal road reserve of the streets which form the boundary of the area specified above, up to the boundaries with adjoining properties and including the carriageway, berms and footpaths. Where the public place meets or is crossed by another road, the boundary of the public place shall be deemed to continue in an unbroken straight line across the other road.





SECOND SCHEDULE

Queen Elizabeth Park Restricted Area

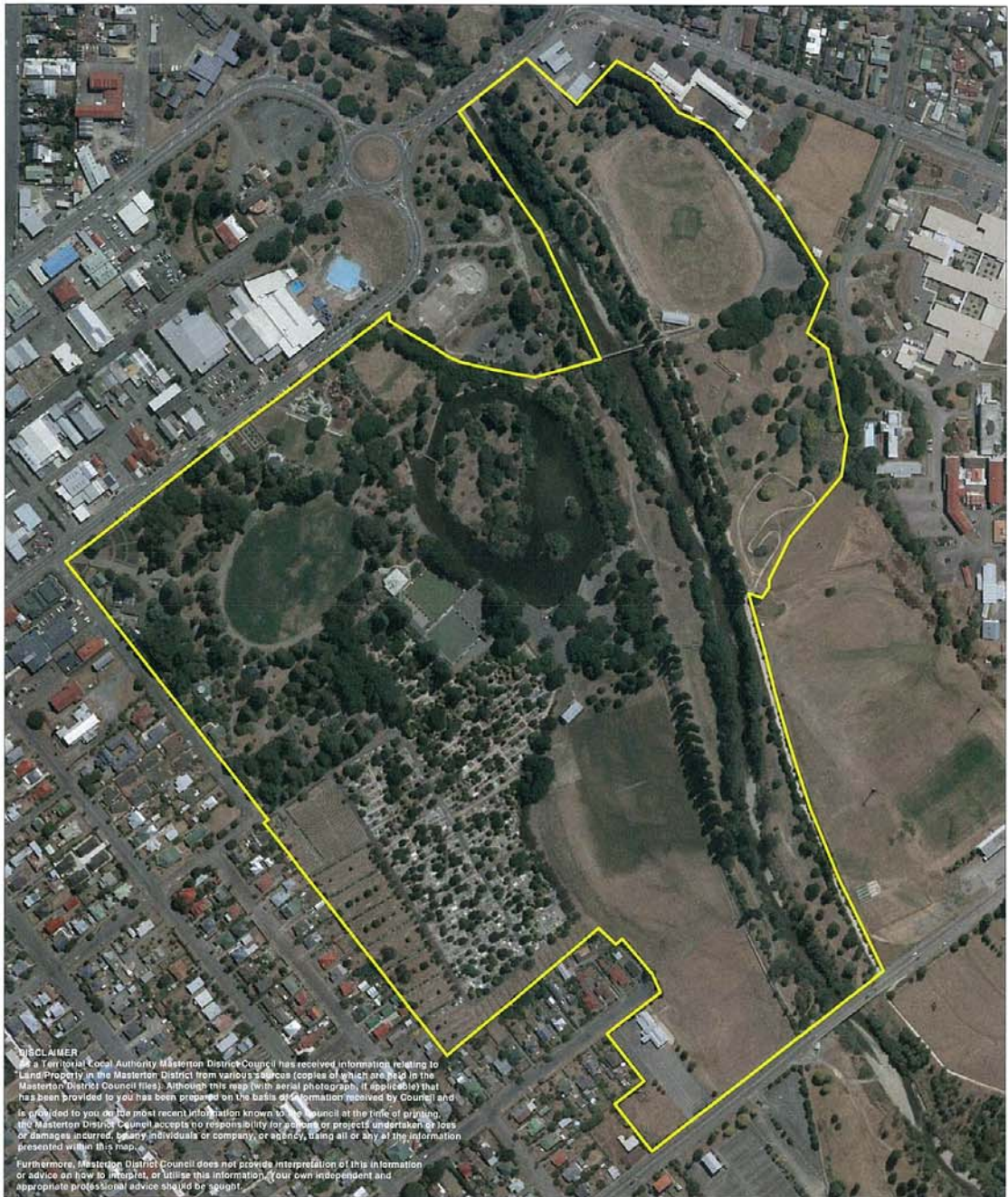
Queen Elizabeth II Park, including the Pioneer and Masterton Cemeteries, Sportsbowl, Deer Park, Waipoua River and banks and Jean Street sportsgrounds.

For the avoidance of doubt, this area includes the entire legal road reserve of the streets which form the boundary of the area specified above, up to the boundaries with adjoining properties and including the carriageway, berms and footpaths. Where the public place meets or is crossed by another road, the boundary of the public place shall be deemed to continue in an unbroken straight line across the other road.



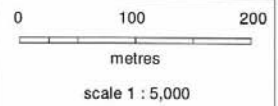
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LIQUOR BAN AREAS
QUEEN ELIZABETH PARK



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THIRD SCHEDULE

Skate Park Queen Elizabeth Park – Prohibited Area

Masterton Skate Park

- The area bounded by Dixon Street, Memorial Drive to the swing bridge, western bank of the Waipoua River from the swing bridge to the Waipoua Road Bridge.

For the avoidance of doubt, this area includes the entire legal road reserve of the streets which form the boundary of the area specified above, up to the boundaries with adjoining properties and including the carriageway, berms and footpaths. Where the public place meets or is crossed by another road, the boundary of the public place shall be deemed to continue in an unbroken straight line across the other road.



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LIQUOR BAN AREAS
SKATE PARK



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