

Masterton District Council
Proposed Alcohol Control Bylaw 2018

Commencement

The Alcohol Control Bylaw came into force throughout the Masterton district on xxx.

Adoption

Date	Summary of Amendments	Adopted By
14 August 2013	Part 17: Liquor Control in Public Places first adopted	Masterton District Council
30 July 2014	Amendment to Part 17: Liquor Control in Public Places	Masterton District Council

DRAFT

Masterton District Council

Alcohol Control Bylaw 2018

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Referenced Documents

Reference is made in this document to the following New Zealand legislation:

- Local Government Act 2002
- ~~Sale of Liquor Act 1989~~ Sale and Supply of Alcohol Act 2012
- Local Government (Alcohol Ban Breaches) Regulations 2013

Useful websites

- ~~www.legislation.govt.nz~~

Foreword

~~This bylaw is made under section 147 of Territorial authorities are empowered under the Local Government Act 2002 (LGA) 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 sections 147, 169, 169A and 170 of the LGA.

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

~~Part 17: Liquor Control in Public Places of the Masterton and South Wairarapa Consolidated Bylaw 2012 is revoked at the time of the Alcohol Control Bylaw 2018 coming into force.~~

1. Title and Commencement

- 1.1. The title of this bylaw is Masterton District Council Alcohol Control Bylaw 2018.
- 1.2. This bylaw shall come into force throughout the Masterton district on **DATE**.

2. Scope

- 2.1. ~~Section 147 of the LGA, 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 alcohol control in specified public places, and for specified days, times and events.

3. Definitions

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

Public Place: 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 does not include licensed premises.

Special Licence: Allows the sale or supply of alcohol to anyone attending a particular event, private function, street party, sporting event. Special licences can be either 'on-site' for consumption on the premises, or 'off-site' for consumption elsewhere.

4. Liquor Alcohol Prohibition (Alcohol-Free Zones)

- 4.1. The consumption or possession of liquor alcohol in a public place (including while in a vehicle) within the Business District as shown in the First Schedule, is prohibited at all times.
- 4.2. The consumption or possession of liquor alcohol 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.
- 4.3. The consumption or possession of ~~liquor~~ alcohol 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.
 - 4.4. In addition to the prohibitions ~~in under clauses 34.1 to 34.3~~, the Council by resolution publicly notified, 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 events or other specified times ~~and/or~~ within ~~certain~~ specified public places ~~and areas within in~~ the Masterton district.
 - 4.5. A prohibition made under clause 4.4 ~~The prohibition~~ must be publicly notified in the appropriate newspaper at least 14 days in advance of the special event, in accordance with section 170(3) of the LGA. The Police powers of search under section 170(2) of the LGA applies to these events.

5. Council Permission

- 5.1. 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.
- 5.2. A special licence may be issued under the ~~Sale of Liquor Act 1989~~ Sale and Supply of Alcohol Act 2012 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.

6. Signage

- 6.1. 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.
- 6.2. To avoid any doubt, the absence of signage in any public place does not authorise breach of this ~~part of the~~ bylaw.

7. Offences and Penalties

- 7.1. Any person who breaches this bylaw commits an offence and may be liable to:
 - a) an infringement fee pursuant to the Local Government (Alcohol Ban Breaches) Regulations 2013; and
 - b) the penalty provisions of section 239A of the LGA.
- 7.2. To avoid any doubt, a person breaches this bylaw and ~~Everyone~~ commits an offence who:
 - a) consumes or possesses any ~~liquor~~ alcohol in a public place in breach of a prohibition under this ~~part of the~~ bylaw; or
 - b) breaches, or permits a breach of, the terms of any Council permission granted pursuant to clause ~~3-5.2~~ of this bylaw.
- 7.3. An infringement notice or reminder notice issued under this bylaw shall be in the form required under the Local Government (Alcohol Ban Breaches) Regulations 2013.

8. Power to Amend by Resolution

- 8.1. The Council may, ~~from time to time~~ by resolution publicly notified,
- a) amend or vary the hours or days when the consumption or possession of liquor is prohibited in a public place;
 - b) add schedules;
 - c) make additions or deletions from the schedules; or
 - d) substitute new schedules.

8.2. Where Council intends to make a resolution under clause 4.4 or 8.1, consultation will be undertaken as required, in accordance with the requirements of section 156 of the LGA.

9. List of Schedules

Schedule 1 – Masterton Business District

Schedule 2 – Queen Elizabeth Park Restricted Area

Schedule 3 – Skate Park Queen Elizabeth Park Prohibited Area

Note

This bylaw is introduced pursuant to the specific empowering provisions of the Local Government Act 2002 that provide for bylaws for ~~liquor~~ alcohol 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~~' 'alcohol' 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.

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 car parks 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.

Exclusions

The prohibition excludes:

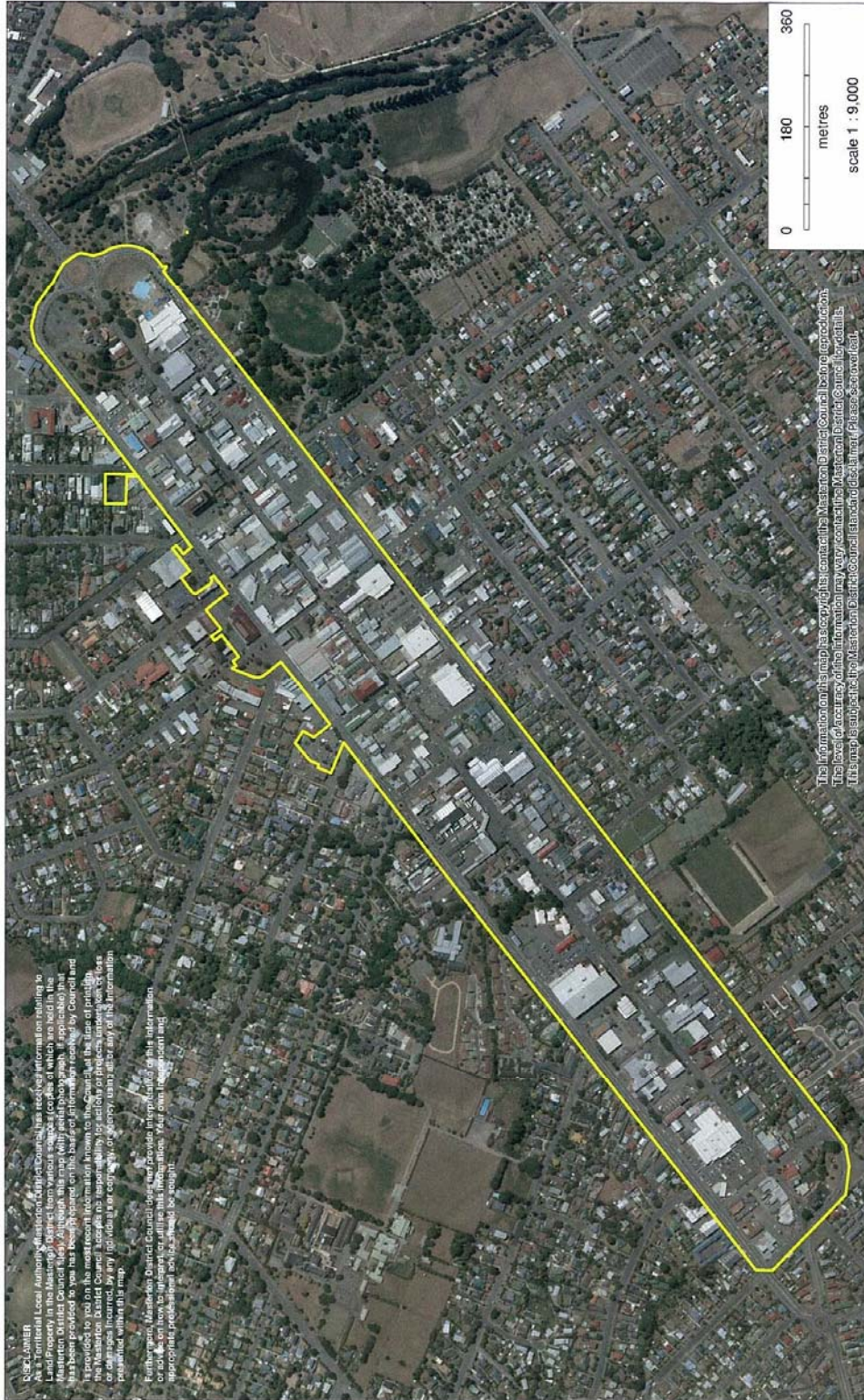
- a) Any area that is subject to a road encroachment issued by the Council;
- b) Any licensed premises that occupies a paved area on legal road or Council land where permission to occupy has been granted by the Council.

**Alcohol-Free Zone
Applies at All Times**

MASTERTON BUSINESS DISTRICT



21/11/12



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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.

Exclusions

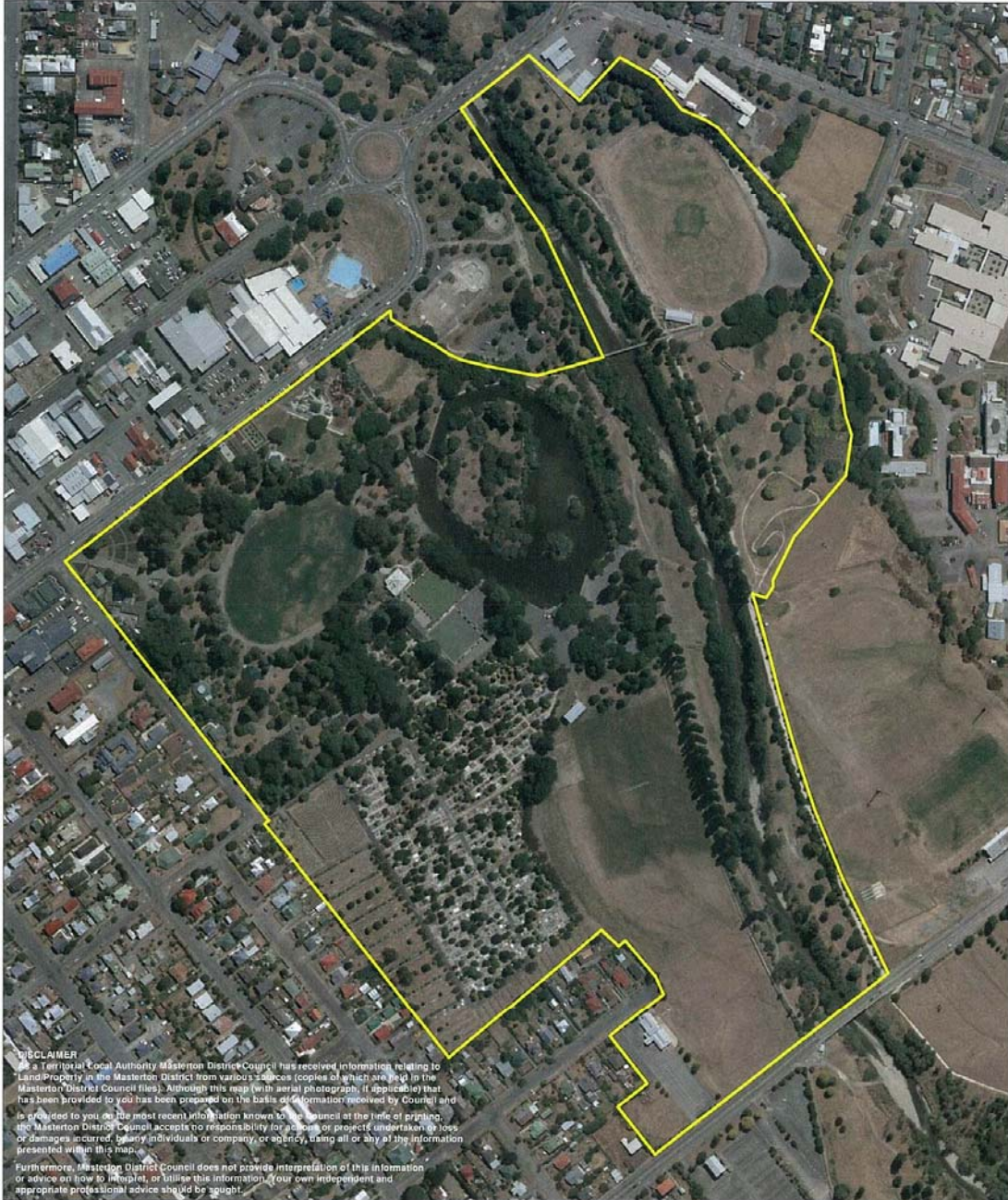
The prohibition excludes:

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



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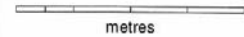
Alcohol-Free Zone Applies between 9pm and 7am QUEEN ELIZABETH PARK



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0 100 200



metres
scale 1 : 5,000

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.

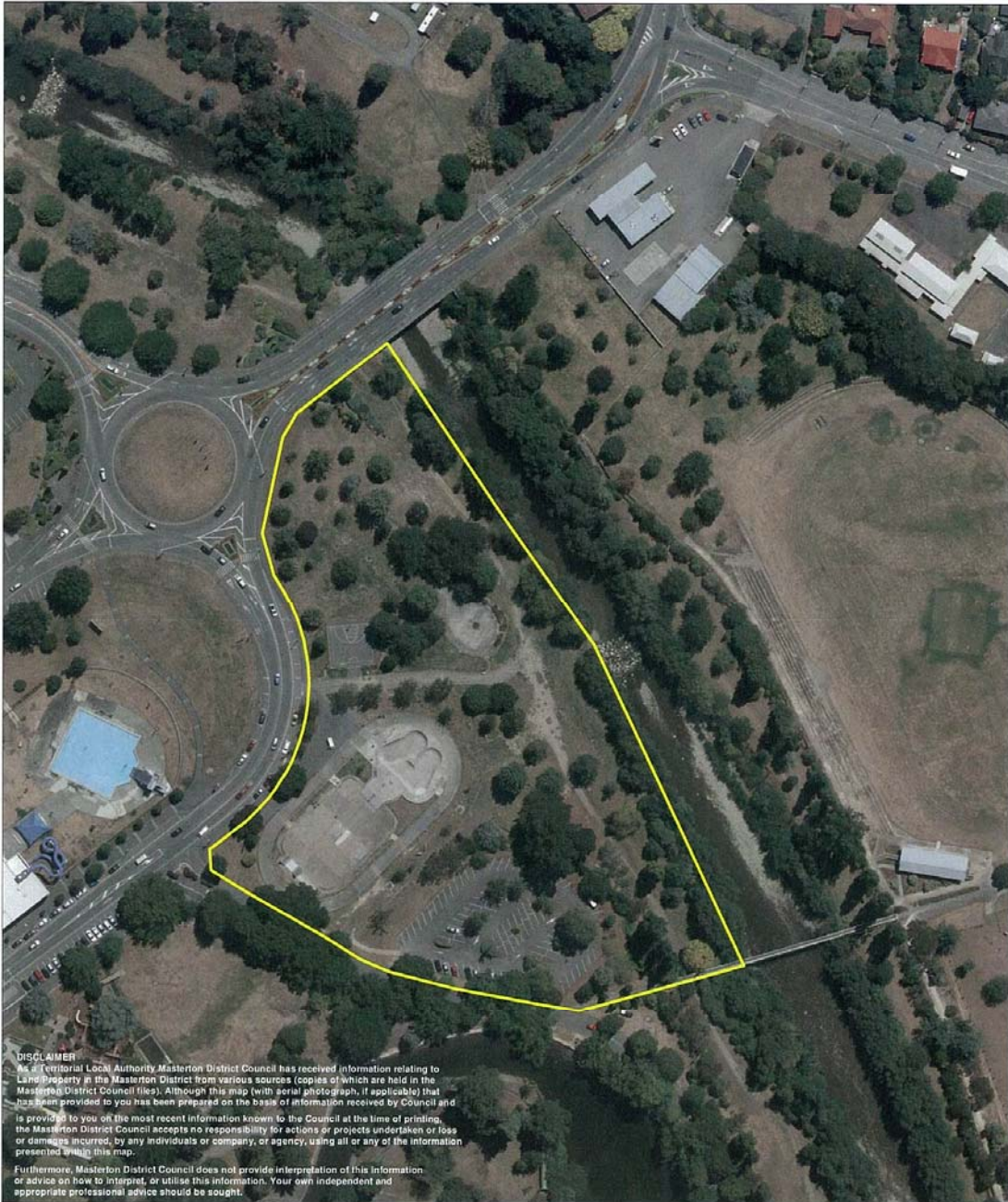
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Alcohol-Free Zone Applies at all Times SKATE PARK



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