

ALCOHOL BAN BYLAW 2017



The Local Government Act 2002 allows the Council to prohibit the consumption of alcohol for the purpose of minimising the potential for offensive behaviour in public places. This bylaw is made pursuant to Section 147 of the Local Government Act 2002.

1. Title, purpose and commencement

This bylaw shall be known as the Gore District Council Alcohol Ban Bylaw 2017 and is made for the control of alcohol consumption in public places.

This bylaw shall come into force on 1 August 2017.

2. Amendment

The Gore Liquor Ban Bylaw 2008, is hereby amended from the day this bylaw comes into force.

3. Interpretation

In this Bylaw, unless the context otherwise requires:

Alcohol has the same meaning given to it in the Sale and Supply of Alcohol Act 2012.

Offence means an offence under section 239 of the Local Government Act 2002 for breach of this bylaw.

Public place means a place that is: under the control of Council; open to or is being used by the public, whether or not there is a charge for admission; any part of a public place; and includes a road, whether or not the road is under the control of Council.

4. Acts prohibited

The following acts are prohibited in the places, described in Schedule A, during the specified days and times listed in Schedule B.

- (1) The consumption of alcohol in a public place.
- (2) The possession of alcohol in a public place.
- (3) The bringing of alcohol in a public place.
- (4) Consumption of alcohol in a vehicle in a public place.

5. Offence

Every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalty set out below.

6. Penalty for breach of Bylaw

Any person convicted of an offence against this bylaw is liable, on conviction, to a fine not exceeding \$20,000.

7. Exemptions

(1) This bylaw does not prohibit in the case of alcohol, in an unopened bottle or container:

- a) the transport of that alcohol from premises that adjoin a public place during any period when, under the Sale and Supply of Alcohol Act 2012, it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the public place;
- b) the transport of that alcohol from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012; and
- c) the transport of that alcohol from outside a public place to premises that adjoin a public place:
 - i. by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
 - ii. from those premises to a place outside the public place by a resident of those premises, provided the alcohol is promptly removed from the public place.

(2) This bylaw does not apply where the sale or consumption of alcohol is authorised by any license granted under the Sale and Supply of Alcohol Act 2012 or any other exemption approved by Council for specific public or civic events.

8. Enforcement – Powers of arrest, search, and seizure

(1) A member of the police may, without warrant:

- a) for the purpose of ascertaining whether alcohol is present, search a container (for example, a parcel, package, bag, or case) in the possession of a person who is in, or entering, a public place or a vehicle that is in, or is entering, a public place;
- b) seize and remove alcohol and its container if the alcohol is in a public place in breach of a bylaw. alcohol or a container seized under this section is forfeited to the Crown if the person from whom the alcohol or container is seized is convicted of breaching the bylaw;
- c) arrest a person whom the member of the police finds committing an offence; and
- d) arrest a person who has refused to comply with a request by a member of the police: to leave the public place; or to surrender to a member of the police the alcohol that, in breach of a bylaw, is in that person's possession.

9. Conditions relating to power of search

- (1) Before exercising the power of search in relation to a container or a vehicle, a member of the police must:
- a) Inform the person in possession of the container or the vehicle, as the case may be, that he or she has the opportunity of removing the container or the vehicle from the public place; and
 - b) Provide the person with a reasonable opportunity to remove the alcohol or the vehicle, as the case may be, from the public place.

However, on specified dates or in relation to specified events, duly notified by Council in accordance with part 8, section 170, subsection (3) of the Local Government Act, 2002, a member of the Police may, immediately and without further notice, exercise the power to search a container or a vehicle.

Schedule A – Prohibited places

All public places within the area shown on the maps

- 1) Gore alcohol ban area
- 2) Mataura alcohol ban area

Schedule B – Prohibited times

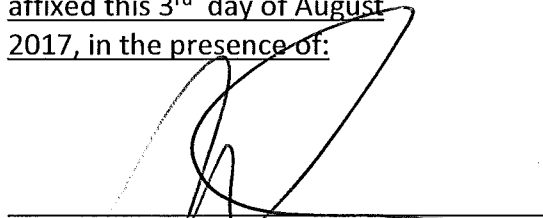
All public places and at all times within the area shown on the maps


- 1) Gore alcohol ban area
- 2) Mataura alcohol ban area

The foregoing bylaw was duly adopted at a meeting of the Gore District Council held on the 2017, and ordered to come into force on 1 August 2017.

The common seal of the Gore District Council was hereunto affixed this 3rd day of August 2017, in the presence of:

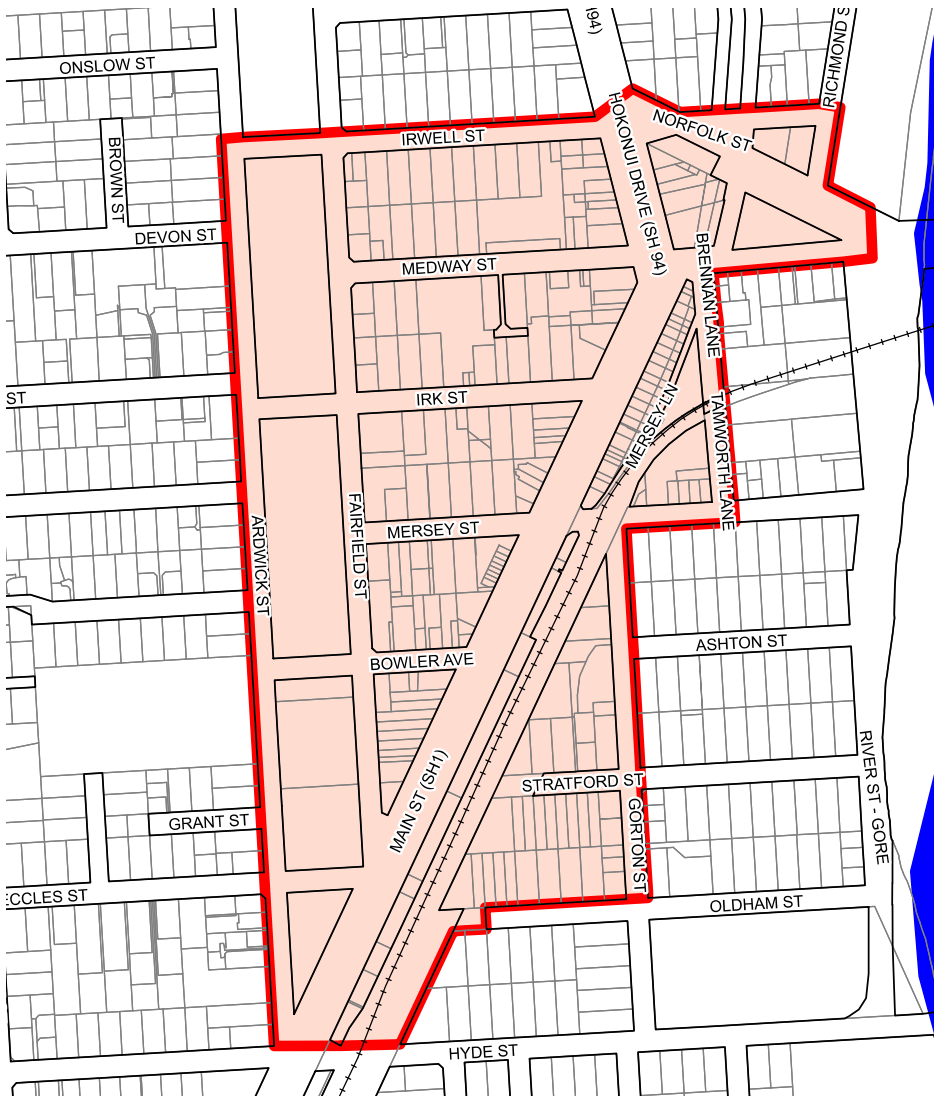




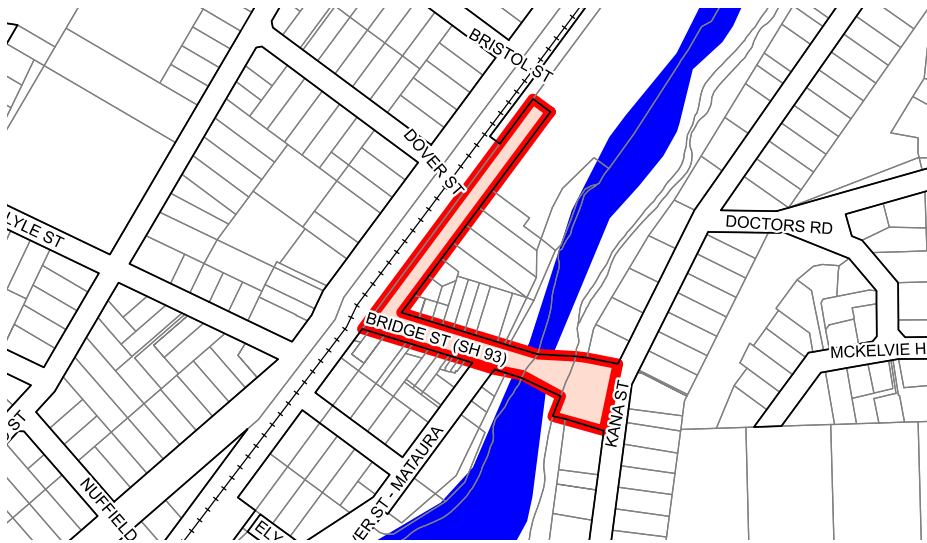


Tracy Hicks, Mayor

Stephen Parry, Chief Executive



GORE ALCOHOL BAN AREA



MATAURA ALCOHOL BAN AREA



SCALE 1:7000

**GORE DISTRICT ALCOHOL BAN BYLAW 2017
GORE AND MATAURA ALCOHOL BAN AREA**

Date: Dec 2016
Ref: 1668.WOR

