

Chapter 4: Liquor Ban in Public Places

Scope

The purpose of this chapter of the bylaw is to promote a safer environment in Timaru District by reducing the incidence of property damage through the control of possession and use of liquor within specified areas of Timaru District in accordance with the powers provided in the Local Government Act 2002.

400. Interpretation

400.1. This Chapter to be read in conjunction with Chapter 1 – Interpretation.

401. Liquor control

401.1. The following acts are prohibited in all public places that are subject to an alcohol ban prescribed by this chapter of the bylaw:

- (a) the consumption of liquor in a public place;
- (b) the bringing of liquor into a public place;
- (c) the possession of liquor in a public place;
- (d) in conjunction with the activities prohibited under paragraphs (a) to (c), the presence or use of a vehicle in a public place.

401.2. For the purposes of clarity, this chapter of the bylaw does not prohibit the activities described in section 147(4) of the Local Government Act 2002 (reproduced in the Second Schedule to this chapter of the bylaw) or any activities detailed in any subsequent amendment to that section of the Act.

402. Liquor control area

402.1. The Council may from time to time by resolution of Council declare any specified area to be subject to the provisions of this chapter of the bylaw for such times as are considered appropriate.

402.2. Areas specified as being subject to an alcohol ban under the provisions of clause 402.1 shall be generally detailed in the First Schedule to this chapter of the bylaw. Council may also apply as it sees fit alcohol bans of a temporary nature areas that may not be in the First Schedule.

402.3. This chapter of the bylaw does not prohibit the consumption or possession of liquor in a place for which a liquor licence has been issued under the Sale and Supply of Alcohol Act 2012.

403. Times of liquor control

403.1. Liquor control shall apply at all times in the liquor control area unless otherwise specified in the First Schedule to this chapter of the bylaw.

404. Breach of bylaw

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

405. Enforcement of bylaw

405.1. The Police will enforce this chapter of the bylaw by means of the powers of arrest, search and seizure found in sections 169 and 170 of the Local Government Act 2002 (reproduced in the Second Schedule to this chapter of the bylaw).

CHAPTER 4: Liquor Ban in Public Places

FIRST SCHEDULE BYLAW POLICY

Liquor control areas

Subject

Clause 402.1 - Liquor control area (refer also to attached plans)

Timaru

- Arthur Street (East of State Highway 1)
- Bank Street
- Barnard Street (from George Street to North Street)
- Bay Hill (including the Piazza)
- Bayview Place
- Beswick Street
- Butler Street
- Cains Terrace
- Canon Street
- Church Street (from State Highway 1 to Stafford Street)
- Cliff Street
- Elizabeth Place
- Elizabeth Street (from Sarah Street to State Highway 1)
- George Street
- Heritage Place
- Hewlings Street
- King George Place
- Latter Street (from George Street to North Street)
- North Street (from State Highway 1 to the railway line)
- Perth Street
- Royal Arcade
- Sarah Street
- Sefton Street between Sarah Street and Hewlings Street
- Sefton Street East
- Service Lane between George Street and Barnard Street
- Service Lane between George Street and Royal Arcade
- Service Lane off Church Street between Bank Street and Perth Street
- Service Lane off George Street between Stafford Street and Station Street
- Sophia Street
- Stafford Street (from Sefton Street to North Street)
- State Highway One (Theodosia Street from Wai-iti Road to North Street)
- Station Street
- Strathallan Corner
- Strathallan Street
- The Terrace
- The Wreck Memorial (corner of Sophia and Perth Streets)
- Timaru Library and surrounds

- Turnbull Street
- Woollcombe Street

Including any service lanes, footpaths and car parks within or adjoining the above areas.

Timaru - Caroline Bay

31 December (New Years Eve) 7.00pm to 1 January (New Years Day) 7.00am.

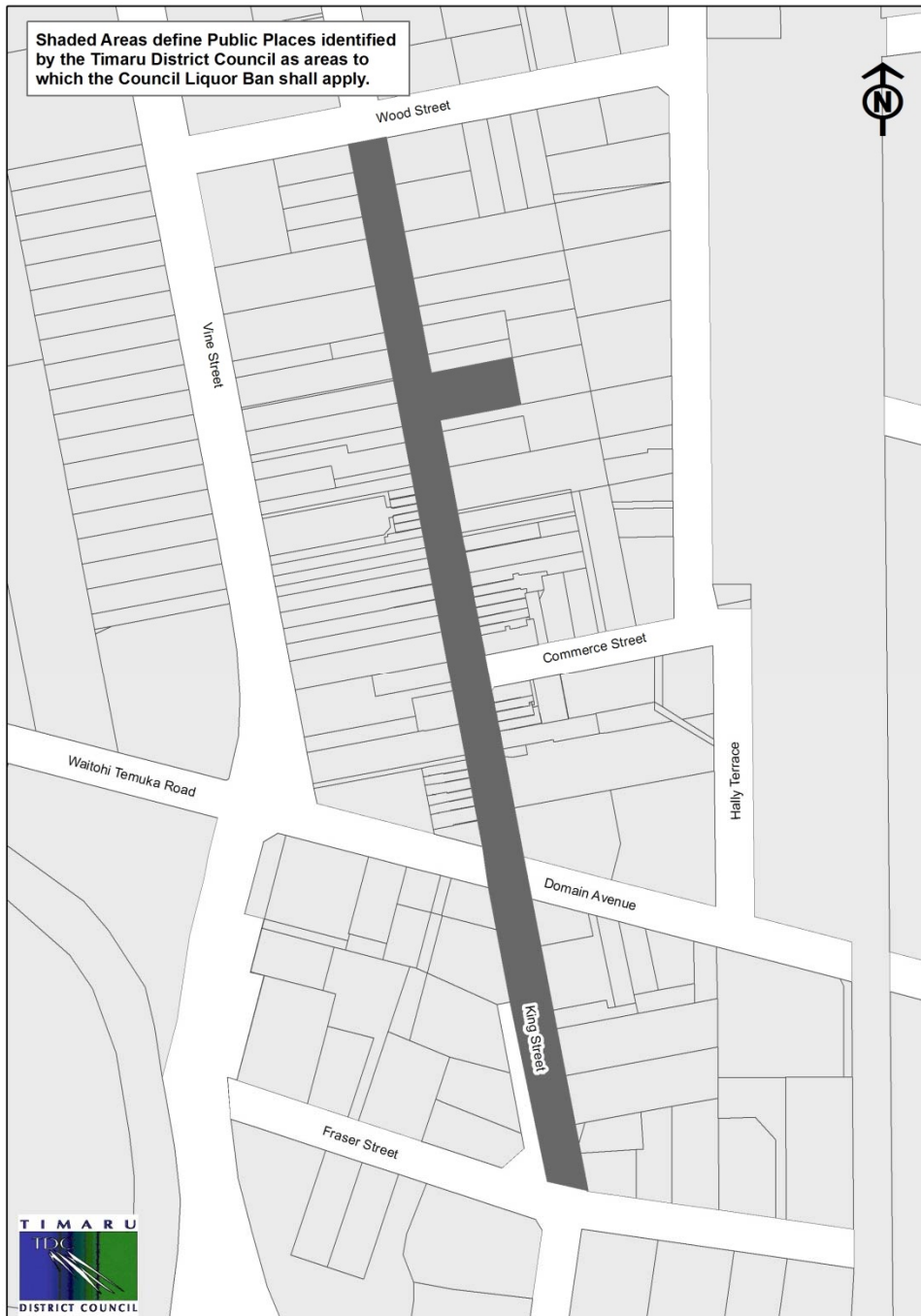
Caroline Bay is that area east of the main trunk railway line extending from the Benvenue Cliffs to Marine Parade.

Temuka

- Temuka Town Square
- King Street (from Wood Street to Fraser Street)

Including any service lanes, footpaths and car parks within or adjoining the above areas.

Temuka



CHAPTER 4: Liquor Ban in Public Places

SECOND SCHEDULE BYLAW POLICY

Liquor control enforcement of bylaw

Subject

Clause 401.2 and 405.1 - Liquor control and enforcement of bylaw

Sections of the Local Government Act 2002 referred to in this Chapter of the Bylaw

"147 Powers to make bylaws for liquor control purposes

- (4) A bylaw made under this section does not prohibit, regulate or control, in the case of liquor in an unopened container,-
- (a) the transport of the alcohol from licensed premises next to a public place, if—
 - (i) it was lawfully bought on those premises for consumption off those premises; and
 - (ii) it is promptly removed from the public place; or
 - (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
 - (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
 - (d) the transport of the alcohol from premises next to a public place to a place outside the public place if—
 - (i) the transport is undertaken by a resident of those premises; and
 - (ii) the alcohol is promptly removed from the public place."

"169 Powers of arrest search and seizure in relation to bylaw prohibiting liquor in public place alcohol bans

- (1) In this section and in sections 169A and 170,—

alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012

alcohol ban means a bylaw made under section 147

offence means a breach of an alcohol ban

restricted place means a public place (within the meaning of section 147(1)) in respect of which an alcohol ban is in force.

- (2) A constable may, without warrant,—

- (a) for the purpose of ascertaining whether alcohol is present, search—
 - (i) a container (for example, a bag, case, package, or parcel) in the possession of a person who is in, or entering, a restricted place; or
 - (ii) a vehicle that is in, or is entering, a restricted place:
 - (b) seize and remove any alcohol (and its container) that is in a restricted place in breach of an alcohol ban:
 - (c) arrest any person whom the constable finds committing an offence:
 - (d) arrest any person who has refused to comply with a request by a constable—
 - (i) to leave a restricted place; or
 - (ii) to surrender to a constable any alcohol that, in breach of an alcohol ban is in the person’s possession.
- (3) Alcohol or a container seized under subsection (2)(b) is forfeited to the Crown if the person from whom the alcohol or container is seized pays the infringement fee."

“170 Conditions relating to power of search

- (1) Before exercising the power of search under section 169(2)(a) in relation to a container or a vehicle, a Constable 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 liquor or the vehicle, as the case may be, from the public place.
- (2) However, on specified dates or in relation to specified event, notified in accordance with subsection (3), a Constable may, immediately and without further notice, exercise the power under section 169(2)(a) to search a container or a vehicle.
- (3) Before a Constable may exercise the power of search under subsection (2), the territorial authority must-
 - (a) specify the public place (within the meaning of section 169(1)) where, and the period when, this power may be exercised by the Police by public notice given 14 days in advance in accordance with this Act; and
 - (b) indicate the location of the public place by one or more clearly legible notices affixed in one or more conspicuous places on, or adjacent to, the place to which the place relates, unless it is impractical or unreasonable to do so.
- (4) Subsection (2) only applies if the Constable is authorised to exercise that power by a bylaw made under section 147.”