

GORE DISTRICT COUNCIL LIQUOR BAN BYLAW 2008

The Local Government Act 2002 allows the Council to prohibit the consumption of liquor 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 Liquor Ban Bylaw 2008 and is made for the control of liquor consumption in public places.

This bylaw shall come into force on 1 July 2008.

2. Repeal

The Gore Liquor Ban Bylaw 2005 is hereby repealed from the day this bylaw comes into force.

3. Acts Prohibited

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

3.1 The consumption of liquor in a public place

3.2 The possession of liquor in a public place

3.3 The bringing of liquor in a public place

3.4 Consumption of liquor in a vehicle in a public place

4. Interpretation

4.1 Liquor has the same meaning given to it in the Sale of Liquor Act 1989

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

4.3 Public Place means a place -

4.3.1 That is under the control of Council; and

4.3.2 That is open to or is being used by the public, whether or not there is a charge for admission; and includes

- 4.3.3** A road, whether or not the road is under the control of Council; and
- 4.3.4** Any part of 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

7.1 This bylaw does not prohibit in the case of liquor, in an unopened bottle or container,

7.1.1 the transport of that liquor from premises that adjoin a public place during any period when, under the Sale of Liquor Act 1989, it is lawful to sell liquor on those premises for consumption off the premises, provided the liquor is promptly removed from the public place:

7.1.2 the transport of that liquor from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989:

7.1.3 the transport of that liquor from outside a public place to premises that adjoin a public place –

7.1.3.1 by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or

7.1.3.2 from those premises to a place outside the public place by a resident of those premises, provided the liquor is promptly removed from the public place.

7.2 This bylaw does not apply where the sale or consumption of liquor is authorised by any license granted under the Sale of Liquor Act 1989 or any other exemption approved by Council for specific public or civic events.

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

A member of the police may, without warrant,

8.1 For the purpose of ascertaining whether liquor is present, search –

8.1.1 a container (for example, a parcel, package, bag, or case) in the possession of a person who is in, or entering, a public place:

8.1.2 a vehicle that is in, or is entering, a public place:

8.2 seize and remove liquor and its container if the liquor is in a public place in breach of a bylaw. Liquor or a container seized under this section is forfeited to the Crown if the person from whom the liquor or container is seized is convicted of breaching the bylaw

8.3 arrest a person whom the member of the police finds committing an offence:

8.4 arrest a person who has refused to comply with a request by a member of the police –

8.4.1 to leave the public place; or

8.4.2 to surrender to a member of the police the liquor that, in breach of a bylaw, is in that person's possession.

9. Conditions relating to power of search –

Before exercising the power of search in relation to a container or a vehicle, a member of the police must –

9.1 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

9.2 Provide the person with a reasonable opportunity to remove the liquor or the vehicle, as the case may be, from the public place.

9.3 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.

Gore District Council Liquor Ban Bylaw 2008

Schedule A – Prohibited Places

All public places within the area shown on the maps

- 1) Gore Liquor Ban Area
- 2) Mataura Liquor Ban Area

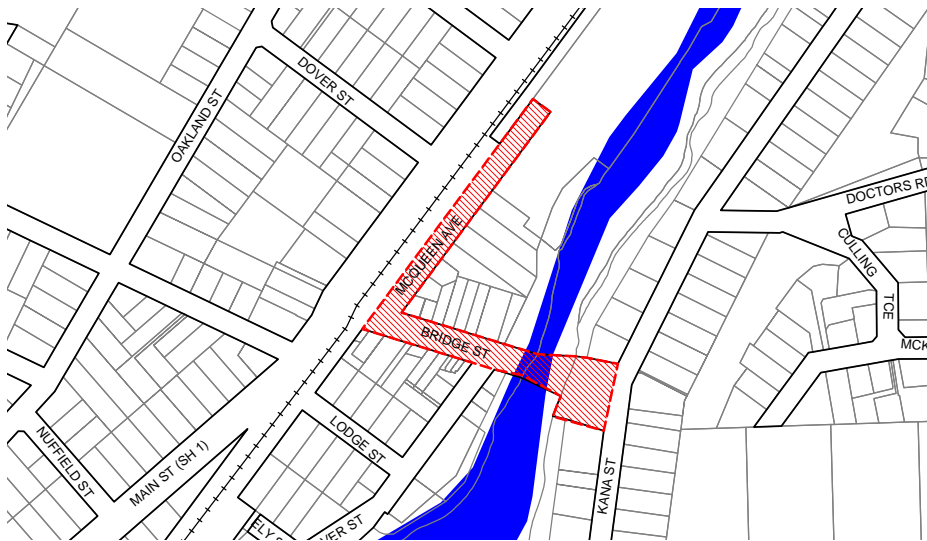
Schedule B – Prohibited Times

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

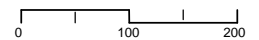
- 1) Gore Liquor Ban Area
- 2) Mataura Liquor Ban Area



GORE LIQUOR BAN AREA



MATAURA LIQUOR BAN AREA



SCALE 1:7000

**GORE DISTRICT LIQUOR BAN BYLAW 2005
GORE AND MATAURA LIQUOR BAN AREA**

Date: Oct 2004
Ref: 1668.WOR



Gore District Council

The foregoing bylaw was duly adopted at a meeting of the Gore District Council held on the 27th day of May 2008, and ordered to come into force on the 1st day of July 2008.

The Common Seal of the Gore
District Council was hereunto
Affixed this day of June
2008, in the presence of:

_____ Tracy Hicks, **Mayor**

_____ Stephen Parry, **Chief Executive**