



**South
Waikato
District
Council**

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Liquor in Public Places Bylaw 2004

Adopted by Council 1 November 2004
(xxx/04)

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Liquor in Public Places Bylaw 2004

Responsibility:	Group Manager Environmental Development/ Senior Environmental Health Officer
First Adopted:	1 November 2004
Review Date:	
Review Frequency:	

The South Waikato District Council acting in exercise of and pursuant to the powers and authorities vested in it by the Local Government Act 2002 and all other powers and authorities enabling it in that behalf makes by way of the Special Consultative Procedure the following Bylaw:

Title

The Bylaw shall be called “**The South Waikato District Liquor In Public Places Bylaw 2004**”.

Commencement

The Bylaw shall come into effect on 1 November 2004.

1.0 Interpretation

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

Council means The South Waikato District Council.

Prohibited Area means the area within both Putaruru and Tokoroa defined in clause 2 of the Schedule to this Bylaw.

Defined Times means the periods set out in clause 1 of the Schedule to this Bylaw.

Public Place means:

- (a) A place:
 - 1. That is under the control of the territorial authority; and
 - 2. That is open to, or being used by, the public, whether or not there is a charge for admission; and
- (b) Includes:
 - 1. A road, whether or not the road is under the control of a territorial authority; and
 - 2. Any part of a public place.

Licensed premises has the meaning given to it in the Sale of Liquor Act 1989.

Vehicle means contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and shall include a perambulator or pushchair, a shopping, luggage or sporting trundler, a handbarrow, and an invalid wheelchair.

2.0 Prohibition of Certain Activities Involving Liquor

- 2.1 During the defined times and within the Prohibited Area no person shall:
- (a) Consume liquor in a public place; or
 - (b) Bring liquor into a public place; or
 - (c) Possess liquor in a public place; or
 - (d) Have or use a vehicle in a public place in conjunction with the consumption or possession of liquor or use a vehicle for the purpose of bringing liquor into a public place.

3.0 Activities Not Prohibited by this Bylaw

- 3.1 This bylaw does not prohibit:
- 3.1.1 The transport of 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;
 - 3.1.2 The transport of 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;
 - 3.1.3 The transport of liquor from outside a public place to premises that adjoin a public place
 - (a) By, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
 - (b) 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.
- 3.2 This bylaw does not prohibit the consumption of liquor within any defined area of footpath occupation approved under permit by the Council for tables and seating outside licensed premises.

4.0 Penalty for Breach of Bylaw

- 4.1 Every person who contravenes any provision of this bylaw commits an offence and shall be subject to the penalty provisions prescribed in section 242(4) of the Local Government Act 2002, or any enactment or regulation made in substitution or as an amendment thereto.
- 4.2 The maximum penalty from time to time for breach of this bylaw is as set out in clause 3 to the Schedule to this bylaw.

5.0 Amendments to the Schedule

- 5.1 Minor amendments to the Schedule to this bylaw may be made by Council by resolution publicly notified.

This bylaw was made by the South Waikato District Council, following the Special Consultative Procedure set out in Section 156 of the Local Government Act 2002, at an Ordinary Meeting of the Council on Thursday 7 October 2004.

THE COMMON SEAL of THE SOUTH)

WAIKATO DISTRICT COUNCIL was)

hereto affixed in the presence of:)

(Signed) Gordon J Blake MNZM JP Mayor

(Signed) Jeanette Black Chief Executive

Annotations

Res No	Date	Subject/Description
	07/10/04	Bylaw Adopted

Schedule

Clause 1 - The “Defined Times”

- From 7.00 pm on 24 December in each year to 7.00 am on 2 January in the following year;
- From 7.00 pm on the Thursday preceding Good Friday to 7.00 am on the Monday following Easter Sunday in each year;
- From 7.00 pm on the Thursday preceding Labour Day to 7.00 am on the Tuesday following Labour Day in each year; and

From 7.00 pm on each Friday to 7.00 pm on each Sunday throughout the year except where other defined times already apply.

Clause 2 - The “Prohibited Areas”

All those public places bounded by and including:

- Chambers Street
- State Highway 1 from Chambers Street to the southern end of Ashworth Street
- Sloss Road from State Highway 1 to Ashworth Lane
- Ashworth Lane
- Ashworth Street
- Sloper Street
- Giles Street
- Roslin Street from Swanston Street to Torphin Crescent
- Torphin Crescent from Roslin Street to O’Sullivan Drive
- O’Sullivan Drive from Torphin Crescent to Swanston Street
- Swanston Lane
- Dreghorn Place
- Liberton Place
- Bridge Lane
- Bridge Street east of the railway line
- Campbell Lane West
- Campbell Street from Bridge Street to Chambers Street
- Logan Street
- Swanston Street

- Bonaly Street
- Mannering Street
- Rosebery Street
- Commerce Street
- Leith Place

as defined on the plan labelled “Tokoroa – Proposed Liquor Ban” attached to this Schedule.

All those public places bounded by and including:

- *Tirau Street, from Main Street to MacKenzie Street*
- *Neil Street, from Tirau Street to Cambridge Street*
- *Commerce Street*
- *Market Street, from Commerce Street to Taupo Street*
- *From the 50/70kph speed restriction directly across the railway land to the south side of the Putaruru Hotel property in Princes Street*
- *Princes Street, from Main Street to the Putaruru Hotel property southern boundary*
- *Arapuni Street, from Princes Street to Glenshea Street*
- *Glenshea Street, from Arapuni Street to Bent Street*
- *Bent Street, from Glenshea Street to Overdale Street*
- *Overdale Street, from Main Street to Bent Street*
- *Main Street, from the northern side of Bent/Overdale Street intersection directly across the railway line to Buckland Street*
- *Buckland Street, from Main Street to the northern boundary of The Plaza property*
- *Kensington Street, from Main Street to MacKenzie Street*
- *MacKenzie Street*

as defined on the plan labelled “Putaruru – Proposed Liquor Ban” attached to this Schedule.

Clause 3 - Penalty on Conviction for Breach

A fine not exceeding \$20,000.