

Alcohol Restrictions in Public Places Bylaw

2021



Mackenzie
DISTRICT COUNCIL

Alcohol Restrictions in Public Places Bylaw

REVISION HISTORY

Date Created:	16 November 2021
Review Date:	16 November 2024
Department:	Operations
Responsible Officer:	Manager Planning
Sponsor:	General Manager – Operations
Approved by:	Chief Executive Officer

1. Introduction

This Bylaw is the Mackenzie District Council Alcohol Restrictions in Public Places Bylaw 2021.

This Bylaw shall come into force on 16 November 2021.

This Bylaw has been made pursuant to section 147 of the Local Government Act 2002 which allows Council to make a bylaw to prohibit, or otherwise regulate, the possession and consumption of alcohol in public places.

2. Purpose

The purpose of this Bylaw is:

- to reduce alcohol-related harm, damage, disorder and crime; and
- to improve community safety by prohibiting, or otherwise regulating, the possession and consumption of alcohol in public places.

3. Interpretations

For the purposes of this Bylaw the following definitions shall apply:

Act	the Local Government Act 2002
Alcohol	the same meaning as section 5(1) of the Sale and Supply Alcohol Act 2012 and section 147 of the Act and generally means alcoholic beverages such as beer, wine and spirits (including pre-mixed spirit-based beverages)
Council	the Mackenzie District Council
Licensed Premises	any premise for which a license is held
Offence	a breach of an alcohol ban, as described in section 169(1) of the Act
Permanent Alcohol Ban Area	an area described in Schedule 1 in which alcohol restrictions are permanently in place within a specified area, during the times, days or dates specified in the Schedule
Public Place	the same meaning as section 147 of the Act: a) 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 b) does not include licensed premises

Temporary Alcohol Ban Area	an area described in a resolution made under this Bylaw in which alcohol restrictions are temporarily in place within the area during the times, days or dates specified in the resolution
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4. Permanent Alcohol Ban Areas

The Permanent Alcohol Ban Areas in the Mackenzie District are listed in Schedule 1.

The Council can add, remove or alter any part of Schedule 1 in accordance with section 156 of the Act.

5. Temporary Alcohol Ban Areas

The Council may declare a Temporary Alcohol Ban Area by resolution. Any such resolution will describe the specific area that is a Temporary Alcohol Ban Area and the times, days or dates during which the alcohol restrictions apply to any public places in the area.

Before the Council declares a Temporary Alcohol Ban Area, the Council will comply with the requirements of section 147B of the Act.

Explanatory Note: A Temporary Alcohol Ban Area will only be put in place for a limited time. The duration will depend on the reasons for imposing the alcohol restrictions. In making a resolution under this Bylaw, the Council must apply section 147B of the Act and the decision-making provisions in Part 6 of the Act.

6. Restrictions in Alcohol Ban Areas

In Permanent or Temporary Alcohol Ban Areas, subject to clause 8 of this Bylaw and section 147(4) of the Act, no person may:

- consume alcohol in a public place; or
- consume alcohol in a vehicle in a public place; or
- bring alcohol into a public place, whether in a vehicle or not; or
- possess alcohol in a public place, whether in a vehicle or not.

For exemptions in relation to unopened bottles or containers, refer to section 147(4) of the Act.

7. Exemptions to Restrictions in Alcohol Ban Areas

The alcohol restrictions do not apply to areas or activities covered by a license issued under the Sale and Supply of Alcohol Act 2002, including:

- any public place which is part of a licensed premises' outdoor area, where permission to occupy that area has been granted by the Council; or
- the carrying of alcohol directly between one part of a licensed premise and another part of the same licensed premise across a public place that separates the parts of the licensed premise; or
- any public place that is subject to a special license, for the term of that license; or
- any vehicle in a public place to which a license under the Sale and Supply of Alcohol Act 2012 applies; or
- any event held in a public place at which alcohol is served under a section 38 endorsed license under the Sale and Supply of Alcohol Act 2012.

8. Signage in Alcohol Ban Areas

Where it is practicable or reasonable to do so, the Council will erect signage within Permanent and Temporary Alcohol Ban Areas to provide information to the public about the restrictions.

The size, location and content of the signage will be at the Council's discretion.

The absence of signage in any Alcohol Ban Area does not authorise a breach of this Bylaw.

This clause is subject to any regulations made under section 147C of the Act.

9. Offences and Penalties

Every person who breaches this Bylaw commits an infringement offence under section 239A of the Act and may be served with an infringement notice under section 245 of the Act and be liable to pay an infringement fee.

Any person who commits an offence is liable on summary conviction to a fine of up to \$20,000.

Explanatory Note: Any person in breach of the restrictions in place in an Alcohol Ban Area is subject to any action taken by the New Zealand Police in accordance with the powers given to the Police in section 169 and 170 of the Act. These include the powers of search, seizure of alcohol, and arrest, and also the power to issue an infringement notice.

Schedule 1 Permanent Alcohol Ban Areas

The Permanent Alcohol Ban Areas in the Mackenzie District are as follows:

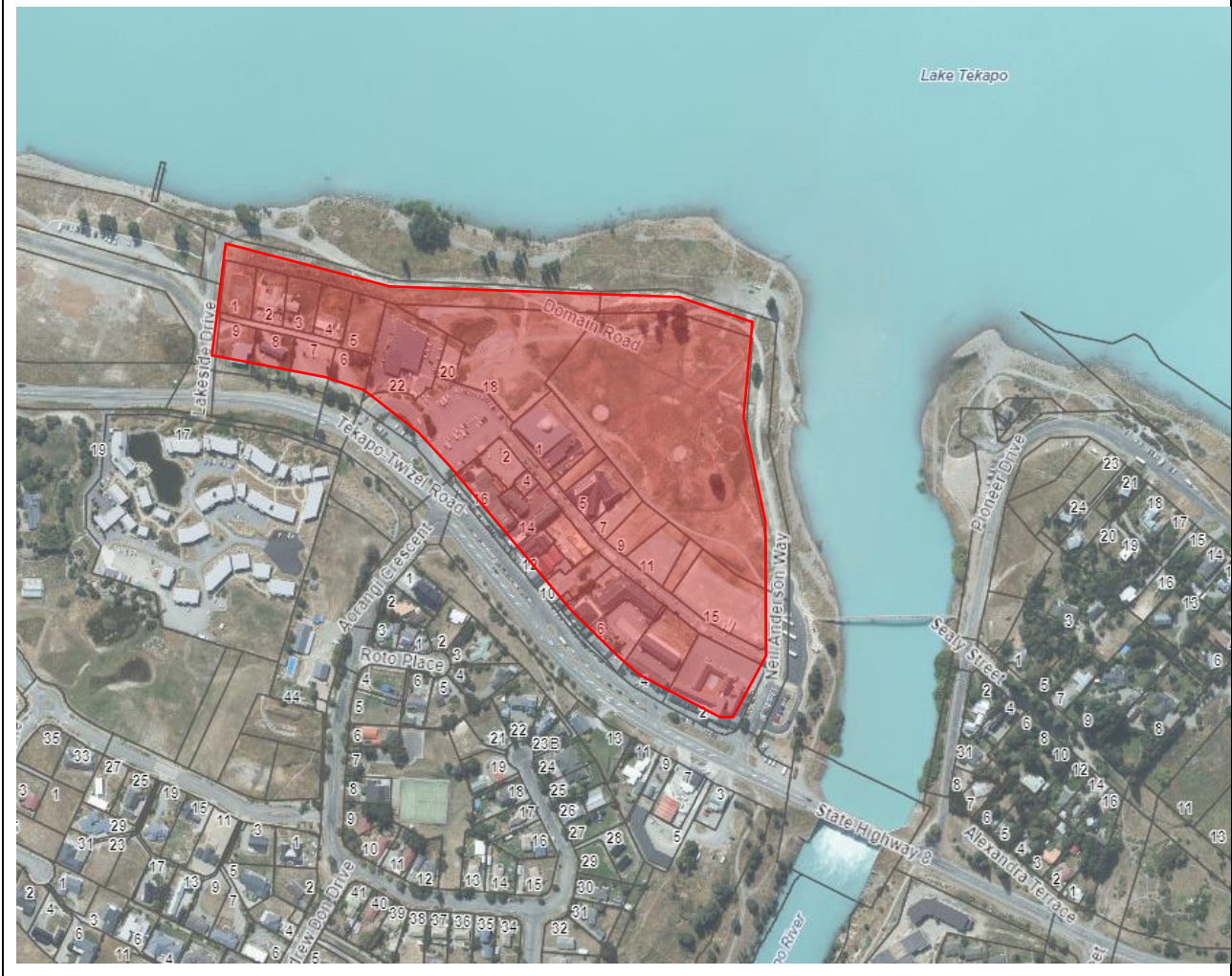
- The Fairlie Village Centre and Village Green;
- The Tekapo Village Centre and Domain; and
- Market Place, Twizel.

Alcohol Ban Area	The Fairlie Village Centre and Village Green
Description of Alcohol Ban Area	The alcohol ban covers the Fairlie Village Centre from the Kirke Street Intersection to the Allandale Road Intersection and the Village Green including the playground and skatepark as displayed in red below
Times, days, or dates during which alcohol restriction apply	The alcohol ban area applies at all times, 24 hours, seven days a week



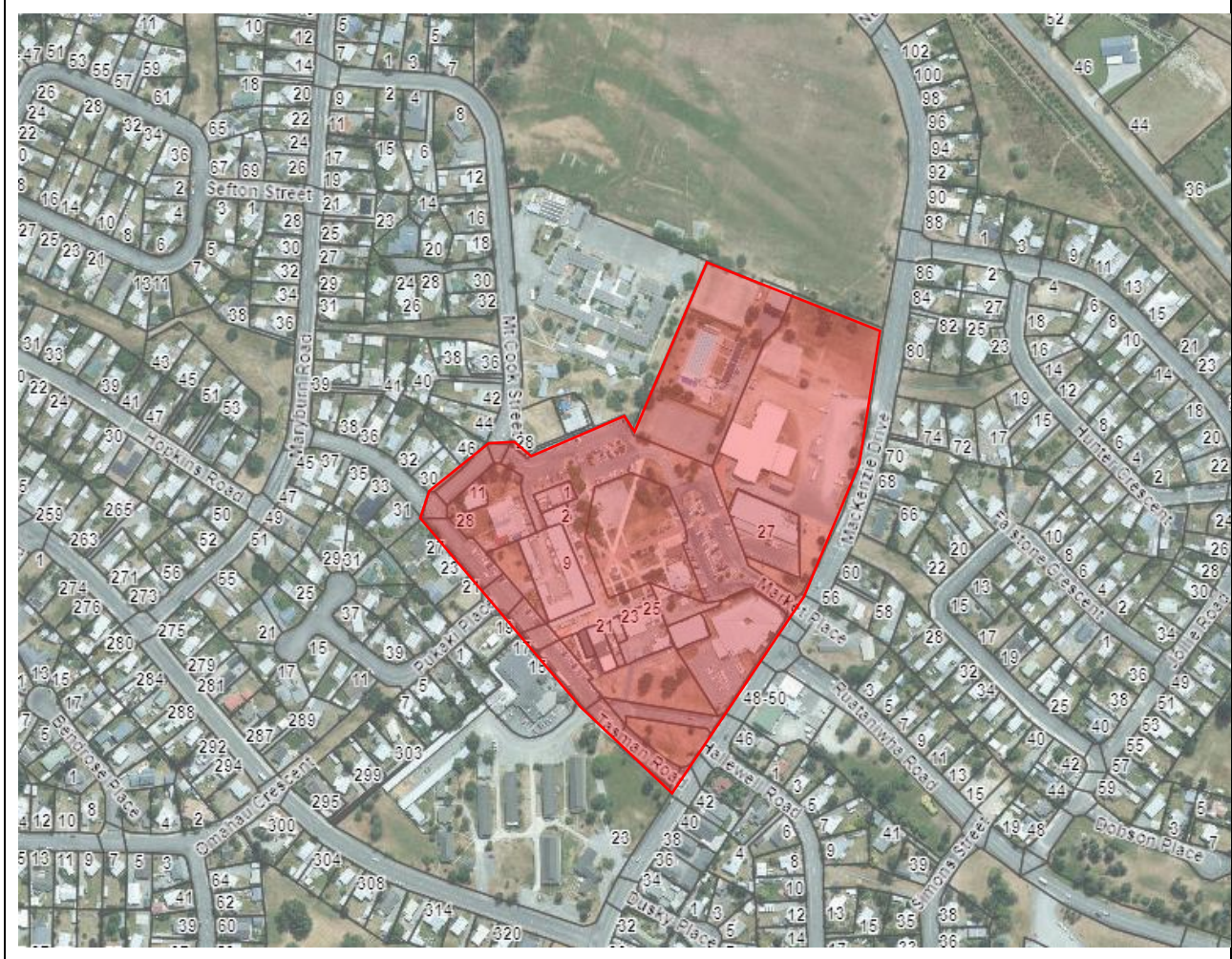
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Alcohol Ban Area	The Tekapo Town Centre and Domain
Description of Alcohol Ban Area	The alcohol ban covers the Tekapo Town Centre, including Simpsons Lane, Rapuwai Lane and Motuariki Lane and the Tekapo Domain as displayed in red below
Times, days, or dates during which alcohol restriction apply	The alcohol ban area applies at all times, 24 hours, seven days a week



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Alcohol Ban Area	Market Place, Twizel
Description of Alcohol Ban Area	The alcohol ban covers Market Place Twizel and includes the Tasman Road carpark, the skate park, the children’s playground and Events Centre as displayed in red below
Times, days, or dates during which alcohol restriction apply	The alcohol ban area applies at all times, 24 hours, seven days a week





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