

## CHAPTER 19

### LIQUOR CONTROL

Bylaw of the Stratford District Council made pursuant to the powers contained in the Local Government Act 2002, and any other authority enabling the Council in that behalf:

**SHORT TITLE:** Stratford District Council Liquor Control Bylaw 2004.

**COMMENCEMENT:** This bylaw shall come into force on 1 November 2004.

#### 1901 INTERPRETATION

In this bylaw:

1901.1 **Act** means the Local Government Act 2002.

1901.2 **Licensed Premises** means premises licensed for the sale or consumption of liquor under the Sale of Liquor Act 1989.

1901.3 **Liquor** has the meaning given to it by the Sale of Liquor Act 1989.

1901.4 **Liquor Control Resolution** means a resolution of the Council pursuant to Clause 1904 of this bylaw.

1901.5 **Public Notice** means a notice published in one or more newspapers circulating in the Stratford District.

1901.6 **Public Place** means

- (a) a place
  - (i) that is under the control of the Council; and
  - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and
- (b) includes
  - (i) a road, and notwithstanding sub clause 1901.6(a)(i), whether or not that road is under the control of the Council; and
  - (ii) any part of a public place.

1901.7 **Special Licence** means a licence granted under Part IV of the Sale of Liquor Act 1989.

1901.8 **Specified Public Place** means any public place or part of a public place which is:

- (a) Contained within the area delineated in Schedule One to this bylaw (as varied by any subsequent liquor control resolution pursuant to Clause 1904 of this bylaw), or

- (b) specified as a Specified Public Place in a liquor control resolution pursuant to Clause 1904 of this bylaw.

1901.9 **Specified Period** means the period or periods specified in:

- (a) Schedule Two of this bylaw (as varied by any subsequent liquor control resolution pursuant to Section 1904 of this bylaw), or
- (b) a liquor control resolution pursuant to Section 1904 of this bylaw.

1902 **ACTS PROHIBITED IN SPECIFIED PUBLIC PLACES**

1902.1 No person shall:

- (a) consume liquor in a specified public place; or
- (b) possess liquor in a specified public place; or
- (c) bring liquor into a specified public place,

during the specified period or specified periods relating to that specified place.

1902.2 Every person shall comply with the terms of a liquor control resolution prohibiting, regulating or otherwise controlling:

- (a) the consumption of liquor in a public place; or
- (b) the bringing of liquor into a public place; or
- (c) the possession of liquor in a public place; or
- (d) in conjunction with a prohibition relating to liquor under paragraphs (a) to (c) of this Clause 1902.2, the presence or use of a vehicle in a public place.

1903 **EXCEPTIONS TO PROHIBITION FOR RESIDENTS, THEIR VISITORS AND LICENSED PREMISES.**

1903.1 Notwithstanding any other provision in this Bylaw, in the case of liquor in an unopened bottle or other unopened container, this Bylaw does not prohibit and no liquor control resolution made pursuant to this Bylaw shall have the effect of prohibiting the transport of that liquor:

- (a) from outside of a specified public place to premises that adjoin the specified public place by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
- (b) from premises that adjoin a specified public place to a place outside the specified public place by a resident of those premises, provided the liquor is promptly removed from the specified public place; or
- (c) from outside a specified public place for delivery to, or consumption on, licensed premises that either adjoin or are within the specified public place, or
- (d) from licensed premises that adjoin a specified public place, provided the liquor is promptly removed from the specified public place.

1903.2 The bylaw does not prohibit, in the case of consumption and possession of liquor in the following occasion:

- (a) The consumption and possession of liquor in premises which are licensed premises, including any area:
  - (i) of footpath for approved “alfresco” dining with a liquor licence; or
  - (ii) of footpath which are in future approved for “alfresco” dining with a liquor licence; or
  - (iii) approved for a Special Licence event under the Sale of Liquor Act 1989.

#### 1904 **TEMPORARY CONTROL FOR SPECIFIC EVENTS/FUNCTIONS**

1904.1 The Council may from time to time make a resolution:

- (a) prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods:
  - (i) the consumption of liquor in a public place; or
  - (ii) the bringing of liquor into a public place; or
  - (iii) the possession of liquor in a public place; or
  - (iv) in conjunction with a prohibition relating to liquor under paragraphs (i) to (iii), the presence or use of a vehicle in a public place; or
- (b) varying existing specified places; or
- (c) varying existing specified periods.

1904.2 Public notice shall be given of any resolution made pursuant to sub clause 1904.1.

#### 1905 **POWERS OF ARREST, SEARCH AND SEIZURE**

##### 1905.1 **Offence**

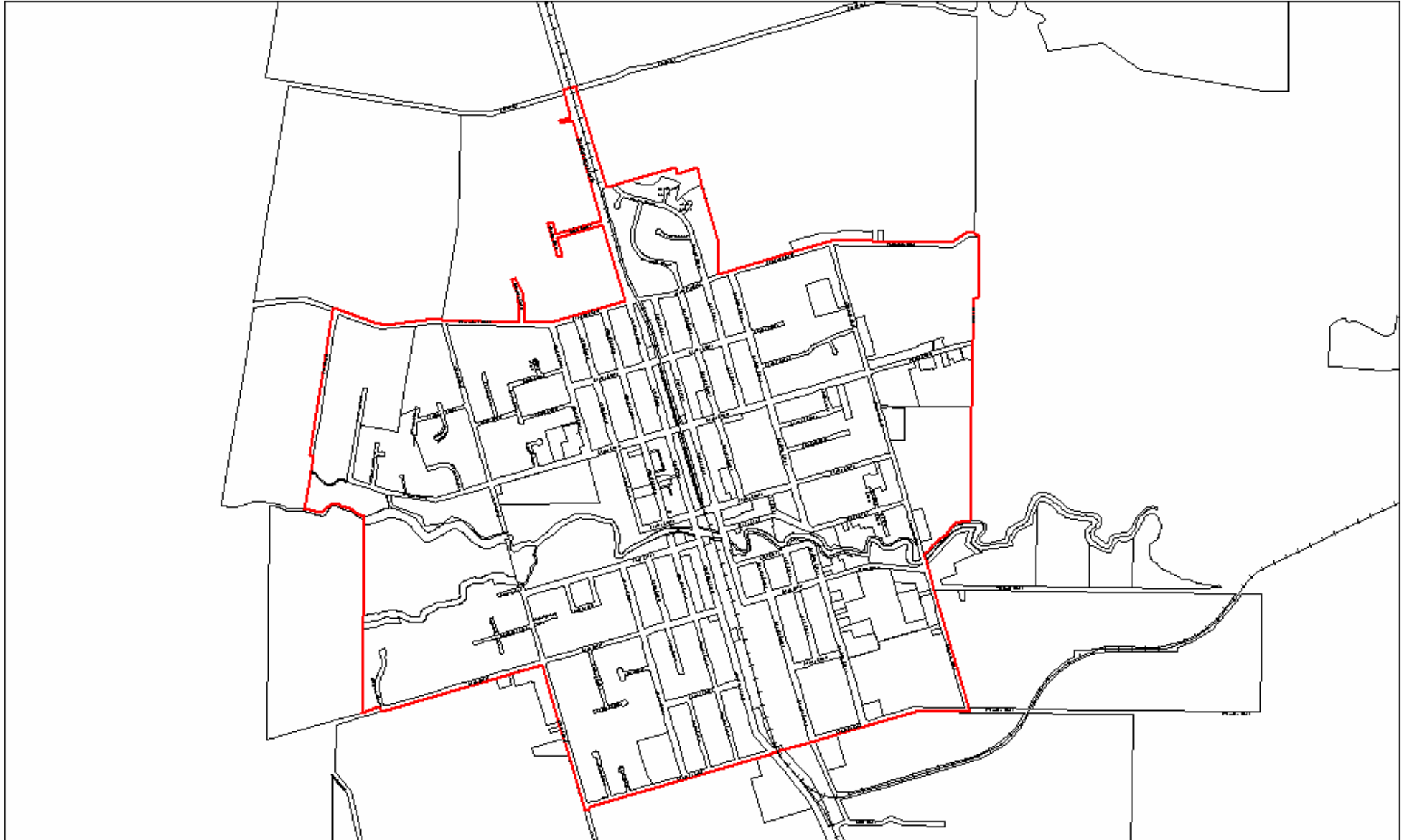
Any person who acts in breach of this Bylaw commits an offence and is liable upon summary conviction to a fine, as provided for under the Local Government Act 2002.

##### 1905.2 **Police Powers**

This Bylaw authorises a member of the New Zealand Police to act under Sections 169 and 170 of the Act, including the exercise of the power of search under Section 169(2)(a) of the Act for the purposes of Section 170(2) of the Act.

SCHEDULE ONE

Stratford District Liquor Ban Area



**SCHEDULE TWO**

- (a) Daily from 9.00 pm to 9.00 am on the day following.