

Grey District Council Banning of Alcohol in Public Places Bylaw

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GREY DISTRICT COUNCIL BANNING OF ALCOHOL IN PUBLIC PLACES BYLAW

EXPLANATORY NOTE

This part of the bylaw aims to enhance the safety of citizens socialising in the CBD and other local venues by controlling the use and possession of alcohol in those places that is likely to reduce the likelihood of alcohol-related offending. This part of the bylaw is made under Local Government Act 2002 Section 147(2).

1.0 INTERPRETATION

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

Alcohol has the meaning given to it in Section 5(1) of the Sale and Supply of Alcohol Act 2012.

Alcohol ban means a bylaw made under Section 147(2) of the Local Government Act 2002.

CBD has the meaning as defined in the First Schedule hereunder.

Offence means an offence under Section 239A of the Local Government Act 2002 that is a breach of a bylaw prohibiting:

- a) The consumption and/or possession of alcohol in, or the bringing of alcohol into a public place; or
- b) In conjunction with a prohibition relating to alcohol, the presence or use of a vehicle in a public place.

Public place means 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 does not include licensed premises.

Town of Runanga has the meaning as defined in the First Schedule hereunder.

Vehicle:

- a) Has the meaning as in Section 2 of the Land Transport Act 1998; but
- b) Does not include an ambulance, fire engine, police vehicle or other authorised emergency vehicles.

2.0 ALCOHOL BAN - GREYMOUTH CENTRAL BUSINESS DISTRICT (CBD)

That pursuant to Section 147(2) of the Act, the Council prohibits the consumption of alcohol in, the bringing of alcohol into and the possession of alcohol in the CBD during the periods specified in the Second Schedule hereunder.

3.0 ALCOHOL BAN – RUNANGA

That pursuant to Section 147(2) of the Act, the Council prohibits the consumption of alcohol in, the bringing of alcohol into and the possession of alcohol in the Town of Runanga during the periods specified in the Second Schedule hereunder.

4.0 ALCOHOL BAN - COUNCIL PROPERTY AND RESERVES

That pursuant to Section 147(2) of the Act, the Council prohibits the consumption of alcohol in, the bringing of alcohol into and the possession of alcohol in the places specified in the Third Schedule hereunder during the periods specified in the Fourth Schedule hereunder.

5.0 EXCEPTIONS

This bylaw does not prohibit, in the case of alcohol in an unopened bottle or other unopened container:

- a) The transport of that alcohol from premises that adjoin a public place during any period when, under the Sale and Supply of Alcohol Act 2012, it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the public place;
- b) The transport of that alcohol from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012;
- c) The transport of that alcohol from outside a public place to premises that adjoin a public place:
 - (i) By, or for the delivery to, a resident of those premises or by his or her bona fide visitors; or
 - (ii) From those premises to a place outside the public place by a resident of those premises, provided the alcohol is promptly removed from the public place.

6.0 OFFENCES

That pursuant to Section 239A of the Act, every person commits an offence who, knowing that a prohibition is in force, contravenes that prohibition. Every person who commits that offence is liable, on summary conviction, to a fine not exceeding \$500.

7.0 POWERS OF ARREST, SEARCH AND SEIZURE

7.1 That pursuant to Section 169 of the Act, a member of the police may, without warrant,

- a) For the purpose of ascertaining whether alcohol is present, search:
 - (i) A container (for example, a parcel, package, bag, or case) in the possession of a person who is in, or entering, a public place;
 - (ii) A vehicle that is in, or is entering, a public place;
- b) Seize and remove alcohol and its container if the alcohol is in a public place in breach of a bylaw;
- c) Arrest a person whom the member of the police finds committing an offence;
- d) Arrest a person who has refused to comply with a request by a member of the police:
 - (i) To leave the public place; or
 - (ii) To surrender to a member of the police the alcohol that, in breach of a bylaw, is in that person's possession.

7.2 Alcohol or a container seized under Section 169 of the Act is forfeited to the Crown if the person from whom the liquor or container is seized pays the infringement fee.

8.0 CONDITIONS RELATING TO POWER OF SEARCH

Pursuant to Section 170 of the Act:

- (1) Before exercising the power of search under Section 169(2)(a) of the Act 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 container or the vehicle, as the case may be, from the public place.
- (2) However, on specified dates or in relation to specified events notified in accordance with Section 170(3) of the Act, a constable may, immediately and without further notice, exercise the power under Section 169(2)(a) of the Act to search a container or a vehicle.
- (3) Before a constable may exercise the power of search under Section 170(2) of the Act, the Council 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 the 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 notice relates, unless it is impracticable or unreasonable to do so.
- (4) Section 170(2) of the Act only applies if the constable is authorised to exercise that power by a bylaw made under Section 147 of the Act.

First Schedule - SPECIFIED PLACES

A) Greymouth CBD

All public places, including streets, service lanes, lanes, footpaths, embankments, floodwalls and car parks **bounded by –**

the southern bank of the Grey River from the new Solid Energy rail bridge; in a westerly direction to the wharf edge at the river entrance to the Erua Moana Lagoon; then in a generally southerly direction following the eastern bank of the Erua Moana Lagoon to Sawyers Creek; then in a straight line to Preston Road at the Sawyers Creek overbridge; from there in a southerly direction following Preston Road to where Raleigh Street intersects with Preston Road; from there in an easterly direction along Raleigh Street extension to the Greymouth-Hokitika railway line; from there generally in a southerly direction following the railway line to a point opposite Morice Street; from there along Morice Street to where it intersects with High Street; from there in a northerly direction along High Street to where it intersects with Marlborough Street; then east along Marlborough Street to where it intersects with Shakespeare Street; north along Shakespeare Street to where Freyberg Terrace (south) intersects with Shakespeare Street; from there along Freyberg Terrace to the highest point in Freyberg Terrace; from there in a straight line along the mountainside to where Smith Street branches off SH 6 but with the whole of Mount Street included; and from there to the bank of the Grey River at the Solid Energy rail bridge.

B) Town of Runanga

All public places, including streets, service lanes, lanes, footpaths, and car parks within the area listed in this Schedule –

McGowan Street from Savage Street in the south to Pitt Street in the north
Savage Street from McGowan Street to Hall Jones Street
Carroll Street from McGowan Street to Hall Jones Street
Mills Street from McGowan Street to Hall Jones Street
Duncan Street from McGowan Street to Hall Jones Street
Ward Street from McGowan Street to Hall Jones Street
Pitt Street from McGowan Street to Hall Jones Street

Second Schedule - SPECIFIED PERIOD

On every day, Monday to Sunday, 24 hours.

In addition to the prohibition in this schedule, the Council, by resolution, may order a prohibition of alcohol consumption or possession (including while in a vehicle) in a public place within the central area for certain specified times and/or within certain specified public place areas within the central areas for specified special events. The prohibition must be notified in the appropriate local newspaper at least 14 days in advance of the special event. The police powers of search under Section 170(2) of the Local Government Act 2002 applies to these events.

Any person may apply to council for prior written permission for any activity or event that would be in breach of any prohibition under this part of this bylaw (Special Licence under Section 22 of the Sale and Supply of Alcohol Act 2012).

Third Schedule - SPECIFIED PLACES

All public places, including Council property, parks and reserves, as listed:

All that land off Tainui, Puketahi and Alexander Streets and described as Lot 2 DP 1510 Sections 164, 142, 143A, 165A, 166A, 166C, 166D and 164, Blk XXXVII Greymouth Lots 1, 3 and 4 DP 1510 (10,914 square metres) MS 31 excluding the Council Chambers and Civic Centre Buildings

The grassed area between Ngarimu Street and Frickleton Street known as the Cenotaph (Lot 1 DP 2022) MS31

Dixon Park (Pt Rural Section 3659)

Karoro Domain (RS 2017, RS 6655, Pt 6732 and Part Beach)

Road Reserve between Johnston and Boundary Streets (known as McGinley Park - Skateboard Park)

The Freedom Camping Area – All that area of land, being Pt Road Reserve and Pt Reserve 1428 between the north end of the Cobden Bridge and Section 36 Town of Cobden

The Kaiata Community Centre property - All of the land being Lot 4 DP 2300 but excluding the Community Hall

Fourth Schedule - SPECIFIED PERIODS

On every day, Monday to Sunday, 24 hours per day.

Any person may apply to Council for prior written permission for any activity or event that would be in breach of any prohibition under this part of this bylaw (Special Licence under Section 22 of the Sale and Supply of Alcohol Act 2012).

Alcohol Ban Area Map: Greymouth CBD



Alcohol Ban Area Map: Karoro Domain



Alcohol Ban Area Map: Cobden



Alcohol Ban Area Map: Dixon Park



Alcohol Ban Area Map: Runanga



Alcohol Ban Area Map: Kaiata Community Centre property (excluding the Community Hall)

