



**MASTERTON
DISTRICT COUNCIL**

**CONSOLIDATED
BYLAW 2008**

**PART FIFTEEN
LIQUOR CONTROL IN
PUBLIC PLACES**

The Consolidated Bylaw 2008
comprising parts one to eleven
and thirteen to sixteen
were adopted at the Council Meeting
held on Wednesday 28th May 2008.

The Consolidated Bylaw 2008 came into force
throughout the district on the 1st July 2008

MASTERTON DISTRICT COUNCIL CONSOLIDATED BYLAW 2008

Part 15 – LIQUOR CONTROL IN PUBLIC PLACES

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REFERENCED DOCUMENTS

Reference is made in this document to the following:

Masterton District Council Liquor Control Bylaw 2003

New Zealand Legislation
Local Government Act 2002
Sale of Liquor Act 1989

Useful websites
www.legislation.govt.nz

FOREWORD

Territorial authorities are empowered under the Local Government Act 2002 to make Liquor Control Bylaws.

This Bylaw covers such matters as specification of public places, days and times where the Bylaw applies, the powers of the police and exemptions to the Bylaw, and it should be read in conjunction with the Local Government Act 2002, sections 147, 169 and 170.

Reference should be made to Masterton District Council Consolidated Bylaw 2008: Part 1 *Introductory* for any other definitions not included in this part.

1 GENERAL

1.1 Scope

The Local Government Act 2002, section 147, gives authority to territorial authorities to adopt Bylaws to regulate activities which can be carried out in roads, public places and reserves. The purpose of this Bylaw is to enhance safety and the public enjoyment of public places by providing for liquor control in specified public places, and for specified days, times and events.

1.2 Definitions

CENTRAL BUSINESS

DISTRICT

Means the central area as defined in the attached schedule, but excluding:

- a) Any area that is subject to a road encroachment issued by the Council;
- b) Any licensed premises that occupies a paved area on legal road or Council land where permission to occupy has been granted by the Council.

QUEEN ELIZABETH PARK

RESTRICTED AREA

Means the general area of Queen Elizabeth Park area as depicted in the attached schedule, but excluding:

- a) Any area that is subject to a road encroachment issued by the Council;
- b) Any licensed premises that occupies a paved area on legal road or Council land where permission to occupy has been granted by the Council.

QUEEN ELIZABETH PARK

PROHIBITED AREA

Means the immediate vicinity of the skate park area of Queen Elizabeth Park as depicted in the attached schedule.

2 LIQUOR PROHIBITION

2.1

2.1.1

The consumption or possession of liquor in a public place (including while in a vehicle), within the Central Business District during each Thursday, Friday and Saturday night and any day before a public and the day of the public holiday, is prohibited. This prohibition has effect from:

- 9.00 pm each Thursday, Friday and Saturday night through to 7.00 am on the following day.

2.1.2

The consumption or possession of liquor in a public place (including while in a vehicle), within the Queen Elizabeth Park restricted area during each Thursday, Friday and Saturday night and any day before a public and the day of the public holiday: is prohibited. This prohibition has effect from:

- 9.00 pm each Thursday, Friday and Saturday night through to 7.00 am on the following day.

2.1.3

Within the Queen Elizabeth Park prohibited area, the consumption or possession of liquor in a public place (including while in a vehicle), is prohibited at all times.

2.2

In addition to the prohibitions in 2.1, the Council by resolution may order a prohibition of alcohol consumption or possession of liquor (including while in a vehicle) or prohibit vehicles in a public place within the Masterton district for certain specified times and/or within certain specified public places and areas within the Masterton district. The prohibition must be notified in the appropriate 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.

3 COUNCIL PERMISSION

3.1

Any person may apply to the Council for prior written permission for any activity that would be in breach of any prohibition under this part of the Bylaw.

3.2

A special licence may be issued under the Sale of Liquor Act 1989 in respect of any location or event, and subject to the terms of that special licence will include waivers and dispensation according to those terms.

4 SIGNAGE

4.1

The Council will erect signage within public places covered by this Bylaw to provide information to the public on the terms of the Bylaw. The size, location and terms of this signage shall be at Council's discretion. To avoid any doubt, the absence of signage in any public place does not authorise breach of this part of the Bylaw.

5 OFFENCES

5.1

Everyone commits an offence who:

- a) Consumes or possesses any liquor in a public place in breach of a prohibition under this part of the Bylaw; and
- b) Breaches, or permits a breach of, the terms of any Council permission granted pursuant to clause 3 of this Bylaw.

6 POWERS TO AMEND BY RESOLUTION

6.1

The Council may from time to time by resolution publicly notified.

6.1.1

Amend or vary the hours or days when the consumption or possession of liquor is prohibited in a public place.

6.1.2

- a) Add schedules
- b) Make additions or deletions from the schedules
- c) Substitute new schedules

NOTE –

This Bylaw is introduced pursuant to the specific empowering provisions of the Local Government Act 2002 that provide for Bylaws for liquor control purposes. This Bylaw does not repeat or paraphrase those statutory provisions, and accordingly those provisions should be read in conjunction with this Bylaw. In particular, the following provisions are noted:

Section 147 empowers the Council to make this Bylaw. It also defines 'liquor' and 'public place'. In addition, section 147(3) sets out a number of specific exemptions when the Bylaw will not apply with respect to the transportation of unopened bottles or containers.

Section 169 provides the Police with powers of search and seizure, without warrant, to enforce the Bylaw. The Police are responsible for enforcing the Bylaw.

Section 170 sets out certain conditions imposed on the Police powers of search under section 169.

This Bylaw has no effect on any other Police powers of search, seizure and arrest or any other statutory offences.

Schedule 1 – Masterton Central Business District

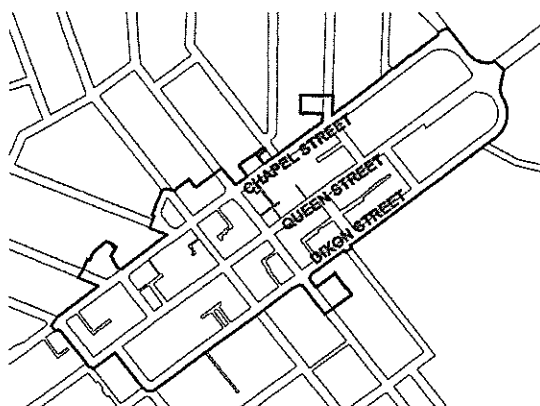
Schedule 2 – Queen Elizabeth Park Restricted Area

Schedule 3 – Queen Elizabeth Park Prohibited Area

FIRST SCHEDULE

Masterton Central Business District

- From and including Northern Roundabout
- Dixon Street from Northern Roundabout to Worksop Road Roundabout
- Worksop Road from Dixon Street to Queen Street
- Queen Street from Worksop Road to Renall Street
- Renall Street from Queen Street to Chapel Street including the Renall Street Roundabout
- Chapel Street from Renall Street to Northern Roundabout.
- In addition the public car parks of:
 - Church Street carpark and Church Street from the carpark to Dixon Street.
 - Wrigley Street carpark and Wrigley Street from carpark to Chapel Street
 - MDC carpark adjacent to McDonalds
 - MDC carpark adjacent to and behind MDC Building and including the sections of Lincoln Road and Perry Street to Chapel Street
 - Town Square carpark including the sections of Perry and Cole Streets to Chapel Street
 - Essex Street Carpark and Essex Street from the carpark to Chapel Street

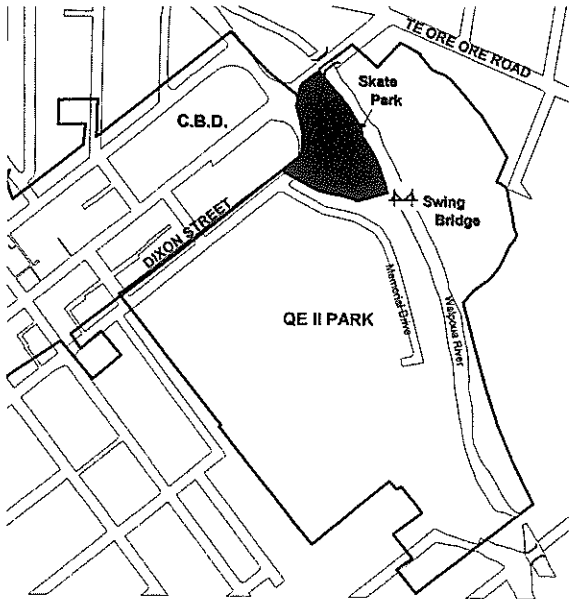


For the avoidance of doubt, this area includes the entire legal road reserve of the streets which form the boundary of the area specified above, up to the boundaries with adjoining properties and including the carriageway, berms and footpaths. Where the public place meets or is crossed by another road, the boundary of the public place shall be deemed to continue in an unbroken straight line across the other road.

SECOND SCHEDULE

Queen Elizabeth Park Restricted Area

Queen Elizabeth II Park including the Pioneer and Masterton Cemeteries, Sportsbowl, Deer Park, Waipoua River and banks and Jean Street sportsgrounds.



For the avoidance of doubt, this area includes the entire legal road reserve of the streets which form the boundary of the area specified above, up to the boundaries with adjoining properties and including the carriageway, berms and footpaths. Where the public place meets or is crossed by another road, the boundary of the public place shall be deemed to continue in an unbroken straight line across the other road.

THIRD SCHEDULE

Queen Elizabeth Park – Prohibited Area

Masterton Skate Park

- The area bounded by Dixon Street, Memorial Drive to the swing bridge, western bank of the Waipoua River from the swing bridge to the Waipoua Road Bridge.

For the avoidance of doubt, this area includes the entire legal road reserve of the streets which form the boundary of the area specified above, up to the boundaries with adjoining properties and including the carriageway, berms and footpaths. Where the public place meets or is crossed by another road, the boundary of the public place shall be deemed to continue in an unbroken straight line across the other road.



