

# WAIMAKARIRI DISTRICT ALCOHOL CONTROL BYLAW 2018

This Alcohol Control Bylaw 2018  
was adopted at a Council meeting held on  
4 September 2018



  
Chief Executive

  
Administration Manager



**October 2018**

# Waimakariri District Alcohol Control Bylaw 2018

## 1 General

### 1.1 Introduction

1.1.1 This Bylaw may be cited as the Waimakariri District Alcohol Control Bylaw 2018.

1.1.2 This Bylaw supersedes the Waimakariri District Liquor Ban Bylaw 2007 and comes into force on 1 October 2018.

1.1.3 This Bylaw is made by the Waimakariri District Council in exercise of the powers and authority vested in the Council by section 147 of the *Local Government Act 2002*.

1.1.4 The purpose of this Bylaw is to enhance safety and public enjoyment of public places by providing for alcohol controls in restricted public places, and for restricted periods and events.

1.1.5 Before making this Bylaw, Council was satisfied that those matters listed in section 147A(3) of the *Local Government Act 2002* apply.

### 1.2 Objectives

The objective of the Bylaw is to prohibit the possession and/or consumption of alcohol in restricted areas, thereby:

- (a) protecting the public from nuisance in public places
- (b) protecting, promoting and maintaining public health and safety in public places
- (c) minimising the potential for offensive behaviour in public places
- (d) minimising alcohol related harm.

### 1.3 Definitions

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

**Alcohol** has the meaning given by section 5(1) of the *Sale and Supply of Alcohol Act 2012*.

**Alcohol ban** means those restrictions outlined at clause 2.1 of this Bylaw, and as may be amended by clauses 2.2 and 2.3 of this Bylaw, which specify those public places and time periods whereby the consumption and possession of alcohol is restricted or banned, as well as those restrictions which may be imposed by Council in accordance with clause 3.1 of this Bylaw.

**Council** means the Waimakariri District Council.

**Licensed premises** has the meaning given by section 5(1) of the *Sale and Supply of Alcohol Act 2012*.

**Public notice** has the meaning given in section 5 of the *Local Government Act 2002*.

**Public place** has the same meaning provided in section 147 of the *Local Government Act 2002*, that is:

- (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.

For the avoidance of doubt this definition includes, but is not limited to, roads, footpaths, berms, parks, beaches and riverbanks.

**Restricted public place** is a public place Specified in this Bylaw at clause 2.1, and as may be amended by Council in accordance with clauses 2.2 and 2.3 of this Bylaw, or in a Council resolution passed in accordance with clause 3 of this Bylaw, and in respect of which an alcohol ban is imposed.

**Restricted period** is a time period designated in this Bylaw at clause 2.1, and as may be amended by Council in accordance with clauses 2.2 and 2.3 of this Bylaw, or in a Council resolution passed in accordance with clause 3 of this Bylaw, and in respect of which an alcohol ban is imposed.

**Time period** is a period of time, which may include days and specific dates and/or times of the day.

**Ashley Gorge** is as described in Schedule 1 of this Bylaw and outlined in the accompanying map of the area and marked [insert reference].

**Beach Settlements** is as described in Schedule 1 of this Bylaw and outlined in the accompanying map of the area and marked [insert reference].

**Kaiapoi town** is as described in Schedule 1 of this Bylaw and outlined in the accompanying map of the area and marked [insert reference].

**Rangiora town** is as described in Schedule 1 of this Bylaw and outlined in the accompanying map of the area and marked [insert reference].

**Woodend town** is as described in Schedule 1 of this Bylaw and outlined in the accompanying map of the area and marked [insert reference].

**Oxford** is as described in Schedule 1 of this Bylaw and outlined in the accompanying map of the area and marked [insert reference].

**Murphy Park Reserve** is as described in Schedule 1 of this Bylaw and outlined in the accompanying map of the area and marked [insert reference].

## 2 Designated alcohol bans

### 2.1 Alcohol bans specified in this Bylaw

No person shall possess or consume in, or bring alcohol into, the restricted public places and during the restricted time periods, as follows:

Area	Days and times
Ashley Gorge	7.00 pm 31 December to 3.00 am 1 January
Beach settlements	7.00 pm 31 December to 3.00 am 1 January
Kaiapoi town	24 hours, 365 days a year
Rangiora town	24 hours, 365 days a year
Woodend town	24 hours, 365 days a year
Oxford town	24 hours, 365 days a year
Murphy Park Reserve	24 hours, from 1 <sup>st</sup> April to 1 <sup>st</sup> September

### 2.2 Murphy Park Reserve specified periods

2.2.1 Council may amend, alter or remove the specified period in relation to the Murphy Park Reserve by resolution in accordance with sections 147B and 151 of the Local Government Act, and in consideration of the dates of the current year's Rugby and Rugby League season.

2.2.2 Any resolution made in accordance with clause 2.2.1 above will be publically notified.

### 2.3 Amendment to Bylaw

Council may remove, add to, or alter any of the listed restricted public places and may amend the restricted periods outlined at clause 2.1 of this Bylaw in accordance with section 156 of the *Local Government Act 2002*.

## 3 Designation of specified events and periods

3.1 In addition to those restrictions imposed in clause 2.1 of this Bylaw, Council may, by resolution in accordance with sections 147B and 151 of the *Local Government Act 2002*, restrict the bringing, consumption and possession of alcohol

3.1.1 in a public place and during a time period; and

3.1.2 for a public event, function or gathering in a public place.

3.2 Any resolution made in accordance with clause 3.1 of this Bylaw, will be notified by public notice.

## **4 Vehicles**

- 4.1** No person may consume or possess alcohol in any vehicle while in any restricted public place and during any restricted time period as designated under clause 2.1 of this Bylaw or by resolution under clause 3.1 of this Bylaw, save for those exceptions outlined at clause 6 of this Bylaw.

## **5 Offences and penalties**

A person who commits a breach of this Bylaw commits an infringement offence under section 239A of the *Local Government Act 2002* and may be liable for an infringement fee.

## **6 Exceptions**

- 6.1** This Bylaw does not prohibit, regulate or control, in the case of alcohol in an unopened bottle or other unopened container:
- (a) the transport of the alcohol from licensed premises next to a public place, if –
    - (i) it was lawfully bought on those premises for consumption off those premises; and
    - (ii) it is promptly removed from the public place; or
  - (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
  - (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
  - (d) the transport of the alcohol from premises next to a public place to a place outside the public place if –
    - (i) the transport is undertaken by a resident of those premises; and
    - (ii) the alcohol is promptly removed from the public place.
- 6.2** This Bylaw does not apply to those registered campsites at the Beach Settlements and those registered camp sites at Ashley Gorge.

## **7 Powers of New Zealand Police**

- 7.1** In accordance with section 169 of the *Local Government Act*, a constable of the New Zealand Police may, without warrant, for the purpose of ascertaining whether alcohol is present, search a container in the possession of a person who is in, or entering a restricted public place and during a restricted period, or a vehicle that is in, or entering, a restricted public place and during a restricted period.

**7.2** A constable may without warrant also:

**7.2.1** Seize and remove any alcohol, and its container, that is in breach of an alcohol ban;

**7.2.2** Arrest any person whom the constable finds committing an offence under this Bylaw;

**7.2.3** Arrest any person who has refused to comply with a request by a constable –

(i) To leave a restricted public place;

(ii) To surrender to a constable any alcohol that, in breach of an alcohol ban, is in the person's possession.

**7.3** Before exercising such power outlined at clauses 7.1 and 7.2 of this Bylaw, the member of the New Zealand Police must –

**7.3.1** 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 restricted public place;

**7.3.2** provide the person with a reasonable opportunity to remove the container or the vehicle as the case may be, from the restricted public place.

## **8 Signage**

**8.1** Where reasonable, signage will be erected within the restricted public places to provide information to the public on the alcohol bans.

**8.2** To avoid any doubt, the absence of any signage in a restricted public place does not authorize breach of this Bylaw.

## **9 Revocation**

The following Bylaw is hereby revoked: Liquor Ban Bylaw 2007 (December 2007)

## **10 Review of Bylaw**

This Bylaw shall be reviewed by 1 October 2023.

This Bylaw can be reviewed at any other time before that date at the discretion of the Council.

## Schedule 1: Alcohol Ban Areas and Maps

**ASHLEY GORGE** means the public area known as the Ashley Gorge Reserve including the picnic area and camping ground from its entrance on Ashley Gorge Road and including the banks and waterways of the Ashley River/Rakahuri which adjoins the picnic area and including all roadways within the Reserve, but excludes camp sites and such buildings as may be designated by the camping ground caretaker.

**BEACH SETTLEMENTS** means the public areas (parks, reserves, etc) plantations, beaches, lagoons and roadways bounded by the Waimakariri River in the south, the Ashley River/Rakahuri in the north, the low water mark on all the beach frontage between those points and east from the intersection of Waikuku Beach Road with Kings Avenue and Preece Road, Waikuku, extending in a straight line to the corner of Woodend Beach Road where it intersects with Stalkers Road, Woodend Beach, and intersections of Beach Road, Featherstone Avenue and Dunns Avenue at Pines Kairaki and continuing in a straight line from there to the Waimakariri River.

The ban applies to all roadways within the motor camps of Waikuku, Woodend Beach and Pines Kairaki, but excludes the registered campsites

**KAIAPOI TOWN** means Kaiapoi town centre from the intersection of Courtenay Drive and Williams St., north to the intersection of Williams St and Sewell St. Charles St river bank from the Mandeville Bridge east to Jones St., including Trousselot Park, Morgan Williams Reserve, Tom Ayers Reserve and that part of Corcoran Reserve that contains the skateboard park. Raven Quay from Black St east including the Memorial Reserve and across Williams St. to the east end of the Cure Boating Club. Black St from Raven Quay to Hilton St. The public car park between Raven Quay and Hilton St east of Williams St. Ohoka Rd from Williams St east to Stone St. Stone St. Courtenay Drive from Williams St to Kaikanui St. Kaikanui St. Carew St from Williams St to Hills St.

**OXFORD** means Main St from High St to Mill Rd. High St from Main St to Church St. Transport Lane. Church St. Bay Rd from Church St to Main St. Dohrmans Rd. Showgate Drive. Meyer Place. Pearson Park. Oxford Pool car park. Oxford Town Hall car park. Oxford Pavilion, Oxford Jaycee Hall, and Oxford Museum carparks. Oxford Service Centre car park. Burnett St Reserve. Reids Lane Reserve. Thornton Estate Reserve. Rimu Place Reserve. Matai Place Reserve. Oxford Skate Park. Meyer Place Gardens, Barracks Road Reserve, West Oxford Reserve and Oxford Cemetery Reserve.

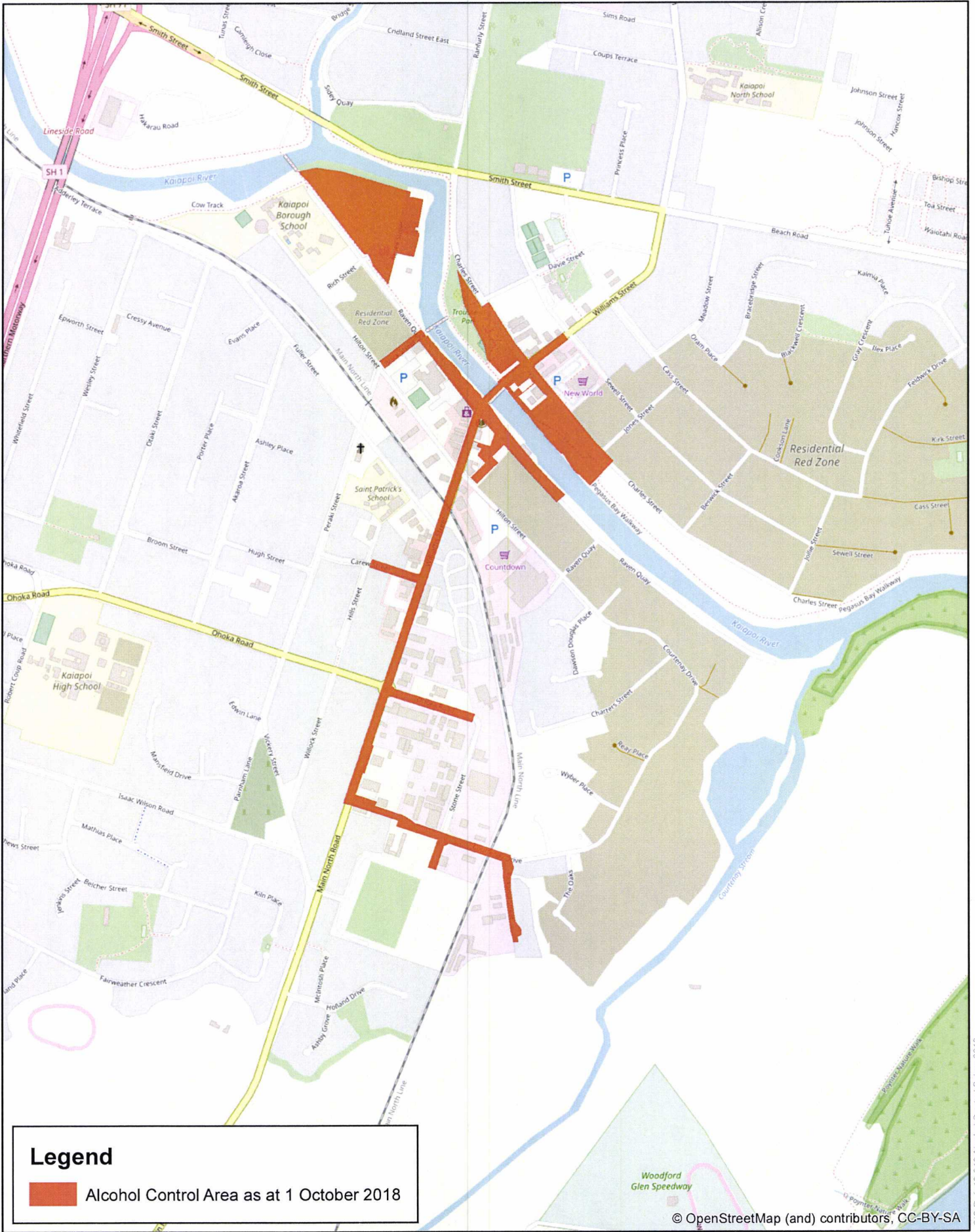
**RANGIORA TOWN** means Rangiora town centre from the intersection of High Street and Church Street east to the railway line, Ivory Street from High Street to Cone Street, Cone Street Alfred Street from Ivory Street to Percival Street, Victoria Street from Queen to High Street, Percival Street from Queen Street to High Street, King Street from Queen Street to Blackett Street, Church Street from Dudley Pool to High School, the car parking area behind the library and Rangiora Service Centre, Durham Street from High Street to Blackett Street, Blake Street, the Blake Street public car park. Good Street to Blackett Street to High Street, the service lane behind New World supermarket and the public carpark to the east of New World, Ashley Street from High Street to Blackett Street, Blackett Street from Ashley Street to Durham Street, Burt Street, Albert Street from High Street to Burt Street. Allen Reserve, Ashley Picnic Area, Ashgove Park, Ballarat Reserve, Bells Siding, Bridget Lane Reserve, Bush St Reserve, Chelsea Court Reserve, Dudley Park, Elephant Park, Elm St Reserve, Good St Reserve, Green St Walkway, Grove Place Reserve, Hazeldean Reserve, Janelle Place Reserve, Kowhai Ave Reserve, Kippenberger War Memorial Reserve, Lilybrook Reserve, Manchester Place Reserve, Maria Andrews Park, Matawai Park, Neil Aitken

Reserve, Newnham St Reserve, Northbrook Wetlands Reserve, Oak Tree Reserve, Oxford Line Reserve, Parkhouse Reserve, Rangiora Recreation Ground, Regent Park, Rickton Place Reserve, River Rd Reserve, Southbrook Park, Town Hall Reserve, Town Hall car park, Victoria Park, Ward Park.

**WOODEND TOWN** means Main North Rd from the junction with Te Pouapatuki Rd north to Chinnerys Rd. Rangiora Woodend Rd from the Main North Rd to School Rd. School Rd. Owen Stalker Park and the Recreation Ground. The Community Centre grounds. Grange View Reserve.

**MURPHY PARK RESERVE** means the area of reserve bounded to the north by the Kaiapoi River and west by Raven Quay and up to but not including the area south east of the reserve that contains the Kaiapoi Croquet Club and the Kaiapoi Boat Club Reserve.



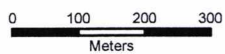


**Permanent Alcohol Control in Public Areas**

**Kaiapoi**

Date: 31/08/2018

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 Original Size - A4



GIS Ref: 18-0113 Alcohol Control Bylaw 2018



### Permanent Alcohol Control in Public Areas

# Oxford

Date: 31/08/2018

**DISCLAIMER**

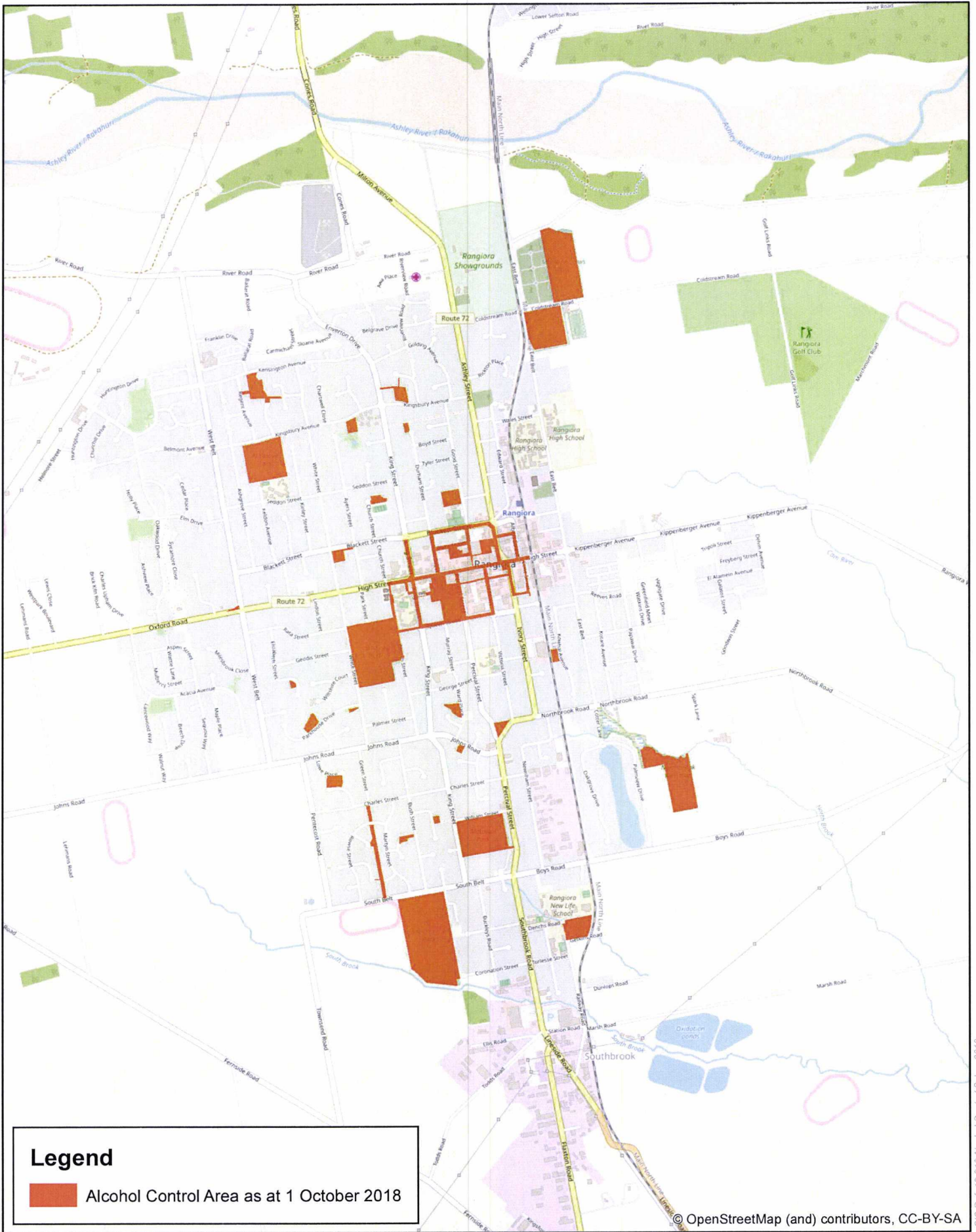
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0 160 320 480  
Meters

Scale 1:18000  
Original Size - A4





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### Permanent Alcohol Control in Public Areas

# Rangiora

Date: 31/08/2018



0 230 460 690  
Meters

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Original Size - A4

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**WAIMAKARIRI**  
DISTRICT COUNCIL



**Legend**

 Alcohol Control Area as at 1 October 2018

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**Permanent Alcohol Control in Public Areas**

**Woodend**

Date: 31/08/2018

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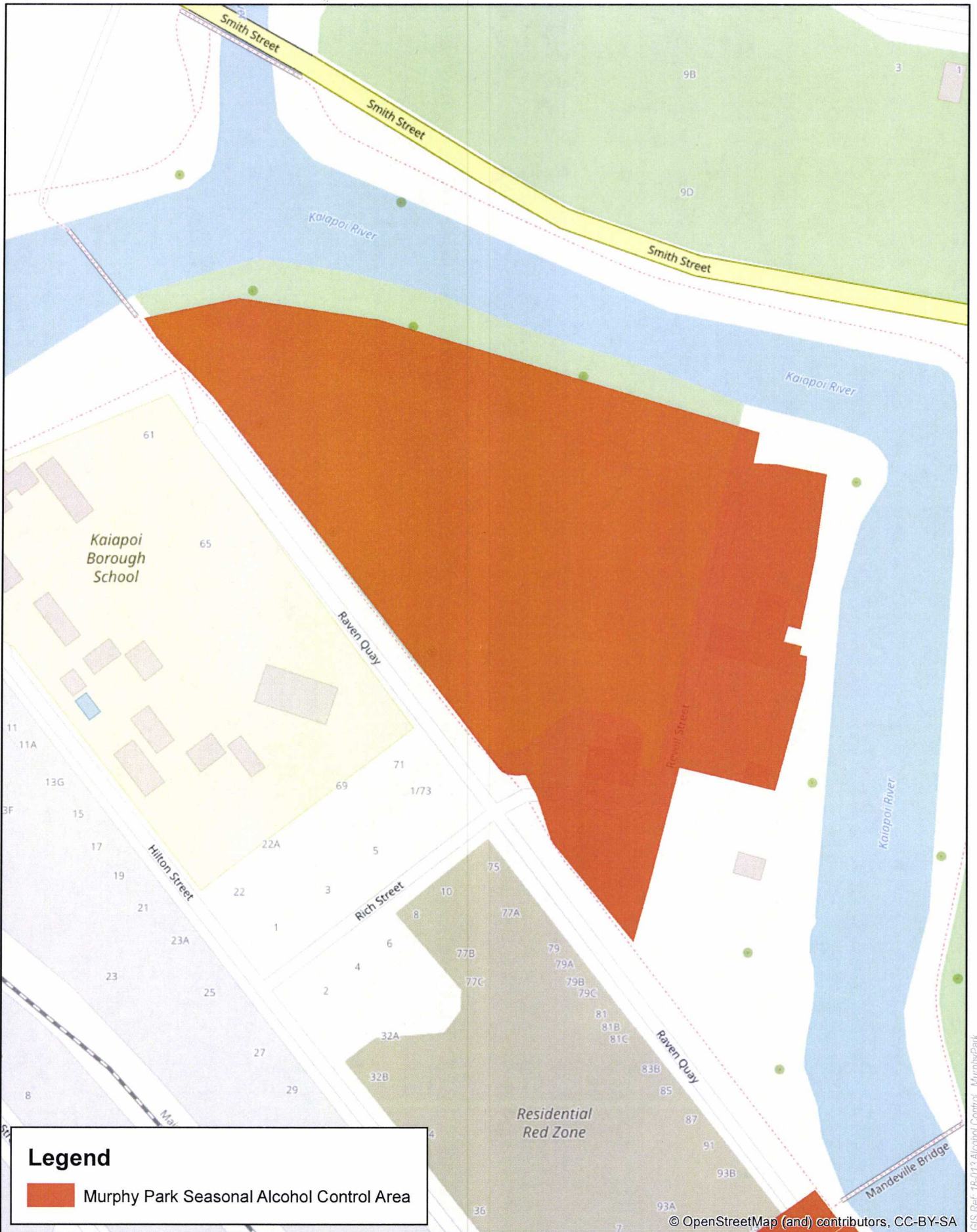


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**WAIMAKARIRI**  
DISTRICT COUNCIL



## Seasonal Alcohol Control in Public Areas

Date: 22/08/2018

# Murphy Park

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Scale 1:2000  
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GIS Ref: 18-013 Alcohol Control\_MurphyPark