

Buller District Council Banning of Liquor in Public Places Bylaw  
Special Order

## **BANNING OF LIQUOR IN PUBLIC PLACES BYLAW 2005**

### **1.0 Bylaw**

- 1.1 This bylaw shall be known as the Banning of Liquor in Public Places Bylaw 2005.
- 1.2 This bylaw shall come into force on 7 November 2005.
- 1.3 The amendments to this bylaw shall come into force on 8 October 2007.
- 1.4 Further amendments to this bylaw shall come into force on 6 October 2008.

### **2.0 Interpretation**

**Council** means the Buller District Council.

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

**Public Place** –

a. means a place –

(i) that is under the control of the territorial authority; and

- (ii) this is open to, or being used by, the public, whether or not there is a charge for admission; and
- b. includes –
  - (i) a road, whether or not the road is under the control of a territorial authority; and
  - (ii) any part of a public place.
- c. In respect of powers of arrest, search, and seizure, public place means a public place as defined in a. and b. in respect of which there is a bylaw prohibiting –
  - (i) the consumption and/or possession of liquor in, or the bringing of liquor into, that place; or
  - (ii) in conjunction with a prohibition relating to liquor, the presence or use of a vehicle in that place.

**Reefton Central Business District Area** includes all of the streets and footpaths along Broadway between its intersections with Kelly and Bridge Streets, and along Smith Street between its intersections with Broadway and Buller Road, and is the area described in Schedule 1 of this bylaw.

**Reefton Roller Park Area** is the area described in Schedule 1 of this bylaw.

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

**Vehicle –**

- a. Has the meaning given to it in Section 2 of the Land Transport Act 1998; but
- b. Does not include an ambulance, fire engine or police vehicle.

**Victoria Square Area** includes the whole of Victoria Square, Westport including the streets and footpaths of Peel, Brougham, Lyndhurst and Russell Streets surrounding Victoria Square and is the area described in Schedule 1 of this bylaw.

**Westport Central Business District Areas** includes all of the streets and footpaths contained within an area bounded by Palmerston, Russell, Cobden and Fonblanque Streets, including parts of streets within that area of Pakington, Henley, Lyndhurst, Brougham, Wakefield and Rintoul Streets shown in Schedule 1 of this bylaw.

**3.0 Liquor Ban**

3.1 No person shall at any time:

- (a) Consume liquor in;
- (b) Bring liquor into; or
- (c) Possess liquor in,

the Reefton Roller Park Area or the Victoria Square Area or the Westport Central Business District Area or the Reefton Central Business District Area.

3.2 No person shall:

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

a Public Place specified in a resolution of the council under Clause 4.1 of this bylaw at any time during the period specified in the resolution, except pursuant to a written permit from the Council.

#### **4.0 Liquor Ban – Other Public Places**

4.1 The Council may from time to time, by resolution, prohibit either generally or for one or more specified periods:

- (a) The consumption of liquor in;
- (b) The bringing of liquor into;
- (c) The possession of liquor in,

any Public Place. The prohibition must be publicly notified in a daily newspaper circulating in the Buller District.

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

#### **5.0 Exceptions**

5.1 This bylaw does not prohibit, in the case of liquor in an unopened bottle or other unopened container –

- a. The transport of that liquor from premises that adjoin a public place during any period when, under the Sale of Liquor Act 1989, it is lawful to sell liquor on those premises for consumption off the premises, provided the liquor is promptly removed from the public place;
- b. The transport of that liquor from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989;
- c. The transport of that liquor 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 liquor is promptly removed from the public place.

## 5.2 **Permanent Exceptions**

5.3 This bylaw shall not apply to the use of Victoria Square for the following sporting events:

- Annual Buller Gorge Marathon
- National Senior Representative Rugby Fixtures

## 6.0 **Conditions Relating to Power of Search**

6.1 A member of the police is authorised to exercise the power of search under Sec 170(2) of the Act on specified dates or in relation to specified events notified by the Council under Sec 170(3) of the Act.

## **SCHEDULE I**

### **Specified Places**

#### 1. Reefton Roller Park Area

All public places, including streets, service lanes, lanes, footpaths, reserves, parks and carparks within the area listed in this Schedule and described as the Reefton Roller Park Area which includes an area encompassed by:

The area bounded by a line between the intersection of Smith Street and The Strand extending east to incorporate part of Walsh Street where it intersects Broadway extending east to incorporate part of Bridge Street where it intersects with Broadway, south across part of the sports field through a line between the Fir trees and actual skatepark to the Inangahua River, west along the northern most bank of the Inangahua River to intersect with an extended line to Smith Street and as shown on the map below Area 1.

#### 2. Victoria Square Area

All public places including grassed area, footpaths, carparking, play areas within the area listed in this Schedule and described as the Westport Skatepark, children's playground, former bowling green, White Star Rugby Club, Passive Garden, Croquet Green which includes an area encompassed by:

Peel, Brougham, Lyndhurst, and Russell Streets and as shown on the map below as Area 2.

### 3. Westport Central Business District

All public places including streets, verges, footpaths, and carpark areas encompassed by:

Palmerston and Russell Streets from Cobden to Fonblanque Streets, including parts of streets within that area of Pakington, Henley, Lyndhurst, Brougham, Wakefield and Rintoul Streets and as shown on the map below as Area 3.

### 4. Reefton Central Business District Area

All public places including streets, verges, footpaths and carpark areas along Broadway between its intersections with Kelly and Bridge Streets, and along Smith Street between its intersections with Broadway and Buller Road, and as shown on the map below as Area 4.

Maps of all areas are attached.