

ALCOHOL CONTROL BYLAW 2018

PART 1

INTRODUCTION

1. TITLE

1.1 This bylaw is the Porirua City Council Alcohol Control Bylaw 2018.

2. COMMENCEMENT

2.1 This bylaw comes into force on 19 December 2018.

3. PURPOSE

3.1 The purpose of this bylaw is to control the consumption or possession of alcohol in public places to reduce alcohol related harm.

4. DEFINITIONS

4.1 In this bylaw, unless the context requires otherwise:

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

Alcohol Ban means a restriction on the consumption, bringing into or possession of alcohol in certain public places, that is either permanent or for a specified period.

Council means the Porirua City Council, or any person delegated to act on its behalf.

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

Person includes an individual, a corporation, a body corporate, and an unincorporated body.

Premises means any separately occupied land, building, or part of the same.

Public Place has the meaning given by section 147 of the Local Government Act 2002.

Vehicle means any contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes a trailer.

PART 2 CONTROL OF ALCOHOL

5. ALCOHOL BANS

- 5.1 A person is prohibited from consuming, bringing into, or possessing alcohol in any public place (including in a vehicle) where an Alcohol Ban is in place.
- 5.2 An Alcohol Ban does not apply to alcohol in an unopened container where:
- (a) it is being transported from licensed premises if it was lawfully bought on those premises for consumption off the premises and is promptly removed from the alcohol ban area; or
 - (b) it is being transported for delivery to licensed premises; or
 - (c) it is being transported to premises by, or for delivery to, a resident of the premises or by his or her bona fide visitors; or
 - (d) it is being transported from premises to a place outside the alcohol ban by a resident of those premises and promptly removed from alcohol ban area.
- 5.3 The Alcohol Bans established by this bylaw are described in **Schedule 1**.

6. MAKING ALCOHOL BANS

- 6.1 The Council may make an Alcohol Ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the consumption, bringing into, or possession of alcohol in public places (including in a vehicle).
- 6.2 The Council must, before making an Alcohol Ban:
- (a) be satisfied that the Alcohol Ban gives effect to the purpose of the bylaw; and
 - (b) complies with the decision-making requirements and relevant criteria under Subpart 1 of Part 6 of the Local Government Act 2002.
- 6.3 The Council must consider and specify the area and times that an Alcohol Ban will apply by resolution, which is to be publicly notified.
- 6.4 The Council must consider and specify whether an Alcohol Ban made under clause 6.1 will be permanent or temporary.
- 6.5 An Alcohol Ban may be amended or revoked at any time via Council resolution publicly notified and where the changes are minor or to correct errors in the bylaw.

7. ALCOHOL BAN SIGNAGE

- 7.1 The Council must display Alcohol Ban signage that informs the public of the existence, boundaries and application of any Alcohol Ban.
- 7.2 The absence of any signage about an Alcohol Ban is not a defence against a breach of this bylaw.

PART 3 COMPLIANCE

8. EXEMPTIONS

- 8.1 This bylaw does not apply to areas (including public places) or activities that are covered by a licence issued under the Sale and Supply of Alcohol Act 2012, including (but not limited to):

- a) any public place which forms part of a licensed premises' outdoor area, where permission to occupy that area has been granted by Council;
- b) the carrying of alcohol directly between two different parts of a licenced premises across a public place which separates the licensed premises;
- c) any public place that is subject to a special licence, for the term of that licence.

8.2 Any person can apply in writing to Council for an exemption to this bylaw.

9. ENFORCEMENT

- 9.1 Breaches of this bylaw are enforced by the Police who are empowered to:
 - a) search any vehicle or container (for example, a parcel, package, bag or case) within, or entering, an Alcohol Ban area;
 - b) Seize or remove alcohol and any container in breach of this bylaw;
 - c) Issue an infringement notice for any breach of this bylaw and impose an infringement fee; and
 - e) Arrest any person who refuses to comply with this bylaw.
- 9.2 Every person who breaches this bylaw is liable to a penalty under the Local Government Act 2002.
- 9.3 An infringement fee for breaching an Alcohol Ban is provided under the Local Government (Alcohol Ban Breaches) Regulation 2013.

SCHEDULE 1

ALCOHOL BAN AREAS

Titahi Bay Beach

This area has an alcohol ban between 5.00pm on one day and 7.00am the following day, all days of the week.



Print Date: 29/05/18



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Appendix 1: Titahi Bay Beach

The information displayed in the GIS has been taken from Porirua City Council's databases and maps. Digital cadastral data supplied by Corix and sourced from LINZ CRS. CROWN COPYRIGHT RESERVED. Aerials flown 2016

50 25 0 50 Metres

This area has an alcohol ban between 5.00pm on one day and 7.00am the following day, all days of the week.



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Ngāti Toa Domain

This area has an alcohol ban between 5.00pm on one day and 7.00am the following day, all days of the week.



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Appendix 3: Ngāti Toa Domain

The information displayed in the GIS has been taken from Porirua City Council's databases and maps. Digital cadastral data supplied by Coru and sourced from LINZ CRS. CROWN COPYRIGHT RESERVED. Aerials flown 2016.

50 25 0 50 Metres

Plimmerton Beaches

This area has an alcohol ban between 5.00pm on one day and 7.00am the following day, all days of the week.



Print Date: 29/05/18



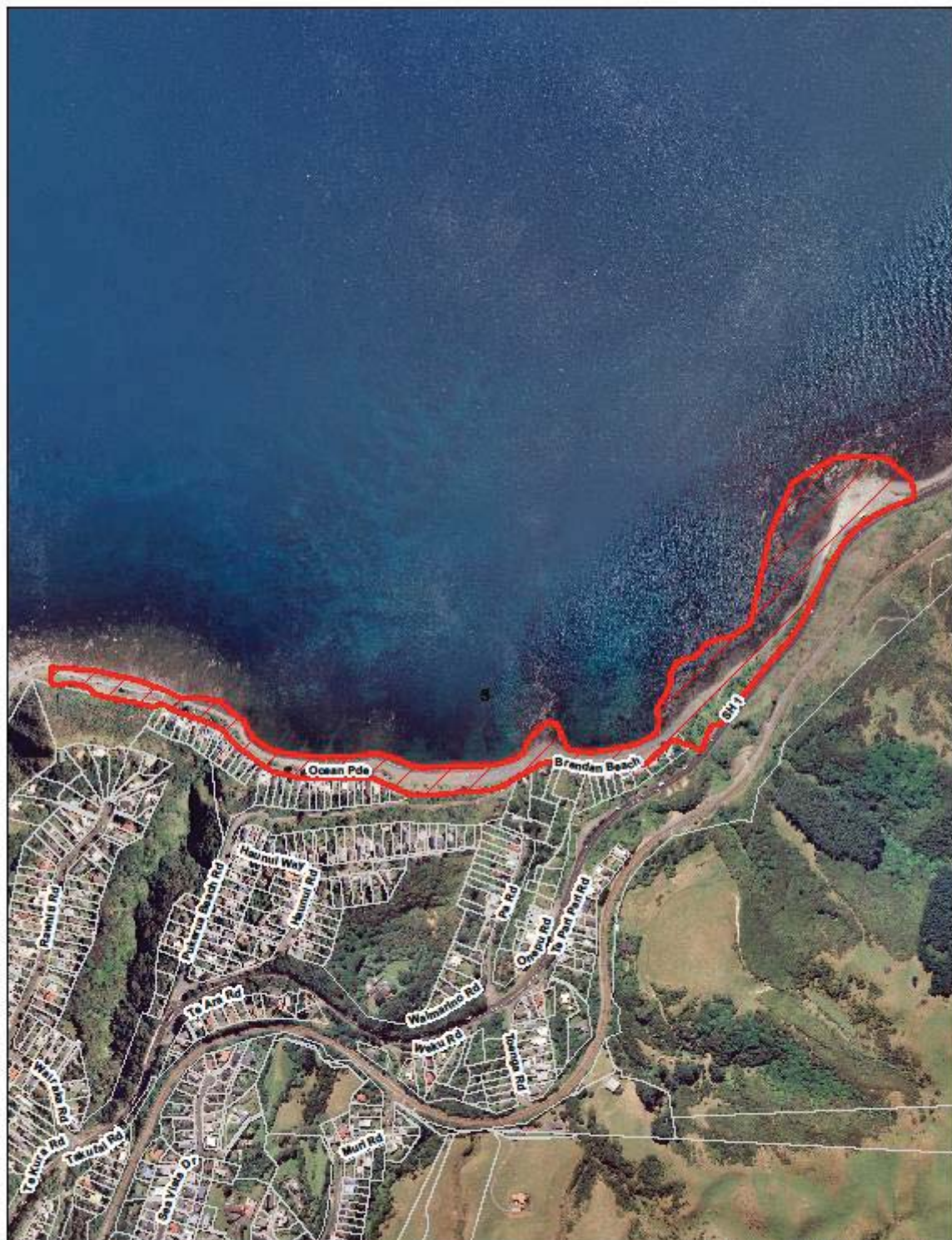
Appendix 4 Plimmerton Beaches

The information displayed in the GIS has been taken from Porirua City Council's databases and maps. Digital cadastral data supplied by Corix and sourced from LINZ CRS. CROWN COPYRIGHT RESERVED. Aerials flown 2016.

5025 0 50 Metres

Pukerua Bay Beach

This area has an alcohol ban between 5.00pm on one day and 7.00am the following day, all days of the week.



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Appendix 5 Pukerua Bay Beach

The information displayed in the GIS has been taken from Porirua City Council's databases and maps. Digital cadastral data supplied by Corin and sourced from LINZ CRS. CROWN COPYRIGHT RESERVED. Aerials from 2016.

5025 0 50 Metres

The Porirua CBD has a permanent alcohol ban (24 hours, 7 days a week, 365 days a year).



Cannons Creek Business District

This area has a permanent alcohol ban (24 hours, 7 days a week, 365 days a year).



Titahi Bay Shopping Centre

This area has a permanent alcohol ban (24 hours, 7 days a week, 365 days a year).



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Liquor Ban Areas

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Appendix 8: Titahi Bay Shopping Centre

The information displayed in the GIS has been taken from Porirua City Council's databases and maps. Digital cadastral data supplied by Coru and sourced from LINZ CRS. CROWN COPYRIGHT RESERVED Aerials flown 2016

50 25 0 50 Metres

Ranui

This area has a permanent alcohol ban (24 hours, 7 days a week, 365 days a year).



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Liquor Ban Areas

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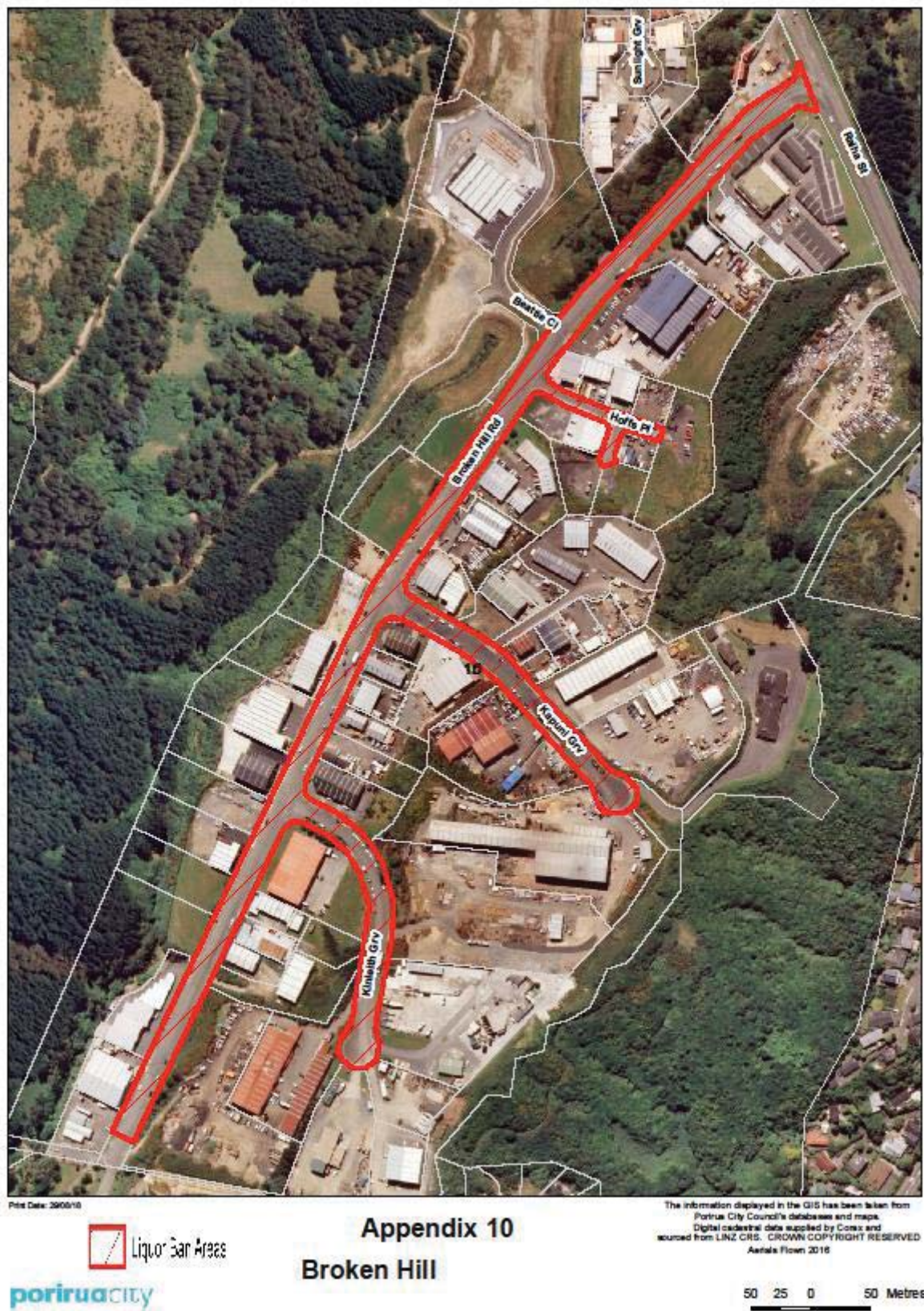
Appendix 9: Rānui

The information displayed in the GIS has been taken from Porirua City Council's databases and maps. Digital cadastral data supplied by Coru and sourced from LINZ CRS. CROWN COPYRIGHT RESERVED. Aerials flown 2018.

50 25 0 50 Metres

Broken Hill

This area has a permanent alcohol ban (24 hours, 7 days a week, 365 days a year).



Calliope Crescent Playground

This area has a permanent alcohol ban (24 hours, 7 days a week, 365 days a year).



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Appendix 11 Calliope Crescent Playground

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50 25

Waitangirua

This area has a permanent alcohol ban (24 hours, 7 days a week, 365 days a year).



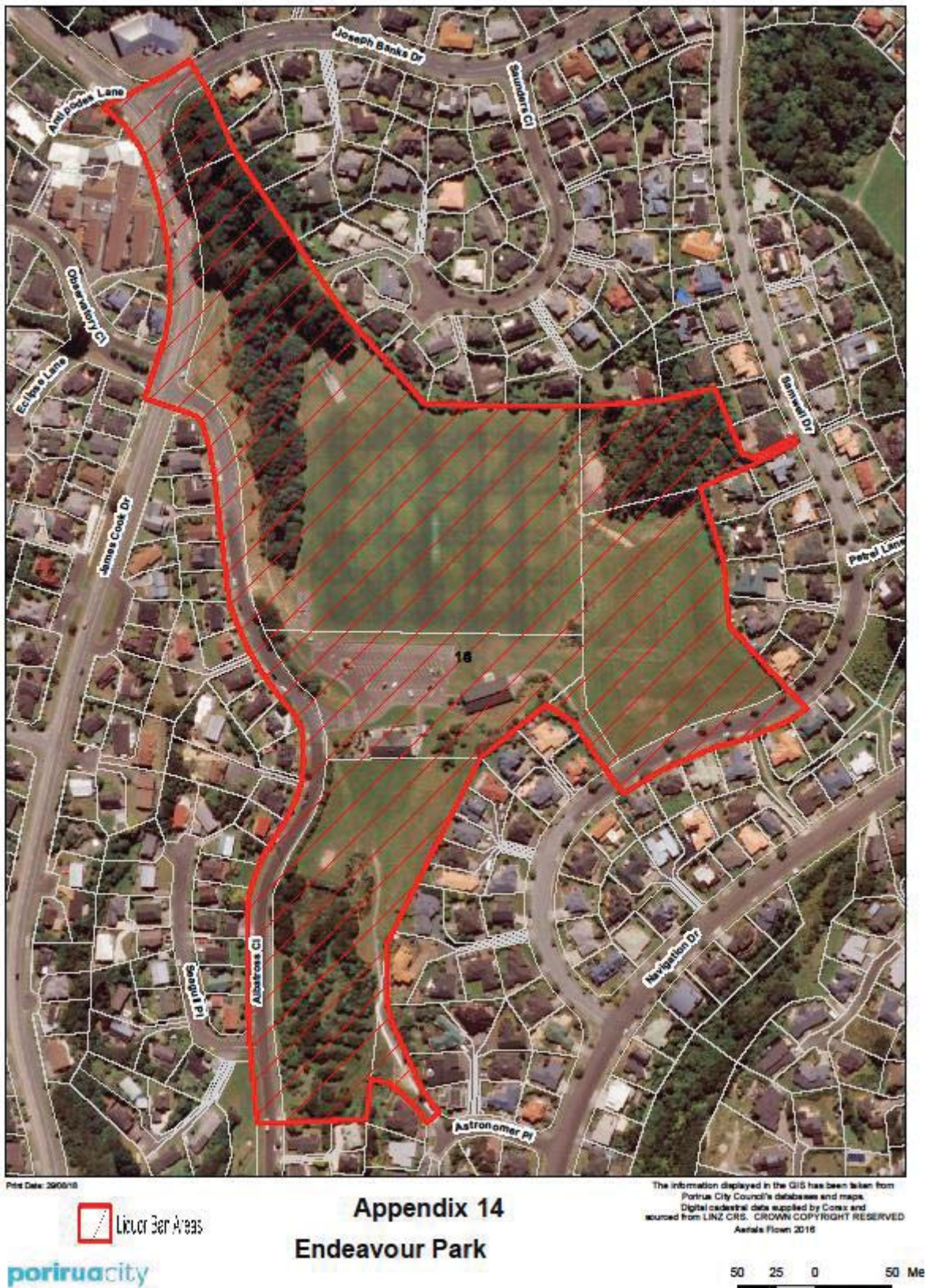
Whitby Adventure Parks and Lakes

This area has a permanent alcohol ban (24 hours, 7 days a week, 365 days a year).



Endeavour Park

This area has a permanent alcohol ban (24 hours, 7 days a week, 365 days a year).



Baxters Rise

This area has a permanent alcohol ban (24 hours, 7 days a week, 365 days a year).

