

Attachment 2– Current Public Places Liquor Control Bylaw 2003

FAR NORTH DISTRICT COUNCIL PUBLIC PLACES LIQUOR CONTROL BYLAW 2003

In pursuance of the powers contained in the Local Government Act 2002, and any other authority enabling the Council in that behalf, the Far North District Council hereby resolves to make the following Bylaw:

1. SHORT TITLE AND COMMENCEMENT

This Bylaw shall be known as “**The Far North District Council Public Places Liquor Control Bylaw 2003**” and shall come into force on 1st December 2003

2. SCOPE

The Bylaw is made under the authority of Section 147 of the Local Government Act 2002

The purpose of this bylaw is to enhance public safety and to minimise the potential for offensive behaviour in public places, by providing for liquor control in specified public areas to reduce the incidence of alcohol related offences of a violent and/or destructive nature

3. DEFINITIONS

In this Bylaw, if not inconsistent with the context, -

COUNCIL means the Far North District Council

LIQUOR means liquor as defined in the Sale of Liquor Act 1989;

OFFENCE means an offence under Section 239 of the Local Government Act 2002, that is a breach of this bylaw prohibiting the consumption or possession or both of liquor in, or the bringing of liquor into, a public place

PUBLIC PLACE means a place:

- (a) (i) that is under the control of the Far North District Council
(ii) that 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 the Far North District Council
 - (ii) any part of a public place

SPECIFIED PUBLIC PLACE means any public place that is within an area described in the Schedule to this Bylaw, and/or any place so specified for a particular event or time under section 5 of this bylaw

4. ACTS PROHIBITED IN SPECIFIED PUBLIC PLACES WITHIN THE FAR NORTH DISTRICT

The following acts are prohibited:

- The consumption of liquor in or at any Specified Public Place;
- The bringing of liquor into any Specified Public Place

- The possession of liquor in or at any Specified Public Place, including but not limited to liquor in a container such as a bag, parcel or package, or liquor in or on a vehicle

5. DESIGNATION OF SPECIFIED PUBLIC PLACES

Specified public places are described in the Schedule to this bylaw. From time to time, additional areas may be designated as a Specified Public Place for particular time periods, related to specified events or times of the year. Council may declare such additional areas by resolution as provided for in s151(2) of the Local Government Act 2002. Where additional areas are so designated, a minimum of 14 days public notice shall be given specifying the additional areas, and the period when the specification applies. Public notices shall also be affixed in or adjacent to the additional specified public place(s) at such times.

With respect to such additional areas, and specified dates or in relation to specified events, the Council authorises the Police to exercise powers of search described in s170(2) of the Local Government Act 2002. These powers are described in the Explanatory Notes to this Bylaw.

6. EXCEPTIONS TO PROHIBITION FOR RESIDENTS AND THEIR VISITORS

Prohibitions in this Bylaw do not apply, in the case of liquor in an **unopened** bottle or other **unopened** container, to the direct transport of that liquor from outside a public place to premises that adjoin the Specified Public Place –

- a. by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
- b. from those premises to a place outside the Specified Public Place by a resident of those premises or his or her bona fide visitors, provided the liquor is promptly removed from the Specified Public Place.

7. EXCEPTIONS TO PROHIBITION FOR LICENSED PREMISES

Prohibitions in this Bylaw do not apply, –

- a. In the case of an unopened bottle or other unopened container to the transport of that liquor from premises that adjoin a Specified 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 Specified Public Place;
- b. In the case of an unopened bottle or other unopened container to the transport of that liquor from outside a Specified Public Place for delivery to premises that adjoin the Specified Public Place, provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989;

- c. The possession and/or consumption of liquor at any premises within the Specified Public Place in compliance with a license for the sale and/or consumption of liquor under the Sale of Liquor Act 1989, including footpath areas that are licensed as part of those premises and are clearly defined by the placement of tables and chairs outside those premises

This bylaw is in addition to and does not derogate from the provisions of any other bylaw of Council purporting to deal with the control of liquor in any place under the control of Council

The foregoing Bylaw was duly made by the Far North District Council by a resolution passed on the 21st November 2003 The said Far North District Council Public Places Liquor Control Bylaw 2003 takes effect on the 1st December 2003

The Common Seal of the
FAR NORTH DISTRICT COUNCIL
was hereunto affixed in the
presence of:

_____*Mayor*

_____*Chief Executive*

EXPLANATORY NOTES TO THE BYLAW

OFFENCE

Any person who acts in breach of this Bylaw commits an offence and is liable upon summary conviction to a fine, as provided for under the Local Government Act 2002, which specifies a fine not exceeding \$20,000

POLICE POWERS

Police powers of arrest, search and seizure under this bylaw are clearly defined in sections 169 and 170 of the Local Government Act 2002

In summary, where a person is found to be in breach of this Bylaw, the liquor would be subject to seizure, and forfeit to the Crown if the person is convicted of breaching the bylaw. A person could be arrested if found to be committing an offence under this bylaw, or refusing to leave the area, or refusing to surrender the liquor.

No warrant is required for the police to conduct a search to ascertain whether liquor is present in a container or vehicle that is in or entering the public place. However, prior to exercising the power of search, a person must be informed that they have the opportunity to promptly remove the container or vehicle from the specified public place, and be given a reasonable opportunity to do so.

It should be noted that Section 170 (2) of the Act empowers Police, on specified dates or in relation to specified events, such as may be resolved and notified by Council under clause 5 of the Bylaw, to immediately and without further notice exercise the power to search a container or vehicle. Express authority is required, under s170(4) of the Act, to be given to Police, and such authority is given to Police under Clause 5 of the Bylaw.

Interpretation note:

In circumstances where a person so informed has removed liquor from a public place, and subsequently returns with liquor to that public place within a period when it could reasonably be deemed that the person has been informed prior to search, the police shall **not** be required to provide the person with a further opportunity to remove the liquor from the specified public place prior to search.

SCHEDULE TO LIQUOR CONTROL BYLAW

SPECIFIED PUBLIC PLACE

Any place or part of a place that is under the control of territorial authority, which is open to or used by the public, whether or not a charge for admission applies, and any road, within the area bounded by, and inclusive of:

NORTHERN WARD

1. KAITAIA and AHIPARA

For twenty four (24) hours a day, seven (7) days a week, throughout the period from 1st January to 31st December in every year.

At the following locations:-

Kaitaia

- South Road from Matthews Ave to Commerce St
- Commerce St from South Rd to Te Reinga St
- Matthews Ave from South Rd to Junction with North Rd
- Te Reinga St from Commerce St to Pukepoto Rd
- Puckey Ave from Pukepoto Rd St to Bank St
- Bank St from Commerce St to Puckey Ave
- Melba St from Commerce St to Matthews Ave
- Taaffe St from Commerce St to Puckey Ave
- Empire St from Commerce St to Matthews Ave
- Blencowe St from Commerce St to Puckey Ave
- The service lane between Puckey Ave and Commerce St from Te Reinga St to Bank St
- Ward St between Allan Bell Drive and Matthews Ave
- Redan Rd from the Commerce St intersection to the First Bridge
- Centennial Park
- Redan Road car park, corner Redan Rd and Commerce Street
- The Melba St property incorporating the public toilets, the library building and the monument
- Public footpath from Bank Street, under Redan Rd bridge to Oxford Street
- North Park Drive
- North Rd, from North Park Drive to junction with Pukepoto Rd
- Milky Way
- Donald Lane
- Donald Rd to Hillcrest Rd
- All of Allen Bell Drive
- Nola Place
- Terry Crescent
- Parkdale Crescent
- Kitchener Street
- Dunn Street
- Empire Street
- Ward Street Ward
- Lane Davis Street

- Mary Ann Place
- Matilda Place
- Kohuhu Street
- Taupata Place
- Watts Street
- Grigg Street
- Sydann Place
- Jamieson Street
- Webber Place
- Melody Lane
- Bonnett Road
- Miro Place
- Williams Street
- Standing Place
- Rata Place
- Masters Place
- Foley Street
- Lake Road
- Archibald Street
- Plaza Lane
- Central Lane
- West Lane
- Brent Lane
- Pukepoto Road
- Vegar Street
- Dominion Road
- Pompalier Walk
- Tangonge Crescent
- Service Lane and walkway to Pukepoto Road and Worth Street
- Worth Street
- All of Bank Street
- Norman Senn Road
- Masfen Terrace
- Summerville Avenue
- Okahu Rd to the water treatment plant
- All of Redan Road
- Redan Terrace
- Oxford Street
- Puriri Place
- Te Maire Avenue
- Enid Terrace
- South Road to No: 91
- Hester Terrace
- Church Road to No: 83a
- Te Ahu Street
- Rongopia Place

Ahipara

At the following locations:-

Along the complete length of Foreshore Road, Ahipara from No 222 Ahipara Road to the end of the tar seal stretch of Foreshore Road, and to include the

Public Toilet and car park area, on the seaward side of Foreshore Road, and;

The Recreational Reserve area at the beach end of Kaka Street, Ahipara and the following streets:-

- Takahe Road
- Tui Road
- Moa Street
- Kakapo Street
- Kiwi Street
- Kotare Street
- Koraro Street
- Weka Street
- Kaka Street

2. COOPERS BEACH and TAIPA

For twenty four (24) hours a day, seven (7) days a week, throughout the period from 1st January to 31st December in every year

Coopers Beach

The Reserve, Car Park and Children's Playground, State Highway 10, Coopers Beach

Taipa

At the following location:-

Foreshore Road, Taipa, from Taipa Point Road, north to Ngati Kahu Road, and Foreshore Road, Taipa from Taipa Point Road, south to the boat ramp, including the Recreational and Conservation zones, and the following streets:-

- Taipa Point Road,
- Mamaru Road
- Adamson Road
- Ngatikahu Road
- Oruru Road to it's junction with East Street
- East Street

2.1 Pukenui Wharf and Tokerau Beach

From 9.00pm (21.00hrs) to 6.00am (0600 hrs) on Thursday, Friday and Saturday nights throughout the period from 3rd December to 24th December in every year, and;

From 9.00pm (2100 hrs) on Christmas Eve, to 6.00am (0600hrs) in Christmas Day, of every year, and;

From 6.00pm (1800hrs) on the 25th December, in every year, to 6.00am (0600hrs) on 3rd January the following year, and also;

From 9.00am (0900hrs) on Anzac Day Eve, to 12 noon (1200hrs) on Anzac Day, for every year

Pukenui Wharf Car Park area

At the following location:-

- The Pukenui Wharf car park area and:-
- The Pukenui Wharf
- Far North Road (State Highway 1F) from No; 4113a to junction with Juniper Lane in the north; and
- From No; 4 Lamb Road to junction with Far North Road (State Highway 1F)

Tokerau Beach

- The Council Recreational Reserve on the corner of Simon Ulrich Road and Melissa Road, Tokerau Beach and the following streets:-
- Simon Ulrich Road, from junction with Tokerau Beach Road to No; 100 Melissa Road.
- All of Tokerau Beach Road to junction with Inland Road, Whatuwhiwhi

Hi Hi

Hi Hi beach front and Mangonui Harbour side and all surrounding parks and reserves between the hours of 22.00 (10.00pm) to 10.00 (10.00am) for each day except New Years Eve.

EASTERN WARD

3. TAUPO BAY

For twenty four (24) hours a day, seven (7) days a week, throughout the period from 1st January to 31st December in every year.

All public places in the area extending from One-way bridge at the entrance to Taupo Bay, and extending eastward over all of Taupo Bay.

4. RUSSELL

For twenty four (24) hours a day, seven (7) days a week, throughout the period from 1st January to 31st December in every year

Constitution Hill northwards over all the Russell Peninsula.

5. PAIHIA and HARURU FALLS

For twenty four (24) hours a day, seven (7) days a week, throughout the period from 1st January to 31st December in every year

At the following locations:-

Paihia

- Te Kemara Avenue
- The portion of State Highway 11 (Puketona Road) from No 42 to the junction with Marsden Road (roundabout)
- Te Karuwha Parade, from the roundabout at Puketona Road junction with Marsden Road, through to the start of the Waitangi Bridge at Paihia end

- Marsden Road (State Highway 11) from the Roundabout on the corner of Puketona Road and Marsden Road through to the junction with Franklin Street, Opuia, including the footpath and foreshore areas adjacent to the road.
- Seaview Road from Marsden Road to MacMurray Road
- MacMurray Road
- Kings Road from MacMurray Road to Marsden Road
- School Road from Marsden Road to Joyces Road
- Williams Road from Marsden Road to Joyces Road
- Selwyn Road from Williams Road to Bayview Road
- Bayview Road from Selwyn Road to Marsden Road
- Davis Crescent in total
- The Village Green
- The Maritime Public Carpark on Marsden Road
- Williams Road Car Park
- Selwyn Road car park
- Recreational area to rear of Paihia Information Centre, to the west

Haruru Falls

From the roundabout at Marsden Road/Puketona Road, Paihia, (State Highway 11) to the Watea Development Estate, including all the following roads of that township:-

- Kaipatiki Rise
- Johnson Lane
- Goffe Drive
- Wilson Road
- Falls View Road
- Yorke Road
- Causeway Road
- Waterview Place
- Old Wharf Road
- Haruru Falls Road to Falls Bridge
- The complete Watea Development, including Nautical Drive, The Anchorage, Halyard Loop and Spinnaker Point

And to include all Reserve areas within those locations.

6. KERIKERI and WAIPAPA

For Twenty Four (24) hours a day, seven (7) days a week throughout the period from 1st January to 31st December in every year, in the following areas:-

At the following locations:-

Kerikeri

All of Kerikeri Road from its junction with State Highway 10, at the roundabout, through the Central Business District, to the Stone Store, including the parking and jetty area

In a line south, from Augusta Place and including Homestead Road to Kerikeri Road, including Julian Car park

Hobson Avenue, Hobson Avenue car park,

The Domain, Cobham Road
Cobham Road, including Cobham Court, from Kerikeri Road junction with
Shepherd Road

Hone Heke Road, from the Junction with Cobham Road, to the junction adjoining
Kerikeri Road.

Mill Lane to it's junction with General Gates Avenue, and including all of Norfolk
Place and Sammaree Place

And all of the following streets:-

Jacaranda Place
Hawkings Crescent

All of the Heritage Bypass, from the roundabout on Kerikeri Road through to the
roundabout on Waipapa Road

Waipapa

- From Pungarere Road junction with State Highway 10, along State Highway 10 south of Kahikatearoa Lane (entrance to the Warehouse), and
- Kahikatearoa Lane
- Klinac Lane
- All of the Waipapa Loop Road

Waipapa Road from the junction with State Highway 10, to Harmony Lane Road.

- All of Mawson Avenue
- All of Harmony Lane to entrance of Baysports ground
- Manuwai Reserve, Sandys Road.

7. KAWAKAWA and MOEREWA

For Twenty Four (24) hours a day, seven (7) days a week throughout the period from 1st January to 31st December in every year, in the following areas:-

Kawakawa

- All of Johnson Park, including the Rotunda Band Stand
- State Highway from junction with Rayner Street in the north, through
- Gillies Street to Johnston Park
- State Highway 11 (North Road) from junction with State Highway 1 through to Whiteman Road
- Whiteman Road
- Leonard Street
- Derrick Street
- Neumann Street
- William Street
- Marshall Street
- Waiomo Road

- Railway Road
- Queens Street
- Grey Street
- Macfarlane Street
- Vogel Street
- Bowen Street
- Commercial Street – through to junction with Smeath Street
- Church Street
- Johnston Street – through to junction with Church Street
- Albert Street
- Boswell Street
- Station Road

Moerewa

- State Highway One, from Snowden Avenue in the west, to Station Road in the east
- Snowden Avenue
- All of Nisbet Street to the corner of Otiria Road
- Otiria Road from Pembroke Street to No: 109 Otiria Road
- Pembroke Street from State Highway One to Williams Street
- Williams Street to Leaity Street
- Leaity Street to State Highway One
- Plunket Street from State Highway One to Williams Street
- All of Marshall Street
- All of Wynyard Street from State Highway One
- Mason Avenue between Wynyard Street and Marshall Street.

WESTERN WARD

8. KAIKOHE and OKAIHAU

Kaikohe

For Twenty Four (24) hours a day, seven (7) days a week throughout the period from 1st January to 31st December in every year, in the following areas:-

State Highway 12 (Guy Road and The Broadway) from Reservoir Road to Rangihamama Road

Mangakahia Road from State Highway 12 to Recreation Road

Rankin Street from State Highway 12 to Recreation Road

Recreation Road from Rankin St to Mangakahia Road

Park Road from State Highway 12 to De Merle Street,

Hongi Street from State Highway 12 to De Merle Street,

- Kowhai Avenue
- Purdy Street
- Wihongi Street
- De Merle Street – from junction with Hongi Street though to junction with
- Park Road
- Routley Avenue
- Clifford Street

- Raihara Street
- Memorial Avenue
- Station Road
- Orrs Road
- Monument Road
- Hillcrest Road
- Omapere Road
- Fairview Road
- Williams Avenue
- Bisset Road
- Tawanui Road
- Harold Avenue
- Kauri Place
- Rimu Place
- Shaw Street
- Taraire Street
- Totara Place
- Willow Park Place
- All of Hongi Street
- Heke Street
- Sydney Street
- Guerin Street
- Cameron Street
- Tawa Street
- All of Recreation Road
- Penney Crescent
- Belmont Place
- Lindvart Street
- Carey Road
- Enterprise Street
- Kohewhata Place
- And Mangakahia Road to Cumber Road
- Cumber Road
- And all services lanes in the CBD
- All that area adjacent to and including the Kaikohe Library area, including the car park, and the pedestrian right of way from the library to The Broadway, east of the library, and the Service Lane to the east of the library through to Memorial Avenue
- All that part of Broadway, from Mangakahia road, through to Rankin Street

Ban includes all Public Places within the boundaries of all roads detailed above

Okaihau

For Twenty Four (24) hours a day, seven (7) days a week throughout the period from 1st January to 31st December in every year, in the following areas:-

- Settlers Way from junction with State Highway 1 to No: 131
- The area around the toilet block on Nova Street
- All of Lawn Street
- Tui Street
- Michie Street

- And Hulme Drive

9. OPONONI and Omapere

For Twenty Four (24) hours a day, seven (7) days a week throughout the period from 1st January to 31st December in every year, in the following area:-

Opononi

- All that part of State Highway 12 between No:1 to the north of Opononi through to No; 114 at the junction with Fairlie Crescent to the south
- Fairlie Crescent
- Taumatawiwi Street

Omapere

- State Highway 12 from No; 287 to junction with Pioneer Walk and include Freese Park Road
- Pioneer Walk
- And Old Wharf Road

10. RAWENE

For Twenty Four (24) hours a day, seven (7) days a week throughout the period from 1st January to 31st December in every year, in the following areas:-

- Parnell Street, from the Hospital to the Ferry Ramp, including the town hall car park and all public places along that route
- Marmon Street East, from Parnell Street to Clendon Espalanade, and any public places along that route
- Clendon Espalande in it's entirety, including Old Rugby club, rugby ground, boat ramp, footpath and foreshore, and all public areas adjacent to, or along that route
- Russell Esplanade, in its entirety, including ferry terminal, wharf, footpath, foreshore and all public areas adjacent to and around those areas.
- Martin Street
- Birch Street
- Gundry Street
- Hamblin Street
- Mariner Street
- McDonell Street
- Nimmo Street
- Marmon Street
- Manning Street
- Webster Street
- Honey Street
- White Street
- Cochrane Street
- De Thierry Street
- And Campbell Street

11. KOHUKOHU

For Twenty Four (24) hours a day, seven (7) days a week throughout the period from 1st January to 31st December in every year, in the following areas:-

- From RAPID # 1356 Kohukohu Road to the junction with Marriner Street
- Beach Road
- Potter Street
- Kirkpatrick Street
- Church Street
- Manning Street
- Yarborough Street
- And Marriner Street