



**PALMERSTON NORTH CITY**

**PALMERSTON NORTH  
LIQUOR CONTROL  
BYLAW 2010**

## Palmerston North Liquor Control Bylaw 2010

In exercise of the powers vested in it by the Local Government Act 2002, together with every other power and authority conferred on it, the Palmerston North City Council makes this Bylaw:

### 1. TITLE

- 1.1. The title of this Bylaw is "THE PALMERSTON NORTH LIQUOR CONTROL BYLAW 2010".

### 2. PURPOSE

- 2.1. This Bylaw is made for the purposes of reducing the potential for public nuisance and offensive behaviour by people drinking and becoming intoxicated in a public place, and promoting a safe city environment for the use and enjoyment of the public, by reducing the potential for damage to public and private property caused by people drinking and becoming intoxicated in a public place, by regulating or controlling:
  - (a) the consumption of liquor in a public place;
  - (b) the bringing of liquor into a public place;
  - (c) the possession of liquor in a public place;
  - (d) in conjunction with a prohibition relating to activities under paragraphs (a) to (c) above, the presence or use of a vehicle in a public place.

### 3. COMMENCEMENT

- 3.1. This Bylaw will come into force on 18 October 2010.

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### 4. REPEAL

- 4.1. This Bylaw repeals the Palmerston North Liquor Control Bylaw 2003 on the date on which the Palmerston North Liquor Control Bylaw 2010 comes into force.

### 5. INTERPRETATION

- 5.1. In this Bylaw:

<b>Council</b>	Means the Palmerston North City Council
<b>Liquor</b>	means any fermented, distilled, or spirituous liquor (including spirits, wine, ale, beer, porter, honeymead, stout, cider, and perry) that is found on analysis to contain 1.15 percent or more alcohol by volume.
<b>Public Place</b>	Has the meaning given to it by the Local Government Act 2002.
<b>Liquor Control Area</b>	Means a public place specified in Schedule 1 to this Bylaw, and in respect of which the prohibitions and controls in this Bylaw will apply at any period but does not include:  (a) any part of an area or premises for which a liquor licence has been issued under the Sale of Liquor Act 1989;  (b) any part of an area or premises for which a special licence has been granted pursuant to section 73 of the Sale of Liquor Act 1989.

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### Vehicle

### Means

- (a) contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (a) includes a hovercraft, a skateboard, in-line skates, and roller-skates; but
- (b) does not include –
  - (i) a perambulator or pushchair;
  - (ii) a shopping or sporting trundler not propelled by mechanical power;
  - (iii) a wheelbarrow or hand-trolley;
  - (iv) a pedestrian-controlled lawnmower;
  - (v) a pedestrian-controlled agricultural machine not propelled by mechanical power;
  - (vi) an article of furniture;
  - (vii) a wheelchair not propelled by mechanical power;
  - (viii) any rail vehicle.

## PART 1

### CONTROL OF LIQUOR IN PUBLIC PLACES

#### 6. CONTROL OF LIQUOR IN LIQUOR CONTROL AREA

6.1. No person may:

- (a) bring liquor into a Liquor Control Area; or
- (b) consume liquor in a Liquor Control Area, or in a vehicle within a Liquor Control Area; or
- (c) possess liquor in a Liquor Control Area, or in a vehicle within a Liquor Control Area;

unless an exception applies.

#### 7. EXCEPTIONS

7.1. As provided for in section 147(3) of the Local Government Act 2002, 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 the Liquor Control Area 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 that the liquor is promptly removed from the Liquor Control Area.
- (b) The transport of that liquor from outside a Liquor Control Area for delivery to premises that adjoin the Liquor Control Area, provided the premises are licensed for sale under the Sale of Liquor Act 1989.
- (c) The transport of that liquor from outside the Liquor Control Area to premises that adjoin the Liquor Control Area –
  - (i) by, or for 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 liquor control area by a resident of those premises, provided the liquor is promptly removed from the Liquor Control Area.

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### **8. SIGNAGE**

- 8.1. The Council shall display signs within the Liquor Control Area to provide information to the public on the terms of the Bylaw.
- 8.2. To avoid any doubt, the temporary absence of signage in any public place does not authorise breach of this Bylaw.

**PART 2**  
**ENFORCEMENT**

**9. OFFENCES**

- 9.1. Any person who does not comply with the provisions of this Bylaw commits an offence.

**10. POWERS OF THE POLICE**

- 10.1. In a Liquor Control Area, in accordance with sections 169 and 170 of the Local Government Act 2002, Police may:

- (a) For the purpose of ascertaining whether liquor is present search:
  - (i) a container (e.g. a parcel, package, bag or case) in the possession of a person who is in, or entering, a specified public place;
  - (ii) a vehicle that is in, or is entering, a specified public place.
- (b) Seize and remove liquor and its container if the liquor is in a Liquor Control Area in breach of the Bylaw;
- (c) Arrest a person the Police finds committing an offence;
- (d) Arrest a person who has refused to comply with a request by a member of the Police:
  - (i) to leave the Liquor Control Area, or
  - (ii) to surrender to a member of the Police the liquor that, in breach of the Bylaw, is in the person's possession.

- 10.2. Before exercising the power of search under clause 10.1 in relation to a container or a vehicle, a member of the Police shall:

- (a) 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 Liquor Control Area; and
- (b) Provide the person with a reasonable opportunity to remove the container or the vehicle, as the case may be, from the Liquor Control Area.

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### **11. PENALTY**

- 11.1. An offence against this bylaw is liable on summary conviction to a fine not exceeding \$20,000.

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## Schedule One – Liquor Control Area

The Liquor Control Areas include all public places within the area bounded by and including from the intersection of Featherston Street and Ward Street along Featherston Street to Pascal Street, then along Pascal Street to the intersection with Cuba Street, along Cuba Street to the intersection with Cook Street, then along Cook Street to College Street, then along College Street to Victoria Ave, then along Victoria Ave to the intersection with Grey Street, along Grey Street to the intersection with Ward Street, then along Ward Street to the intersection with Featherston Street.

The map below shows the Liquor Control Area within the dotted line:

