



PALMERSTON NORTH CITY

**PALMERSTON NORTH
ALCOHOL CONTROL BYLAW 2015**

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Palmerston North Alcohol Control Bylaw 2015

PART ONE

INTRODUCTION

1. TITLE

- 1.1. The title of this Bylaw is the Palmerston North Alcohol Control Bylaw 2015.

2. PURPOSE

- 2.1. This Bylaw is made under the authority of the Local Government Act 2002 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 alcohol in a public place;
- (b) the bringing of alcohol into a public place;
- (c) the possession of alcohol 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 1 October 2015.

4. REPEAL

- 4.1. The Palmerston North Liquor Control Bylaw 2010 is repealed with effect from midnight on 30 September 2015.

5. INTERPRETATION

5.1. In this Bylaw:

- Alcohol** means a substance –
- (a) that –
 - (i) is or contains a fermented, distilled, or spirituous liquor; and
 - (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or
 - (b) that –
 - (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and
 - (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or
 - (c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.
- Alcohol Control Area** 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 or the Sale and Supply of Alcohol Act 2012;
 - (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 or section 22 of the Sale and Supply of Alcohol Act 2012.
- Council** means the Palmerston North City Council
- Event** means a gathering of persons in a public place, arranged in advance, for a celebration or social occasion.
- Public Place**
- (a) Means a place that is open to or 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

Vehicle

means –

- (a) contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) includes a hovercraft, a skateboard, in-line skates, and roller-skates; but
- (c) 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 TWO

CONTROL OF ALCOHOL IN PUBLIC PLACES

6. CONTROL OF ALCOHOL IN ALCOHOL CONTROL AREA

6.1. No person may:

- (a) bring alcohol into an Alcohol Control Area; or
- (b) consume alcohol in an Alcohol Control Area, or in a vehicle within an Alcohol Control Area; or
- (c) possess alcohol in an Alcohol Control Area, or in a vehicle within an Alcohol Control Area;

unless an exception applies.

7. EXCEPTIONS

7.1. As provided for in section 147(4) of the Local Government Act 2002, this Bylaw does not prohibit, in the case of alcohol in an unopened container:

- (a) The transport of that alcohol from licensed premises that adjoin the Alcohol Control Area during any period when, under the Sale of Liquor Act 1989 or the Sale and Supply of Alcohol Act 2012, it is lawful to sell alcohol on those premises for consumption off the premises, provided that the alcohol is promptly removed from the Alcohol Control Area.
- (b) The transport of that alcohol from outside the Alcohol Control Area for delivery to licensed premises that adjoin the Alcohol Control Area.
- (c) The transport of that alcohol from outside the Alcohol Control Area to premises that adjoin the Alcohol Control Area by, or for delivery to, a resident of those premises or his or her bona fide visitors.
- (d) The transport of that alcohol from premises that adjoin the Alcohol Control Area to a place outside the Alcohol Control Area by a resident of those premises, provided the alcohol is promptly removed from the Alcohol Control Area.

8. SIGNAGE

8.1. The Council shall display signs within the Alcohol 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 THREE

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 an Alcohol Control Area, in accordance with sections 169 and 170 of the Local Government Act 2002, Police may:

- (a) For the purpose of ascertaining whether alcohol 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, an Alcohol Control Area;
 - (ii) a vehicle that is in, or is entering, an Alcohol Control Area.
- (b) Seize and remove alcohol and its container if the alcohol is in an Alcohol 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 Alcohol Control Area, or
 - (ii) to surrender to a member of the Police the alcohol 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 Alcohol 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 Alcohol Control Area.

11. PENALTY

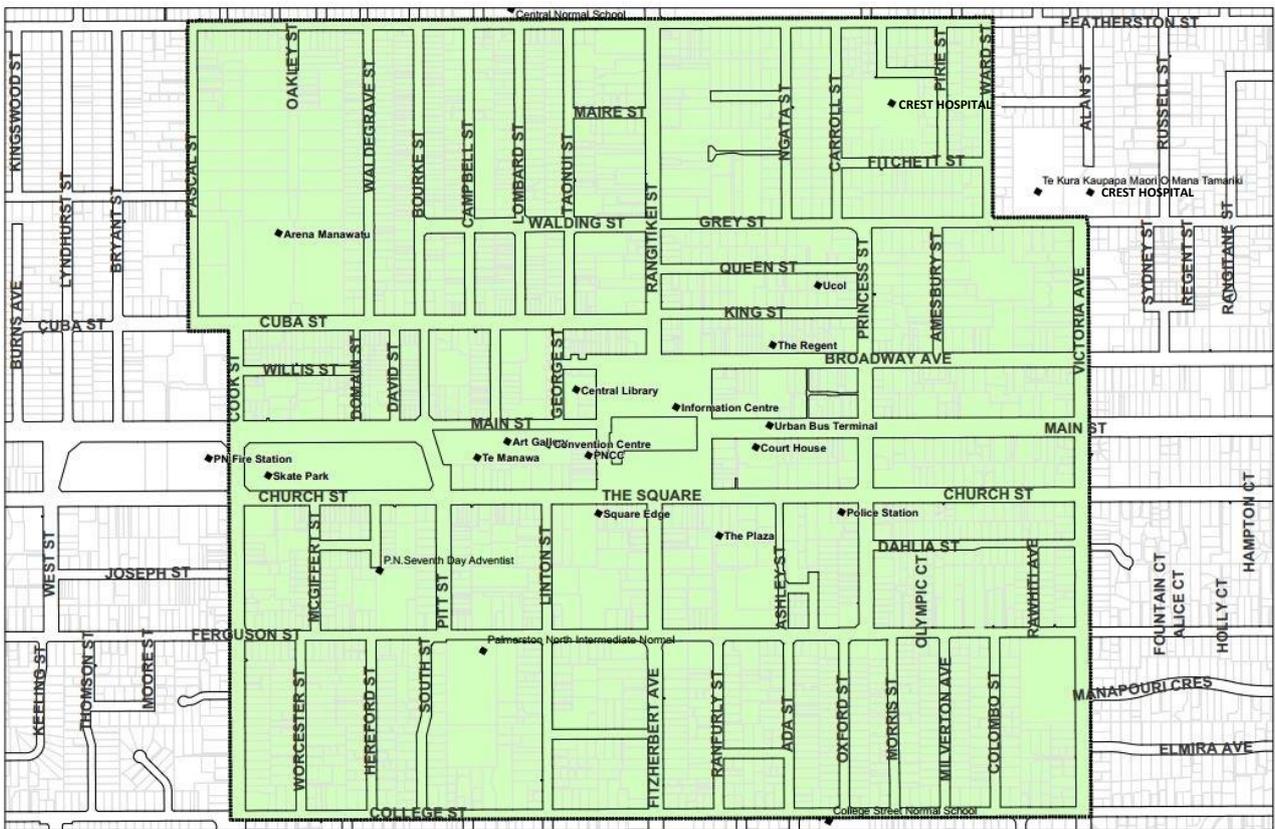
- 11.1. Any breach of this bylaw is an infringement offence under section 243 of the Local Government Act 2002, and is subject to an infringement notice and penalty as set out in regulations made pursuant to section 259 (1)(b) of the Local Government Act 2002.

SCHEDULE ONE

ALCOHOL CONTROL AREA

The Alcohol Control Area includes 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 Alcohol Control Area within the dotted line:



Palmerston North Central Business District

Alcohol Control Area

 Alcohol Ban Area Adopted 2010

