

QUEENSTOWN LAKES DISTRICT COUNCIL

ALCOHOL BAN BYLAW 2014

Pursuant to the powers vested in it by the Local Government Act 2002 and the Bylaws Act 1910, Queenstown Lakes District Council makes this bylaw.

1 Title and Commencement

(1) This bylaw is the Queenstown Lakes District Alcohol Ban Bylaw 2014.

(2) The bylaw shall come into force on 22nd December 2014.

2 Objective

(1) The objective of this bylaw is to reduce the potential for alcohol related offensive behaviour and harm, damage, disorder and crime and to promote and improve community health and safety.

(2) This bylaw seeks to achieve its objective by putting in place controls and restrictions on the possession, consumption and carriage of alcohol, in some public places within the Queenstown Lakes District.

3 Interpretation

In this bylaw, unless the context requires otherwise:

Act means the Local Government Act 2002.

Alcohol means a substance—

(a) that—

- (i) is or contains a fermented, distilled, or spirituous alcohol; 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

Council means the Queenstown Lakes District Council.

Offence means an offence under Section 239A of the Act that is a breach of this bylaw

Public Place means a place –

- (a) that is open to or is 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.

Specified Period means:

- (a) From 10.00 pm on any day to 8.00 am the following day; and
- (b) 6.00 am on 27 December of any given year to 6.00 am on 6 January the following year; and

- (c) 6.00 am on the opening day of the Queenstown Winter Festival to 6.00 am the day after the closing day of the Queenstown Winter Festival; and
- (d) any additional period that may be defined by the Council by resolution from time to time in accordance with clause 5 of this bylaw.

Specified Public Place means a public place defined or listed in Schedule A and such additional place as may be defined by the Council by resolution from time to time in accordance with clause 5 of this bylaw.

Temporary Alcohol Ban Area means an area described in a resolution of the Council made under this bylaw in which the prohibitions under clause 4 are temporarily in place in the public places within the area and during the times, days or dates specified in the resolution.

Vehicle means a vehicle as defined in section 2 of the Land Transport Act 1998, but does not include an ambulance, fire engine or police vehicle.

4 Prohibitions

(1) The following acts are prohibited:

- (a) The consumption of alcohol in any Specified Public Place during any Specified Period;
- (b) The possession of alcohol in any Specified Public Place during any Specified Period;
- (c) The bringing of alcohol into any Specified Public Place during any Specified Period; and
- (d) The consumption and possession of alcohol in a vehicle in any Specified Public Place during any Specified Period.

5 Additions to Specified Periods and Specified Public Place by resolution

(1) The Council may from time to time (by resolution adopted following use of the special consultative procedure, as set out in sections 83 and 156 of the Act) define any additional period to be included within the meaning of Specified Period as defined in this bylaw.

(2) The Council may from time to time (by resolution adopted following the use of the special consultative procedure, as set out in sections 83 and 156 of the Act) define any additional area to be included within the meaning of Specified Public Place as defined in this bylaw.

(3) Every resolution made under clause 5.1 or clause 5.2 above shall be publicly notified at least 14 days before it shall take effect.

6 Temporary Alcohol Ban Areas

(1) The Council may declare a Temporary Alcohol Ban Area by resolution which will describe the specific area and the times, days or date during which the prohibitions imposed under clause 4 apply to any public place in that area;

(2) Before the Council declares a Temporary Alcohol Ban Area it will comply with sections 77 – 82 of the Act;

(3) Any resolution made under clause 6.1 shall be publicly notified at least 14 days before it shall take effect.

7 Exemptions

- (1) The bylaw does not prohibit, in the case of alcohol in an unopened bottle or other unopened container. –
- (a) the transport of that alcohol from premises that adjoin a Specified Public Place during any period when, under the Sale and supply of Alcohol Act 2012 it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the Specified Public Place;
 - (b) the transport of that alcohol 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 alcohol under the Sale and Supply of Alcohol Act 2012.
 - (c) the transport of that alcohol from outside a Specified Public Place to premises that adjoin a Specified Public Place –
 - (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 Specified Public Place by a resident of those premises, provided the alcohol is promptly removed from the Specified Public Place.
- (2) This bylaw does not apply to any areas or activities where the sale or consumption of alcohol is authorised by any licence issued under the Sale and Supply of Alcohol Act 2012, including:
- (a) any public place which is part of a licensed premises' outdoor area, where permission to occupy the area has been granted by the Council.
 - (b) any public place that is subject to a special licence issued by the Council for the term of that licence;
 - (c) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies;
 - (d) any event held in a public place at which alcohol is served pursuant to a caterer's licence endorsed pursuant to section 38 of the Sale and Supply of Alcohol Act 2012;

8 Police powers of search in Temporary Alcohol Ban Areas

- (1) This bylaw authorises members of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in relation to any area which has been declared a Temporary Alcohol Ban Area by resolution of the Council under clause 6.
- (2) Subject to clause 8.3 below, the powers of search contemplated under clause 8.1 can be exercised by the Police immediately and without further notice.
- (3) Clause 8.1 only applies if the resolution declaring a Temporary Alcohol Ban Area provides that clause 8.1 of this bylaw will apply.

9 Penalties

- (1) Every person who breaches this bylaw commits an offence
- (2) Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

10 Signage

- (1) Where it is practicable and reasonable to do so, the Council will erect signage within public places covered by this bylaw to provide information to the public about the restrictions imposed under the bylaw. The size, location and terms of the signage will be at the Council's discretion.
- (2) To avoid any doubt, the absence of signage in any public place does not authorise a breach of this bylaw.

11 Dispensing Powers

- (1) The Chief Executive of the Council may waive full compliance with any provisions of this bylaw in any case where the Chief Executive is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community.
- (2) The Chief Executive may in his discretion impose conditions of any such waiver granted under clause 11(1).

12 Revocations

- (1) The Queenstown Lakes District Council Control of Alcohol in Public Places Bylaw 2009 is revoked.

This bylaw is made under the provision of the Local Government Act 2002 by resolution of the Queenstown Lakes District Council at a meeting of the Council on [date] and publicly notified on [date].

SCHEDULE A

The areas identified below are those areas which have been classified as Specified Public Places in relation to which the prohibited acts as defined in clause 4 of this bylaw apply during any Specified Period.

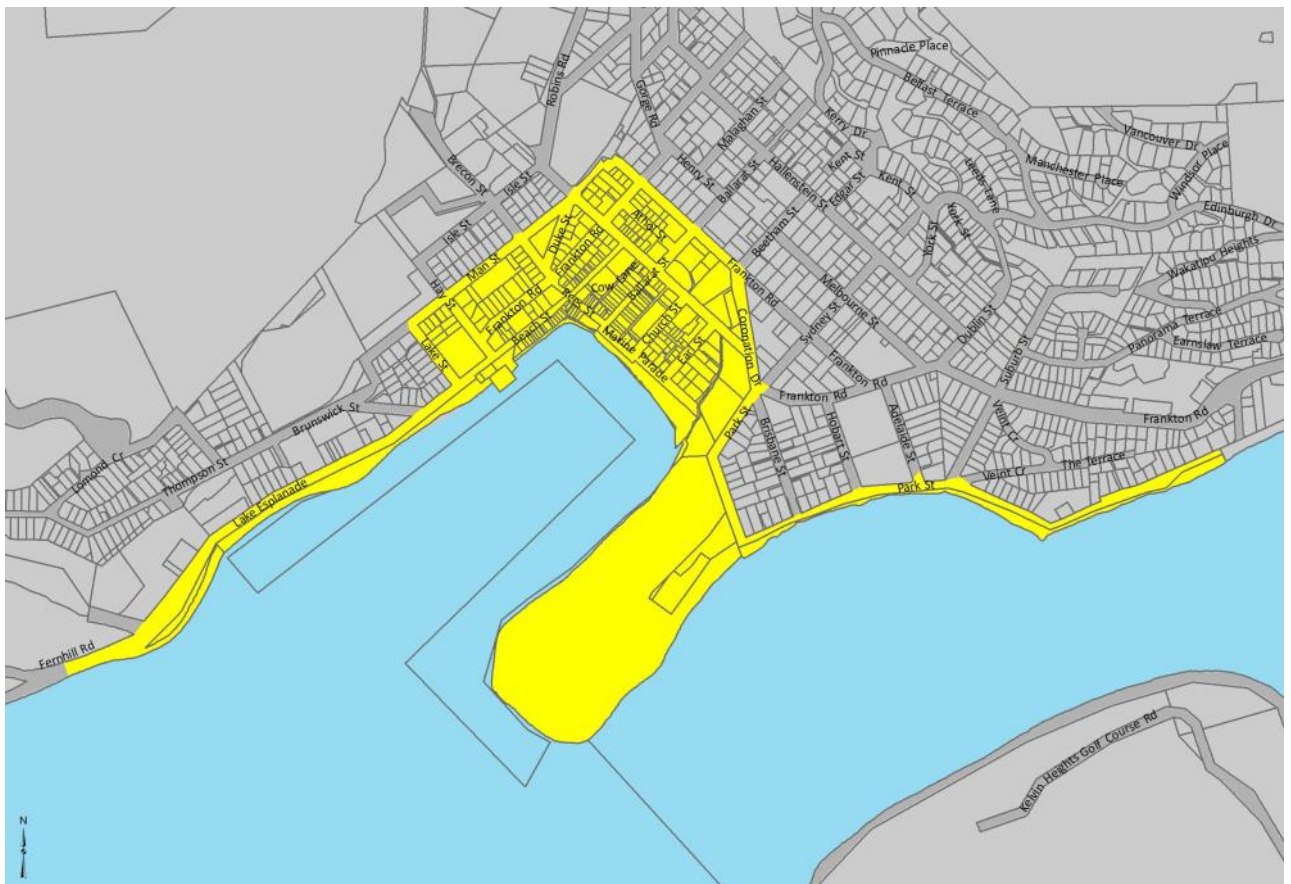
(1) Queenstown

- (i) The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following street and road reserves:

Lake Esplanade
Lake Street
Man Street
Memorial Street
Stanley Street
Coronation Drive
Park Street to the Lake Wakatipu foreshore area directly adjacent to the Queenstown Gardens

Explanatory note:

This note and the associated map is not part of the bylaw, but is included to illustrate the location of the Specified Public Place described in this schedule.



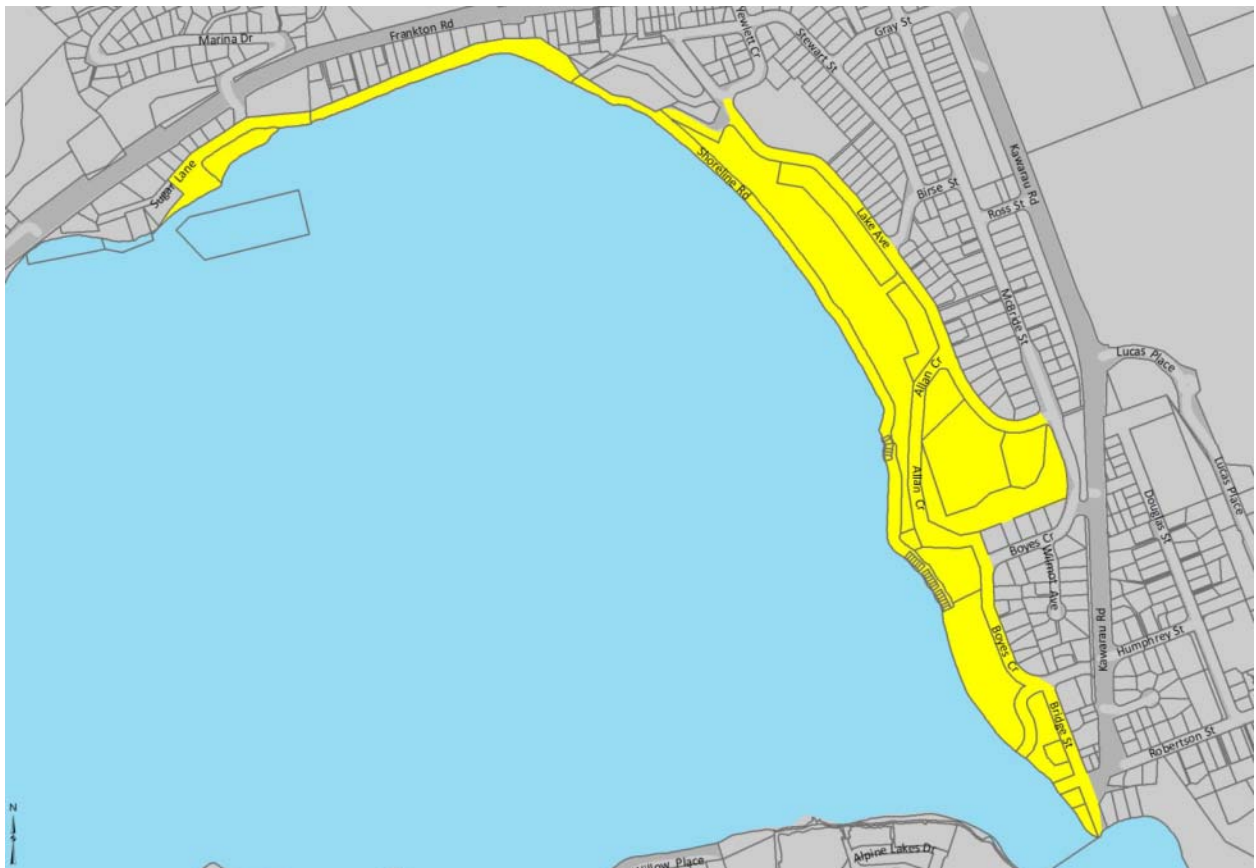
(2) Frankton

- (i) The whole of the Lake Wakatipu foreshore from the Kawarau Bridge to Frankton Marina, and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Bridge Street
Boyes Crescent
Allan Crescent
McBride Street (from Boyes Crescent to Lake Avenue)
Lake Avenue
Frankton Beach
Sugar Lane

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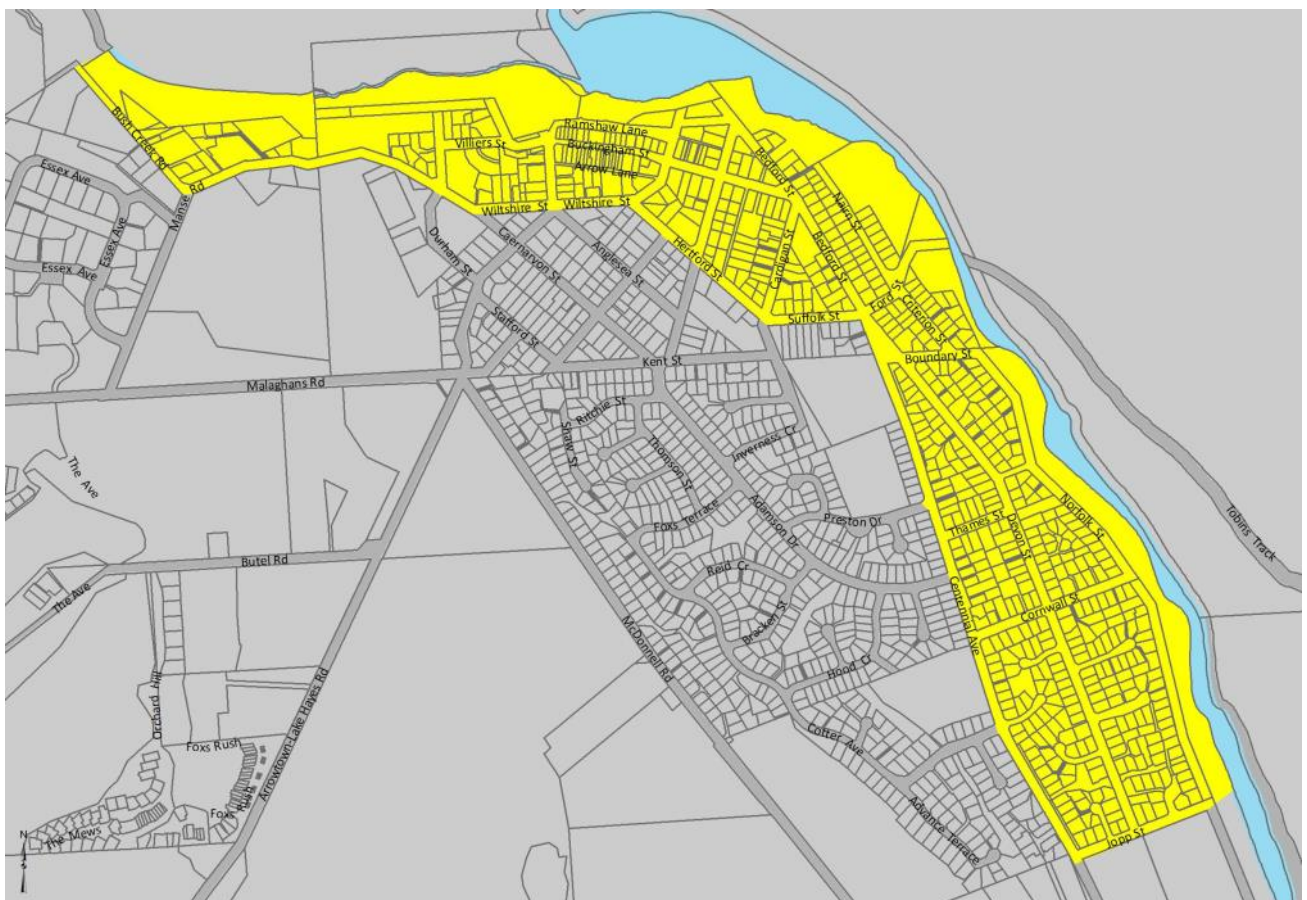
(3) Arrowtown

- (i) The north–eastern boundary being formed by the area 50m to the north of Bush Creek river bank, including Bush Creek Reserve, 100m either side of the Arrow River to the point where the Arrow Irrigation Company pipeline crosses the river, 50m to the north of the Arrow River and including Wilcox Green, O’Callaghan Reserve and the Arrow River 150th Anniversary walking track to and including the bridge to the south of Jopp Street; and
- (ii) The area from the north –eastern boundary to an outer boundary formed by and including the following streets and road reserves:

Bush Creek Road
Manse Road
Caernarvon Street
Wiltshire Street
Hertford Street
Suffolk Street
Centennial Avenue
Jopp Street

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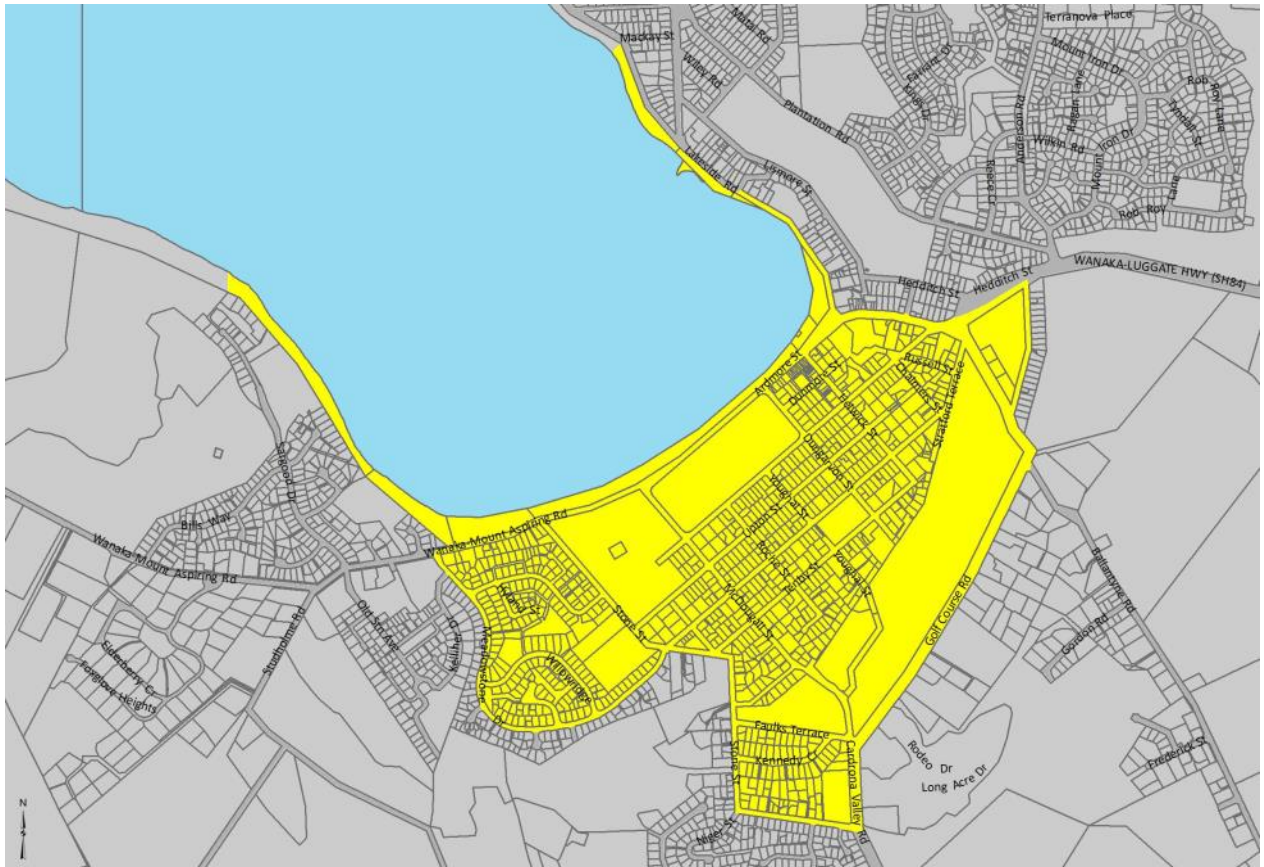
(4) Wanaka

- (i) The whole of the Lake Wanaka foreshore area from Sunrise Bay/ Edgewater to Penrith Park; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Meadowstone Drive
Stone Street
Golf Course Road
Macpherson Street
State Highway 84
Ardmore Street

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(5) Lake Hawea

- (i) The whole of the Lake Hawea foreshore area from Domain Road to Muir Road; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Muir Road
Cemetery Road
Domain Road

Explanatory note:

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