

## HURUNUI DISTRICT COUNCIL

### HANMER SPRINGS AND GORE BAY LIQUOR BAN BYLAW 2011

#### 1. TITLE, AUTHORITY AND COMMENCEMENT

- 1.1 This bylaw shall be known as the Hurunui District Hanmer Springs and Gore Bay Liquor Ban Bylaw 2011
- 1.2 This bylaw comes into force on the 26<sup>th</sup> October 2011.

#### 2. INTRODUCTION

- 2.1 This bylaw is made by the Hurunui District Council in exercise of the powers and authority vested in the Council by section 147(2) of the Local Government Act 2002.
- 2.2 This bylaw applies to Hanmer Springs Township and Gore Bay Township.

#### 3. OBJECTIVES

- 3.1 The objective of this bylaw is to prohibit the consumption, bringing or possession of liquor in the public places listed.

#### 4. INTERPRETATION

##### 4.1 Hanmer Springs

All that area of Amuri Avenue north of the intersection of Leamington Street, to the junction with Jacks Pass Road, west along Jacks Pass Road to Chisholm Crescent, east along Chisholm Crescent to Conical Hill Road and then south to the area known as "The Reserve" bordering Jollies Pass Road and Conical Hill Road. The area south of Jollies Pass Road in front of the public library at the intersection of Amuri Avenue and Jollies Pass Road. Also the Chisholm Reserve and the reserve between Jacks Pass Road and Chisholm Crescent. The above areas are shown on Map A which forms part of this bylaw.

##### 4.2 Gore Bay

All public reserves under Council control and public roads within Gore Bay, including the beach and foreshore, but excluding the camp grounds, all of which areas are shown on Map B which forms part of this bylaw.

##### 4.3 Roads including a street, beach, service lanes, accessway, local accessways and parts of roads such as footpaths, verges and berms.

##### 4.4 Public place -

- (a) means a place –
  - (i) that is under the control of the territorial authority; and

(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 a territorial authority; and

(ii) any part of a public place.

## **5. RESTRICTIONS OF LIQUOR**

5.1 No person shall:

(a) bring liquor into; or

(b) possess liquor in; or

(c) consume liquor in;

Hanmer Springs or Gore Bay from 7.00pm on News Year's Eve until 7.00am the following day.

## **6. EXEMPTIONS FROM THE LIQUOR BAN BYLAW**

6.1 The bylaw does not prohibit:

(a) in the case of liquor in an unopened bottle or other unopened container, the transport of that liquor from premises that adjoin a 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 public place.

(b) in the case of liquor in an unopened bottle or other unopened container, the transport of that liquor from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989.

(c) in the case of liquor in an unopened bottle or other unopened container, the transport of that liquor from outside a public place to premises that adjoin a 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 public place by a resident of those premises, provided the liquor is promptly removed from the public place

(d) the consumption of liquor in outdoor street areas where a licence to occupy the area has been granted by the Council and where the area is licensed under the Sale of Liquor Act 1989.

(e) the possession or consumption of liquor in Gore Bay camp grounds.

## **7. POWERS OF A MEMBER OF THE POLICE**

7.1 A member of the Police may, without warrant,—

- (a) for the purpose of ascertaining whether liquor is present, search—
  - (i) a container (for example, a parcel, package, bag, or case) in the possession of a person who is in, or entering, a public place.
  - (ii) a vehicle that is in, or is entering, a public place.
- (b) seize and remove liquor and its container if the liquor is in a public place in breach of a bylaw.
- (c) arrest a person whom the constable finds committing an offence.
- (d) arrest a person who has refused to comply with a request by a constable—
  - (i) to leave the public place; or
  - (ii) to surrender to a constable the liquor that, in breach of a bylaw, is in that person's possession.

7.2 Before exercising the power of search in relation to a container or a vehicle, a member of the Police must—

- (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 public place; and
- (b) provide the person with a reasonable opportunity to remove the container or the vehicle, as the case may be, from the public place.

## **8 BREACH OF THE BYLAW**

Liquor may be seized and forfeited to the Crown and the person convicted of an offence.

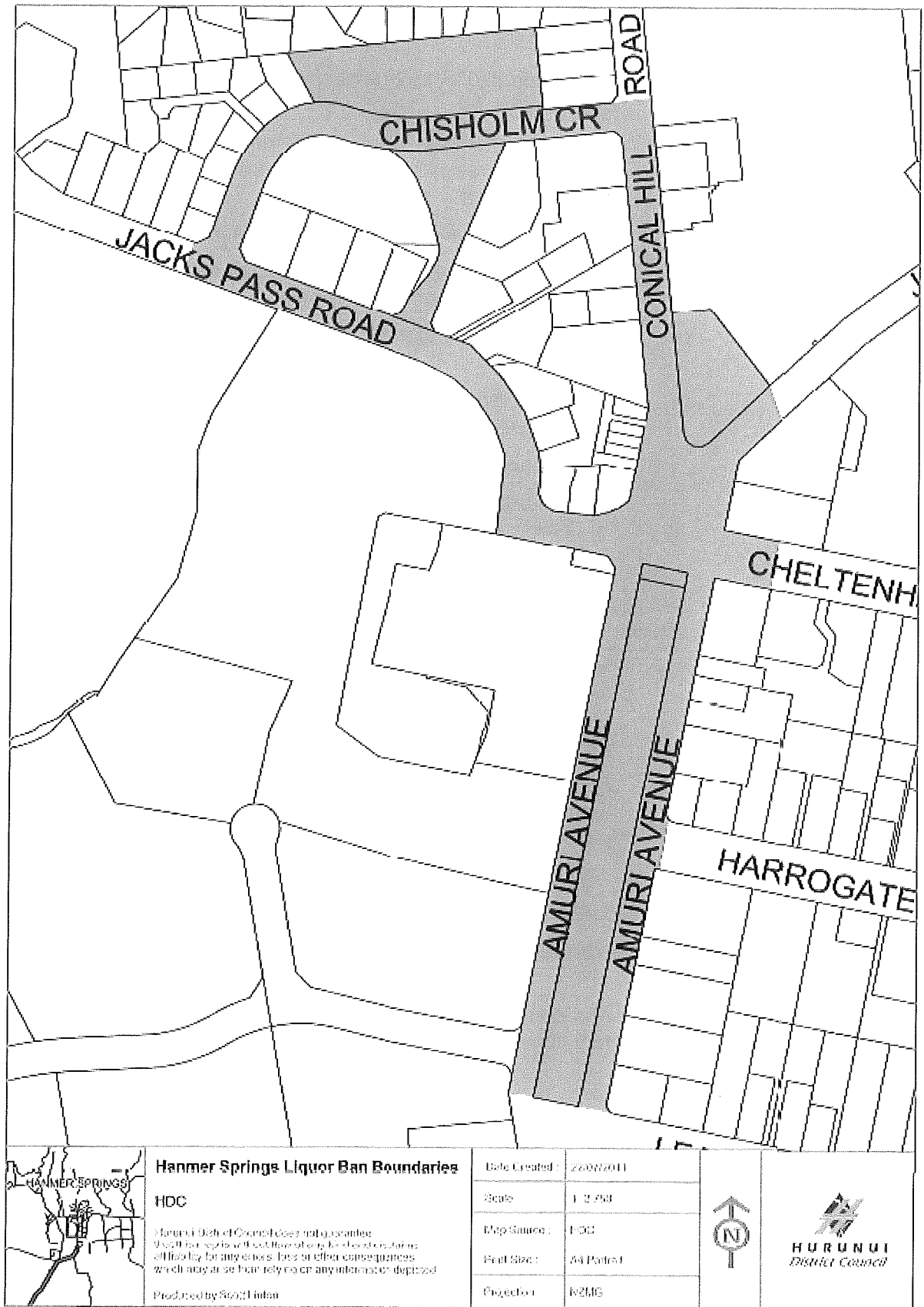
Every person who commits an offence, knowing that the bylaw is in force, is liable on summary conviction to a fine.

## **9 REVIEW OF BYLAW**

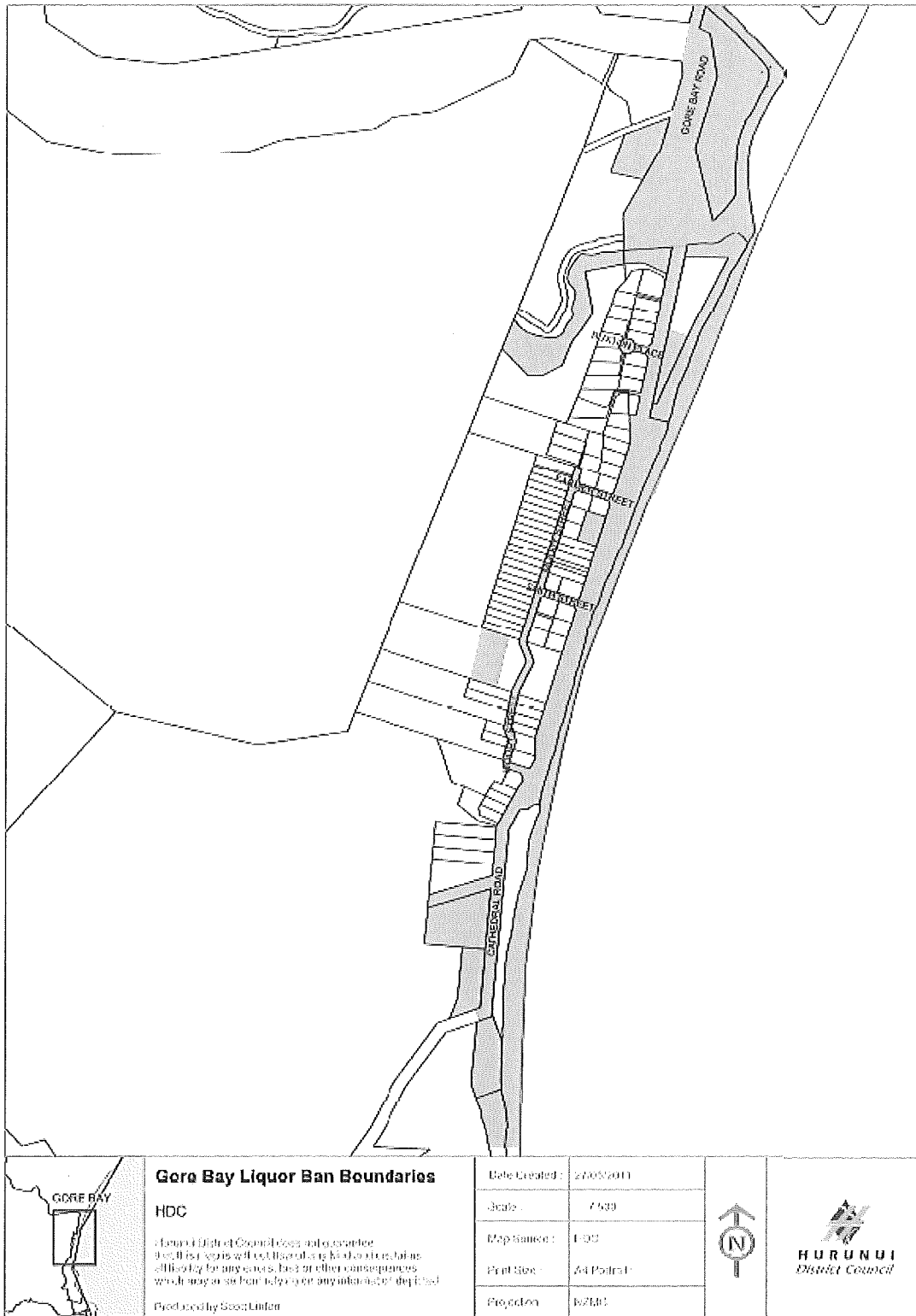
This bylaw shall be reviewed by 26 October 2021.

This bylaw can be reviewed at any time before that date at the discretion of the Council.

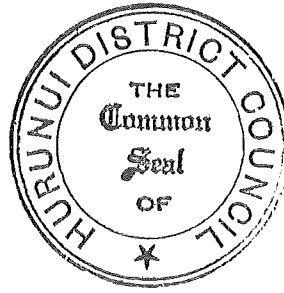
Map A



**Map B**



THE COMMON SEAL of the  
HURUNUI DISTRICT COUNCIL  
was hereto affixed in the presence of:



*[Handwritten Signature]*  
.....  
MAYOR

*[Handwritten Signature]*  
.....  
CHIEF EXECUTIVE OFFICER