



NAPIER CITY

Public Places Liquor Control Bylaw 2014

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NAPIER CITY PUBLIC PLACES LIQUOR CONTROL BYLAW 2014

Bylaw of the Napier City Council made in pursuance of the powers contained in the Local Government Act 2002, and any other authority enabling the Council in that behalf:

1. Short Title and Commencement

This Bylaw shall be known as “The Napier City Public Places Liquor Control Bylaw 2014” and shall come into force on 1 February 2015.

This bylaw revokes the Napier City Public Places Liquor Control Bylaw 2004.

All Licences or permits issued under the Napier City Public Places Liquor Control Bylaw 2004, after the coming into force of this bylaw are deemed to have been issued under this bylaw and are subject to the provisions of this bylaw.

All matters and proceedings commenced under the Napier City Public Places Liquor Control Bylaw 2004, pending or in progress on the coming into operation of this bylaw may be continued, completed or enforced under this bylaw.

2. Scope

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

The primary purpose of this bylaw is to enhance safety and the public enjoyment of public places in a responsible manner, particularly within the central city, by providing for liquor control in specified public areas to reduce the incidence of alcohol related offences, particularly those of a violent and/or destructive nature.

3. Definitions

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

ALCOHOL has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

LIQUOR is synonymous with ALCOHOL as defined in the Sale and Supply of Alcohol Act 2012.

PUBLIC PLACE means a public place as defined under s.147(1) of the Local Government Act 2002;

RESTRICTED PLACE means a public place (within the meaning of s.147(1) of the Local Government Act 2012 in respect of which an alcohol ban is in force.

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 as described under section 4 of this bylaw. For clarity, this does not include privately owned and controlled premises within the boundaries of the area described.

4. Acts Prohibited in Specified Public Places Within the City of Napier

The following acts are prohibited on any day, at any time (except in the area specified within Westshore):

- the consumption of liquor in or at 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 (note: exemptions described below);
- The bringing of liquor into any Specified Public Place.

In the area defined in the Westshore liquor ban these same restrictions apply from 8 pm to 6 am the following day on every day.

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. Where additional areas are so designated, a minimum of 14 days public notice shall be given prior to the event or particular time of year, 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 that the liquor control applies.

5. 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, for the purpose of the direct transport of that liquor to premises that adjoin the Specified Public Place (whether or not those premises are surrounded by the Specified Public Place) –

- by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
- 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.

6. Exceptions to Prohibition for Licensed Premises

Prohibitions in this Bylaw do not apply –

- In the case of liquor / alcohol in an unopened bottle or other unopened container, to the transport of that liquor / 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 liquor / alcohol on those premises, provided the liquor / alcohol is promptly removed from the Specified Public Place;
- In the case of liquor / alcohol in an unopened bottle or other unopened container, to the transport of that liquor / alcohol from outside a Specified Public Place for delivery to or consumption at premises that adjoin the Specified Public Place, provided the premises are licensed for the sale and/or consumption of alcohol under the Sale and Supply of Alcohol Act 2012;
- The possession and/or consumption of liquor / alcohol at any premises within the Specified Public Place in compliance with a license for the sale and/or consumption of liquor / alcohol under the Sale and Supply of Alcohol Act 2012. This includes footpath areas that are licensed as part of those premises and are clearly defined by the placement of tables and chairs outside those premises, and other areas,

clearly defined, and identified under an appropriate alcohol license for an event or function at the time of possession and/or consumption of alcohol.

7. Offences

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

8. Power of Waiver, Dispensation and Suspension for Special Events

The Chief Executive of Napier City Council or his/her nominated representative may, on application by any person including a Council officer, grant a waiver, dispensation or licence to do or refrain from doing anything which would otherwise be in breach of this bylaw for the purpose of enabling possession and/or consumption of liquor / alcohol in a public place at the time of any special event.

Such a waiver, dispensation or suspension of operation of any part of this bylaw shall be granted only in respect of specific time periods and specific locations associated with the special event, to enable better enjoyment of the event by members of the public.


In considering any such application, the person responsible for making a decision shall obtain and consider a response from New Zealand Police to the request, including the reasons for that response.


When any such waiver, dispensation or suspension is granted, public notice of the waiver, dispensation or suspension should be given by public notice advertisement in a daily newspaper circulating Napier City at least 6 days prior to the commencement of the period when the waiver, dispensation or suspension commences.

A fee or charge may be payable by the applicant to cover any direct costs or outgoings associated with the public notice and/or obtaining a police response to the application under this section. This fee or charge may be refunded, remitted, or waived at the discretion of the Chief Executive of Napier City Council, or his/her nominated representative.

This bylaw was made by the Napier City Council by resolution at a Council meeting on 17 December 2014 and must be reviewed within 5 years in accordance with section 158 of the Act.

Sealed with the Common Seal
Of the Napier City Council
In the presence of:





Mayor

Chief Executive



9. Explanatory Notes to the Bylaw

Police Powers

Police powers of arrest, search and seizure under this bylaw are clearly defined in sections 169, 169A and 170 of the Local Government Act 2002. In summary, where a person is found to be in breach of this Bylaw, the liquor / alcohol 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 restricted place, or refusing to surrender the liquor / alcohol.

No warrant is required for the police to conduct a search to ascertain whether liquor / alcohol 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.

Interpretation note: In circumstances where a person so informed has removed liquor / alcohol from a specified public place, and subsequently returns with liquor / alcohol to that specified public place within a period when it could reasonably be deemed that the person has been informed prior to search, this bylaw shall not be interpreted as in any way requiring the police to provide the person with a further opportunity to remove the liquor / alcohol from the specified public place prior to search.

10. Schedule to Liquor Control Bylaw Specified Public Place

CBD

Any place or part of a place that is under the control of the Napier City Council, 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:

- The western side of Marine Parade from opposite the Port entry road to the junction of Byron Street.
- A straight line between Byron Street to the eastern street boundary of 15 Shakespeare Road.
- A straight line between 15 Shakespeare Road and the western junction of Tennyson Street and Craven Street.
- The western side of Craven Street from its junction with Tennyson Street to Carlyle Street.
- The northern side of Carlyle Street from Craven Street to its western junction of Millar Street.
- The western side of Millar Street from Carlyle Street in a straight line to the Palmerston North/Gisborne railway line.
- The eastern side of the railway line to the southern side of Raffles Street.
- The southern side of Raffles Street to Vautier Street.
- The southern side of Vautier Street from Raffles Street to Marine Parade.
- An imaginary line drawn from Marine Parade at its junction with Vautier Street to the low tide mark of the ocean and north to the low tide mark opposite the junction of the Port entry road and Marine Parade and west to that junction.

This area includes part or all of the following roads:

Marine Parade, Byron Street, Brewster Street, Shakespeare Road, Browning Street, Cathedral Lane, Shelley Street, Milton Road, Tennyson Street, Clive Square East, Clive Square West, Craven Street, Carlyle Street, Millar Street, Thackeray Street, Dickens Street, Raffles Street, Munro Street, Vautier Street, Station Street, Dalton Street, Hastings Street, Albion Street, Faulknor Lane, Emerson Street, Market Street and Herschell Street.

See Map Figure 1

Marewa

Any place or part of a place that is under the control of the Napier City Council, 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:

- Kennedy Road from the intersection with Nuffield Avenue through to the intersection with Georges Drive.
- Nuffield Ave from the intersection with Kennedy Road through to the intersection with the Service Lane behind the Marewa shopping centre.
- The full length of the service lane behind the Marewa shopping centre.
- Bedford Road from the intersection with Douglas McLean Avenue through to the southern boundary of number 4 Bedford Road.
- Douglas McLean Ave from the intersection with Higgins Street through to the south-eastern boundary of 33 Douglas McLean Avenue.

See Map Figure 2

Ahuriri

Any place or part of a place that is under the control of the Napier City Council, 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:

- The low water mark of the ocean at the western most tip of the Port of Napier boundary, along the boundary to the south western corner of the Port of Napier entrance.
- The south western corner of the Port of Napier entrance to the eastern boundary of 1 Breakwater Road.
- The southern side of Breakwater Road to its junction with the Port extension line of the Palmerston North/Gisborne railway line.
- The seaward side of the railway line from Breakwater Road to a point opposite Richardson Place.
- The point opposite Richardson Place through an imaginary line running parallel to West Quay to its juncture with Pandora Road.
- The point on the eastern side of West Quay and its juncture with Pandora Road running parallel to West Quay until it meets the low water mark at the boundary of the Napier Sailing Club then North along the low water mark to the western most tip of the Port of Napier
- The point opposite Richardson Place through an imaginary line running parallel to West Quay to its western juncture with Pandora Road
The northern side of Pandora Road connecting the two points where of the West Quay meets Pandora Road as described above.

This area includes part or all of the following roads:

Breakwater Road, Chatham Street, Hardinge Road, Waghorne Street, Ahuriri Bypass, Ahuriri Lane, Raglan Street, Macauley Street, Winstone Lane, Stafford Street, Wright Street, Bridge Street, Nelson Quay, Barry Street, Customs Quay, West Quay and Lever Street.

See Map Figure 3

Taradale

All those public places, reserves, roads footpaths and road reserves on both sides of the road within the area described as:

- White Street from its intersection with Church Road to its intersection with Gloucester Street.
- Gloucester Street from its intersection with White Street to its intersection with Elbourne Street.
- The Clock Tower Reserve.
- Avondale Road from its intersection with Neeve Road to its transition to Lee Road.
- Lee Road from its intersection with Avondale Road to its southern intersection with Gloucester Street.
- Gloucester Street from its southern intersection with Lee Road to its intersection with Meeanee Road.
- Puketapu Road from its intersection with Meeanee Road to its intersection with Church Road.
- Church Road from its intersection with Puketapu Road to its intersection with White Street.

See Map Figure 4

Westshore

Any place or part of a place that is under the control of the Napier City Council, 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:

- The Inner Harbour low water mark at the north eastern point of Pandora Road bridge to James Street.
- The western side of James Street to Charles Street.
- The southern and western side of Charles Street to Fenwick Street.
- The northern side of Fenwick Street to The Esplanade.
- The western side of The Esplanade to the end of the sealed road surface.
- An imaginary line drawn from the end of the sealed road surface of The Esplanade to the low water mark of the ocean and south along the low water mark to the north eastern point of Pandora Road bridge.

This area includes part or all of the following roads:

Meeanee Quay, Whakarire Avenue, Charles Street, James Street, Tareha Street, Nott Street, North Terrace, Naomi Street, Ferguson Avenue, Alfred Street, Gardiner Street, Fenwick Street, The Esplanade.

See Map Figure 5

Maraenui

Any place or part of a place that is under the control of the Napier City Council, 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:

- Geddis Avenue from the intersection with Bledisloe road to the intersection with Longfellow Avenue.
- Longfellow Avenue from the intersection with Geddis Avenue to the intersection with Bledisloe Road.
- Bledisloe Road from the intersection with Longfellow Avenue to the intersection with Geddis Avenue.

See Map Figure 6



Figure 1: Napier CBD Liquor Ban Area

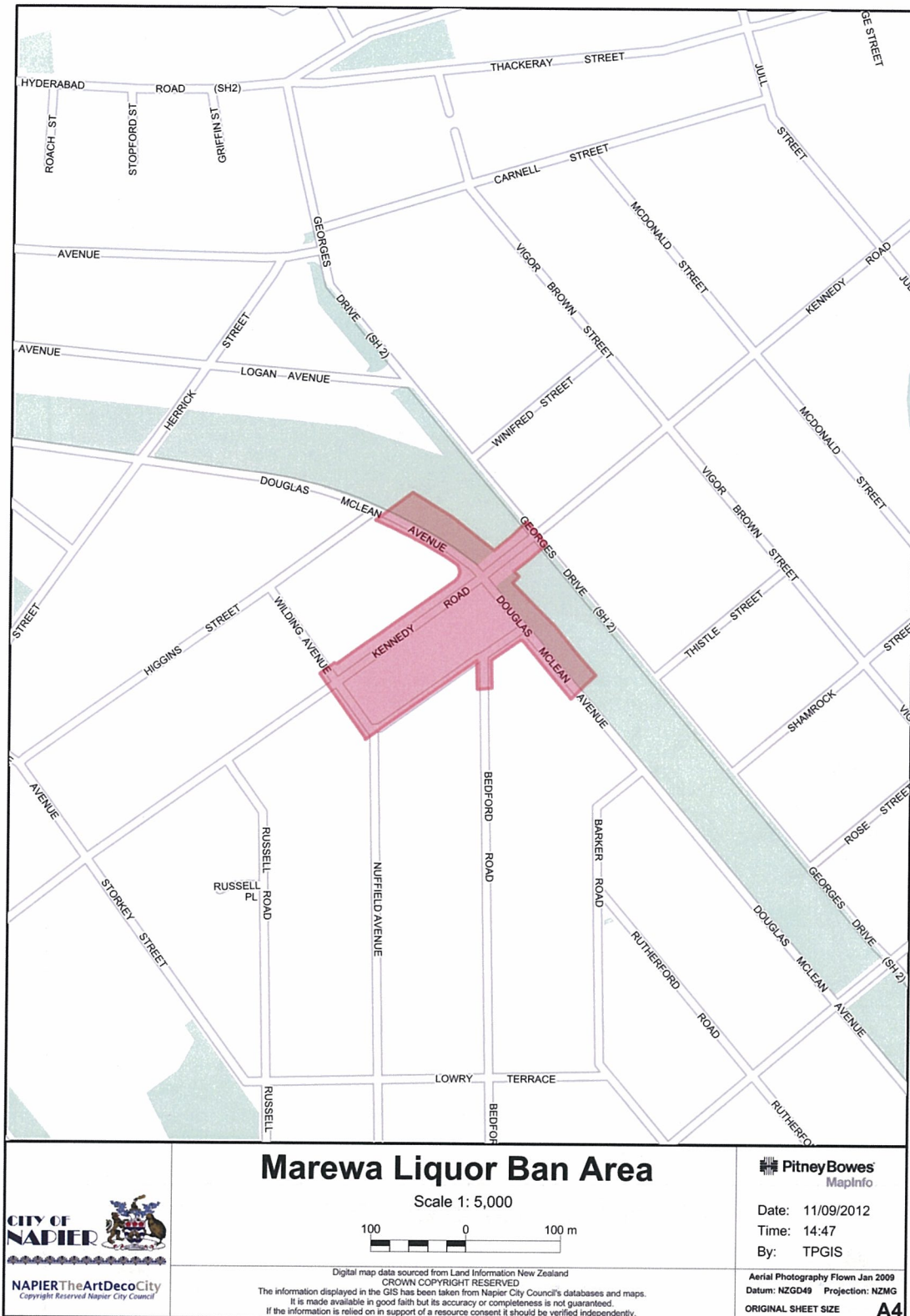


Figure 2: Marewa Liquor Ban Area

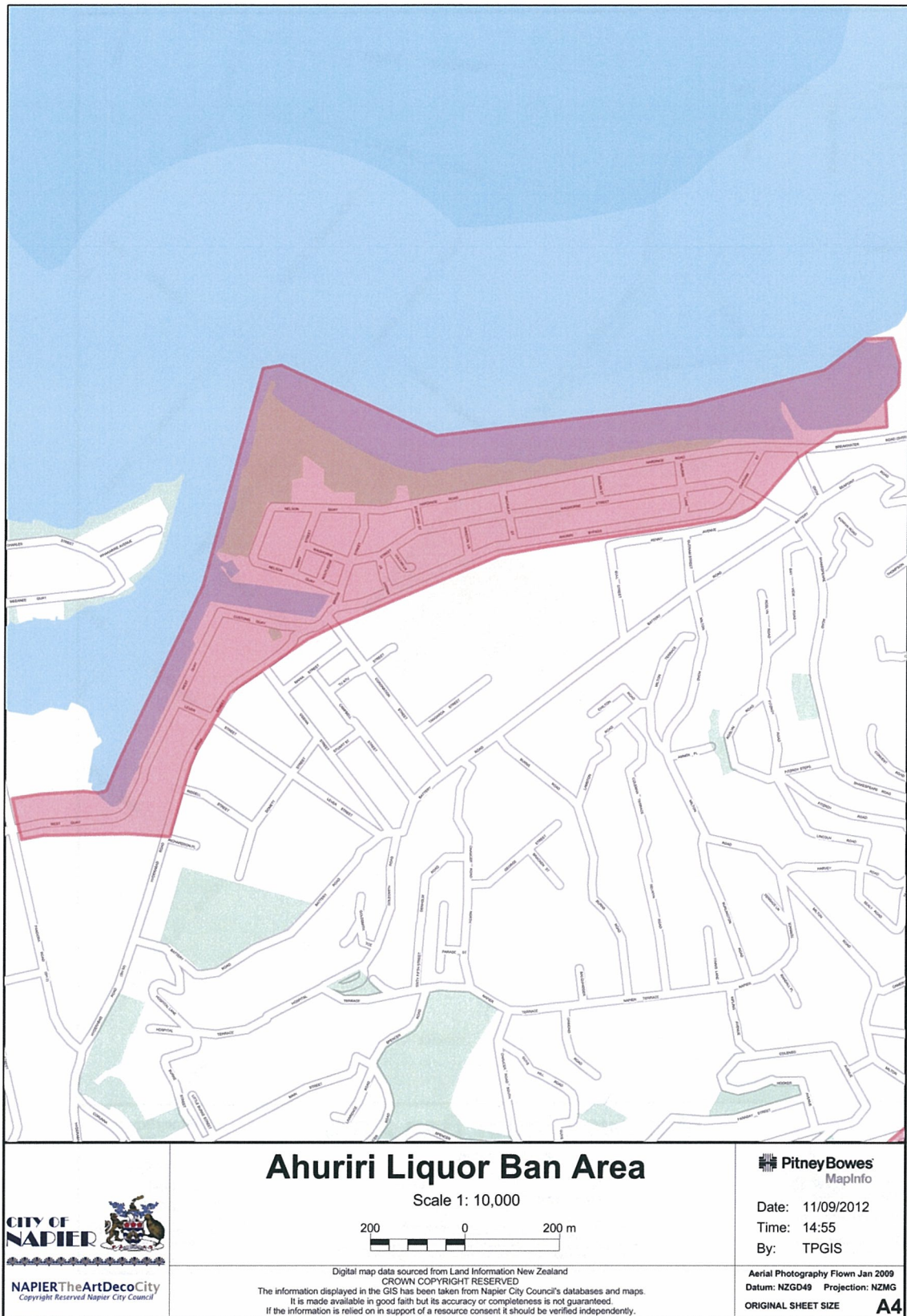


Figure 3: Ahuriri Liquor Ban Area

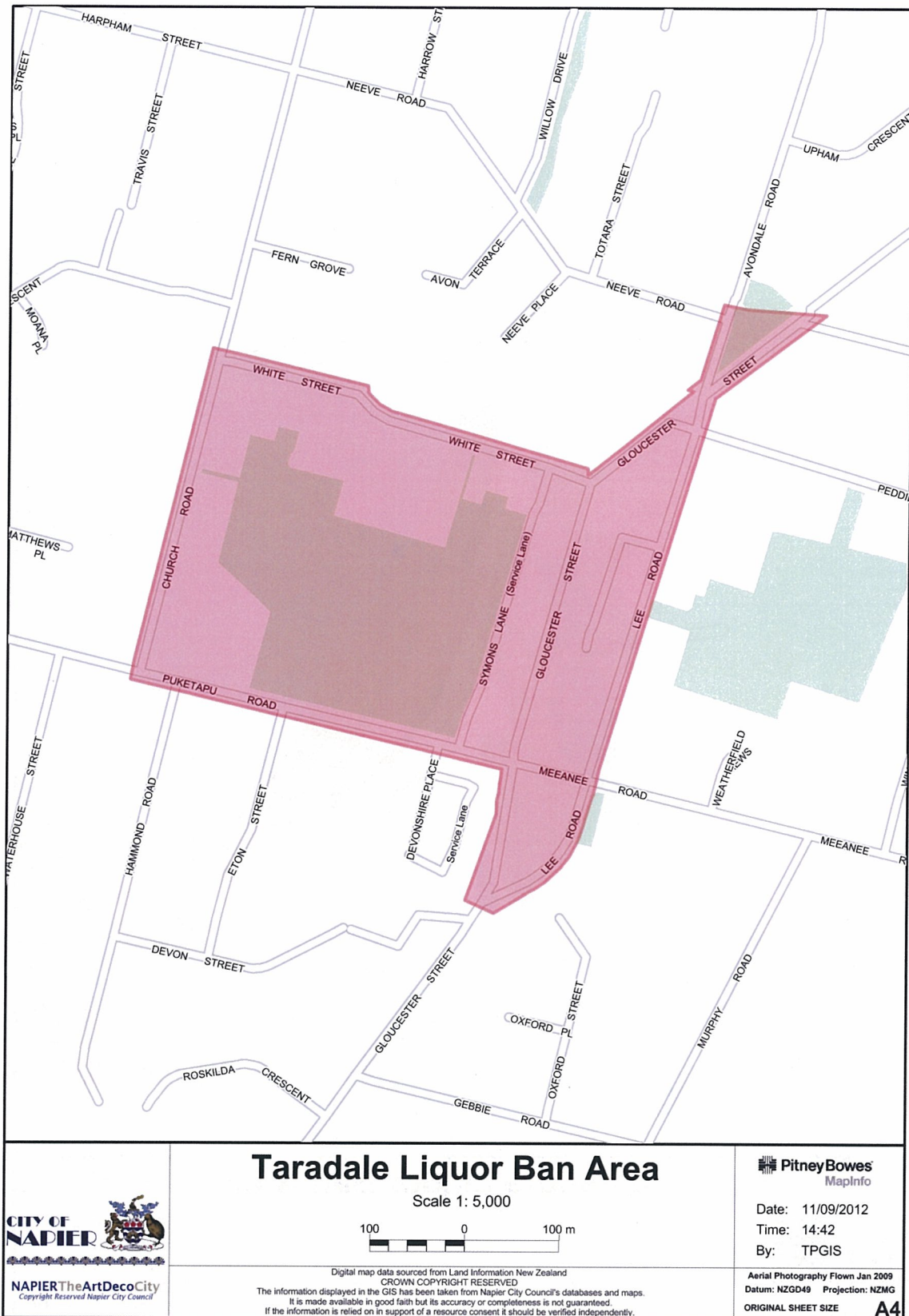


Figure 4: Taradale Liquor Ban Area



Figure 5: Westshore Liquor Ban Area

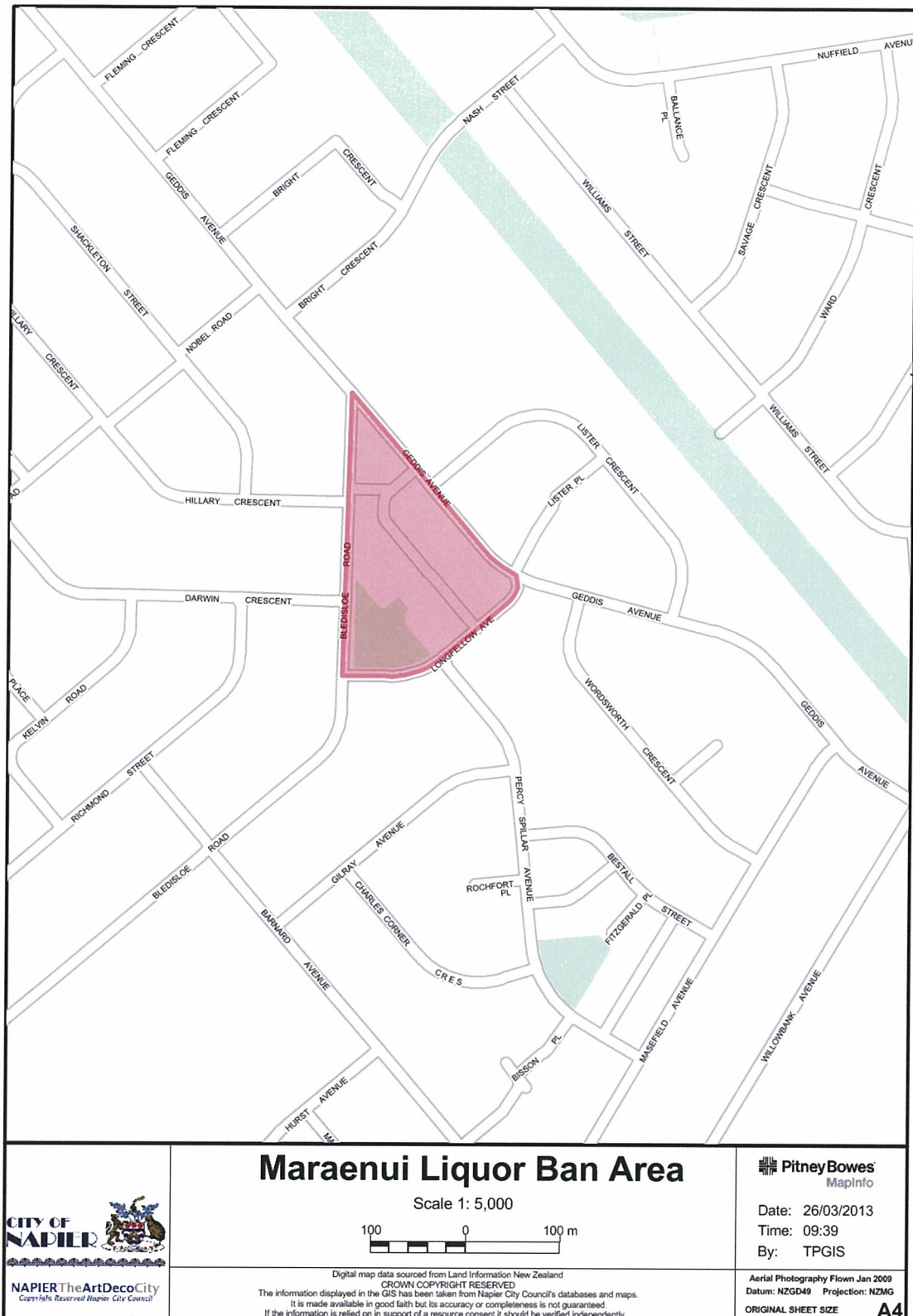


Figure 6: Maraenui Liquor Ban Area