

WAITAKERE CITY COUNCIL

CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW 2003

Title and Commencement

1. This Bylaw is the Control of Liquor in Public Places Bylaw 2003 made pursuant to section 147 of the Local Government Act 2002.
2. This Bylaw comes into force on the date on which it is approved by Council resolution.

Interpretation

3. In this Bylaw:

- (a) **Act** - means the Local Government Act 2002
- (b) **Council** - means Waitakere City Council
- (c) **Holiday Period** - subject to Clause 4, means any day in any year during the periods beginning with:
 - (i) 24 December and finishing with the second Sunday in January of the following year ("Christmas/New Year Holiday");
 - (ii) the Friday immediately preceding Auckland Anniversary Day and finishing with Auckland Anniversary Day;
 - (iii) 5 February and finishing with 6 February ("Waitangi Day");
 - (iv) the Thursday immediately preceding Good Friday and finishing with the following Tuesday;
 - (v) 24 April and finishing with 25 April ("Anzac Day");
 - (vi) the Friday before Queen's Birthday and finishing on Queen's Birthday;
 - (vii) the Friday before Labour Day and finishing with Labour Day;

and 5 November in any year.

- (d) **Liquor** - has the meaning given to it in the Sale of Liquor Act 1989
- (e) **Public Place** - means a place within Waitakere City:
 - (i) That is under the control of the Council; and
 - (ii) That is open to, or being used by, the public, whether or not there is a charge for admission; and includes
 - (iii) A road, whether or not the road is under the control of the Council; and
 - (iv) A part of a Public Place;

but does not include any part of a Public Place which is the subject of a licence issued under the Sale of Liquor Act 1989.

- (f) **Special Event** - means any event, function or gathering of defined duration to be held in whole or in part in a Public Place.

4. In any year where:
 - (a) The Christmas/New Year Holiday falls to begin:
 - (i) on a Friday, the Holiday Period will begin on the preceding Thursday;
 - (ii) on a Saturday, Sunday, Monday or Tuesday, the Holiday Period will begin on the preceding Friday.
 - (b) Waitangi Day, Anzac Day or 5 November falls on a Friday or a Monday, the relevant Holiday Period will extend to include the immediately following, or preceding, Saturday and Sunday.

Holiday Period Liquor Bans

5. No person may, between the hours of 5.00pm on any day in a Holiday Period and 5.00am on the following day bring liquor into, possess liquor in or consume liquor in any Public Place within those parts of Marine Parade South, Piha South Road Reserve, Piha Domain, Lion Rock, Marine Parade North, North Piha Strand, Piha Esplanade Reserve, Les Waygood Park, North Piha Road and North Piha Esplanade at Piha outlined in black on the plan attached at Schedule 1 of this Bylaw.

Special Event Liquor Bans

6. The Council may at any time by ordinary resolution resolve to prohibit any person from bringing liquor into, possessing liquor in, or consuming liquor in any Public Place or part of a Public Place specified in that resolution for the purposes of a Special Event at such times or for such periods as may be specified in that resolution.
7. Before passing a resolution under clause 6 the Council must be satisfied that the benefits, in terms of the safe and effective conduct of the Special Event, of the proposed ban outweigh any disadvantages from the imposition of the ban upon the rights of the public.

Police Powers

8. For the purposes of section 170(4) of the Act, it is recorded that the police may exercise powers of search and seizure under section 170(2) of the Act:
 - (a) on any day in a Holiday Period during the hours specified in clause 5 of this Bylaw;
 - (b) during any Special Event to which a ban under clause 6 of this Bylaw applies.

Breach of Bylaw

9. Any person who acts in breach of any provision of this Bylaw commits an offence and is liable to penalty as prescribed in s.242 of the Local Government Act 2002.

THE COMMON SEAL of **WAITAKERE CITY**)
COUNCIL was hereunto affixed pursuant to)
 resolution 4205/2003 dated 26 November 2003)
 in the presence of :)




 Mayor/Deputy Mayor

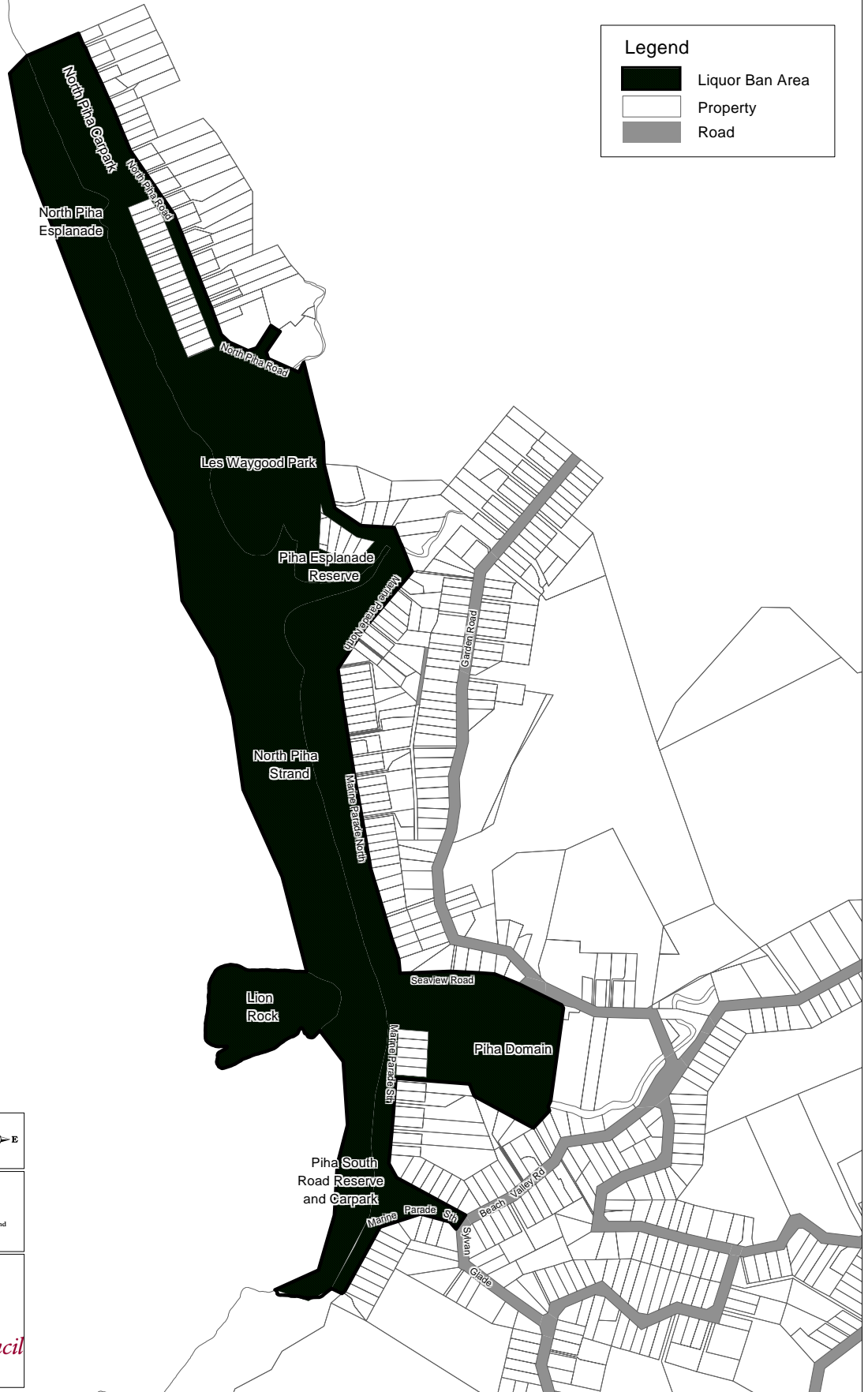
 Chief Executive

SCHEDULE 1

Liquor Ban - Piha

Legend

-  Liquor Ban Area
-  Property
-  Road



Created: 18/09/2003
Scale 1:10000 @ A4



Map Compiled by GIS Group,
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Waitakere City Council
Te Taiao o Waitakere