

# UPPER HUTT CITY COUNCIL

## LIQUOR CONTROL BYLAW 2007

### EXPLANATORY NOTE

This Bylaw is called the Liquor Control Bylaw 2007. It has the purpose of controlling the consumption and possession of liquor in public places in a defined section of Upper Hutt (called "the Central Area" in the Bylaw) but also sets out a method of obtaining exemptions. Signs will be erected to bring the terms of the Bylaw to the notice of the public.

This Bylaw has been made pursuant to Section 147 of the Local Government Act 2002. That Section needs to be read together with this Bylaw as it contains definitions of the terms "Liquor" and "Public Places" used in this Bylaw. It also sets out some specific exemptions when this Bylaw will not apply and relating to the transportation of unopened liquor bottles or containers.

Section 169 of the Local Government Act 2002 gives the Police powers of search and seizure, without warrant, to enforce this Bylaw and the Police are responsible for its enforcement.

**Reviewed and Affirmed 19 February 2014.**

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## 1. Application of Bylaw

This Bylaw applies within the district of the Upper Hutt City Council.

## 2. Commencement

This Bylaw came into force on 4<sup>th</sup> April 2007.

## 3. Interpretation

**"Authorised Officer"** means any person appointed or authorised by the Council to act on its behalf and with its authority.

**"Council"** means the Upper Hutt City Council and any Authorised Officer.

**"Upper Hutt Central Area"** means the part of Upper Hutt as is defined on the attached map marked "Upper Hutt Central Area", **but excluding:**

- a. any area that is subject to a road encroachment licence issued by the Council; and
- b. any licensed premises that occupies a paved area on legal road or other Council land where permission to occupy has been granted by the Council.

## 4. Liquor Prohibition

The consumption or possession of liquor in a public place (including while in a vehicle), is prohibited within the Upper Hutt Central Area.

## 5. Council Permission

- 5.1. Any person may apply to the Council for prior written permission for any activity that would otherwise be in breach of the prohibition imposed by clause 4 of this Bylaw.
- 5.2. The Council, if it considers such to be appropriate, may grant permission on such terms and conditions if any, as it sees fit to impose.

## 6. Signage

The Council will erect signs in the Upper Hutt Central Area to provide information to the public on the terms of this Bylaw. The location, size, and information to be contained in such signs shall be at Council's discretion. To avoid any doubt, the absence of signs in any public place in the Upper Hutt Central Area does not authorise breach of this Bylaw.

## 7. Offences

Everyone commits an offence who:

- a. consumes or possesses any liquor in a public place in breach of the prohibition imposed by this Bylaw; and
- b. breaches, or permits a breach of, the terms of any Council permission granted pursuant to clause 5 of this Bylaw.

# Extent of Central Area Liquor Ban

