

## **Kapiti Coast District Council Control of Alcohol in Public Places Bylaw 2018**

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## 1 TITLE, COMMENCEMENT, AND APPLICATION

- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Control of Alcohol in Public Places Bylaw 2018.
- 1.2 This Bylaw shall come into effect on 6 December 2018.
- 1.3 This Bylaw applies to any part of the Kapiti Coast District.
- 1.4 This Bylaw replaces the Kapiti Coast District Council Control of Alcohol in Public Places Bylaw 2013.

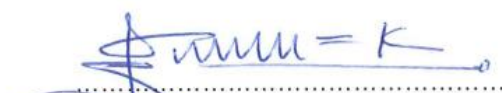
## 2 BYLAW VALIDATION

- 2.1 This Bylaw was approved at a meeting of the Kapiti Coast District Council held on 6 December 2018 after completion of the special consultative procedure.
- 2.2 This Bylaw is made under the authority of section 147 of the Local Government Act 2002.
- 2.3 Technical amendments to this Bylaw were approved at a meeting of the Kapiti Coast District Council on 26 August 2021.


### Bylaw Review

Bylaw adopted by Council	6 December 2018
Bylaw came into effect	6 December 2018
Reviewed (Technical)	July-August 2021
Technical amendments approved by Council	26 August 2021
Amendments take effect	1 January 2022
Review due date	6 December 2028

- 2.4 The Common seal of the Kapiti Coast District Council was affixed pursuant to a resolution of Council on 6 December 2018, and following technical amendments, pursuant to a resolution of Council on 26 August 2021 in the presence of:

  
K. (Guru) Gurunathan  
Mayor

  
Wayne Maxwell  
Chief Executive Officer

  
Councillor



### 3 OBJECTIVE

- 3.1 The purpose of this Bylaw is to enhance the safety of the public and allow their responsible enjoyment of public places in the District. This will be achieved by providing alcohol free zones in public places, which apply at specified times, aimed at reducing the incidence of alcohol-related harm, particularly behaviour of a violent, threatening or destructive nature.

### 4 INTERPRETATION

- 4.1 In this Bylaw, the following terms are used:

<b>Alcohol</b>	Has the meaning given to it under section 5(1) of the Sale and Supply of Alcohol Act 2012
<b>Alcohol free zone</b>	Means any public place within an area identified in the Schedule to this Bylaw or in any Council resolution under clause 6.3(a) of this Bylaw
<b>Authorised officer</b>	Means any person authorised by the Council to carry out any of the duties provided for under this Bylaw or any Council Bylaw; and (a) includes any Council Enforcement Officer; and (b) includes any agents licensed by Council to carry out a duty or operate a public place on Council's behalf.
<b>Chief Executive</b>	Means the Chief Executive of Kapiti Coast District Council or a person acting under delegated authority on behalf of the Chief Executive
<b>Commencement</b>	Means the date this Bylaw comes into effect under clause 1.2
<b>Council</b>	Means the Kapiti Coast District Council or any committee, community board, or an officer authorised to exercise the authority of the Council
<b>District</b>	Means the Kapiti Coast District
<b>Enforcement Officer</b>	Means any person appointed by the Council to enforce the provisions of any Council Bylaw and who holds a warrant under section 177 of the Local Government Act 2002 or an appropriate section of any other Act
<b>Licensed premises</b>	Has the meaning given to it under section 5(1) of the Sale and Supply of Alcohol Act 2012
<b>Offence</b>	Means a breach of clause 5.1 of this Bylaw that constitutes an infringement offence under section 239A of the Local Government Act 2002
<b>Police</b>	Means any constable or other member of the New Zealand Police
<b>Public place</b>	In accordance with section 147(1) of the Local Government Act 2002, public place: a) means a place 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
<b>Specified times</b>	For an alcohol free zone identified in the Schedule to this Bylaw, means the days and hours identified for that area in the Schedule to this Bylaw.  For an alcohol free zone established by the Council under clause 6.2 of this Bylaw, means the days and hours identified for that area in the Council's resolution under clause 6.3(b).

- 4.2 For the avoidance of doubt, any reference to any enactment, regulation, bylaw or Council officer position includes any modification, amendment or substitution thereof to that enactment, regulation, bylaw or Council officer position.

## **5 PROHIBITED ACTS**

- 5.1 No person shall:

- (a) bring alcohol into;
- (b) possess alcohol in;
- (c) consume alcohol in; or
- (d) have or use in a vehicle in conjunction with any activity under paragraphs (a) to (c) in;

any alcohol free zone during the specified times.

- 5.2 Clause 5.1 is subject to the exceptions in clause 7 of this Bylaw.

## **6 ESTABLISHING ALCOHOL FREE ZONES**

- 6.1 The public places in each of the areas identified in the Schedule to this Bylaw are alcohol free zones.

- 6.2 The Council may from time to time, by resolution, establish alcohol free zones in public places not already identified in the Schedule to this Bylaw.

- 6.3 In establishing an alcohol free zone under clause 6.2, the Council must determine and state in the resolution concerned:

- (a) the public places in which the alcohol free zone will apply;
- (b) the days and times at which alcohol will be prohibited in the alcohol free zone; and
- (c) the period for which the resolution will be in force.

- 6.4 For clarity:

- (a) under clause 6.3(b), the Council may determine that alcohol will be prohibited in an alcohol free zone 24 hours a day, 7 days a week, or for some lesser amount of time; and
- (b) under clause 6.3(c), the Council may establish an alcohol free zone temporarily, such as for a particular event, or permanently (in which case it will remain in force until the Council amends or revokes the resolution under clause 6.7 or until this Bylaw expires on 6 December 2028 in accordance with section 11 of the Local Government (Alcohol Reform) Amendment Act 2012).

- 6.5 The Council must comply with section 147B of the Local Government Act 2002 before making a resolution under clause 6.2.
- 6.6 The Council must give public notice of a resolution made under clause 6.2 at least 14 days before it takes effect.
- 6.7 The Council may at any time, by resolution, amend or revoke a resolution made under clause 6.2.

## **7 EXCEPTIONS**

### **7.1 Transport of alcohol**

Clause 5.1 of this Bylaw does not prohibit the transport of alcohol in an unopened bottle or container as provided for in section 147(4) of the Local Government Act 2002.

### **7.2 Licence authorisation**

Clause 5.1 does not prohibit the possession or consumption of alcohol where such possession or consumption is authorised by a licence issued under the Sale and Supply of Alcohol Act 2012.

### **7.3 Council dispensation**

- (a) The Council may grant, in writing, a dispensation from complying with the prohibition in clause 5.1 for an event.
- (b) Before granting a dispensation under clause 7.3(a), the Council must be satisfied that the risk of alcohol-related harm at the event is low.
- (c) The Council may impose any conditions on a dispensation granted under clause 7.3(a) that it considers appropriate, including conditions relating to:
  - i. the date and time the dispensation applies;
  - ii. the individuals, and the number of persons, who are required for running the event, or any activities associated with the event, during the period the dispensation applies;
  - iii. the nature of the event, and any activities associated with the event;
  - iv. the numbers of persons who may attend the event while the dispensation applies;
  - v. what controls may be required to ensure persons under the age of 18 years will not have access to alcohol;
  - vi. how much, and what types of, alcohol may be made available;
  - vii. what host responsibility provisions will apply, including provision of food, low or non-alcohol drinks, and alternative transport options.
- (d) Any person applying for a dispensation must use the application form approved by the Council for this purpose.

- (e) The Council may impose a charge on applying for a dispensation in order to recover its reasonable costs, with such charge to be prescribed using the special consultation procedure under the Local Government Act 2002.

## **8 POWERS OF ARREST, SEARCH AND SEIZURE**

### **8.1 Powers of the Police**

In any alcohol free zone, the Police have the powers of search, seizure and arrest set out in section 169(2) of the Local Government Act 2002.

Without limiting or broadening the powers under section 169(2), that section enables the Police to:

- (a) search any container or vehicle;
- (b) seize any alcohol or container; and
- (c) arrest a person found committing an offence, or who has refused to comply with a request by the Police to leave the alcohol free zone, or to surrender alcohol in that person's possession.

### **8.2 Warning by the Police**

Before exercising the power of search under section 169(2)(a) of the Local Government Act 2002, section 170(1) of that Act requires the Police to:

- (a) inform the person in possession of the container or the vehicle that he or she has the opportunity of removing the container or the vehicle from the alcohol free zone; and
- (b) give the person reasonable opportunity to remove the container or the vehicle from the alcohol free zone.

Clause 8.2 is subject to the exception in clause 8.3.

### **8.3 No warning required in certain situations**

This Bylaw authorises the Police to exercise the power in section 170(2) of the Local Government Act 2002 on specified dates, or in relation to specified events, that are notified in accordance with section 170(3) of that Act and clause 8.4 of this Bylaw.

Without limiting or broadening the powers under section 170(2), that section enables the Police to search a container or vehicle immediately and without further notice, so that the warning referred to in clause 8.2 is not required.

### **8.4 Council power to authorise Police**

The Council may:

- (a) by public notice given 14 days in advance, specify the alcohol free zone where, and the period when, the Police may exercise the power in section 170(2) (enabling them to search containers and vehicles without giving the warning referred to in clause 8.2); and
- (b) indicate the location of the alcohol free zone by one or more clearly legible notices affixed in one or more conspicuous places on, or adjacent to, the alcohol free zone, unless it is impractical or unreasonable to do so.

## **9 BREACH OF BYLAW AND PENALTY**

Any person who acts in breach of clause 5.1 of this Bylaw commits an offence under section 239A of the Local Government Act 2002 and may be served an infringement notice in accordance with sections 244 and 245 of the Local Government Act 2002 and be required to pay an infringement fee not exceeding \$1,000.

## **10 REPEAL**

The Kapiti Coast District Council Control of Alcohol in Public Places Bylaw 2013 is repealed on commencement of this Bylaw.

## Schedule to the Kapiti Coast District Council Control of Alcohol in Public Places Bylaw 2018

Alcohol free zones	Specified times
<b>1. The entire length of the beach, foreshore and dunes within the jurisdiction of the Kapiti Coast District Council.</b>	Every day from 9.00 pm to 6.00 am the following day
<b>2. All skate parks and adjoining reserves and car parks in the Kapiti Coast District including:</b> (a) Any area within 10 metres of the boundary of Paekākāriki skate park and adjacent playground located on the corner of Campbell Park (b) Paraparaumu Beach skate park and Maclean Park (c) Waikanae skate park and Waikanae Park (d) Ōtaki skateboard park and reserve	Every day of the year, 24 hours a day
<b>3. The public places located in or adjacent to the urban areas of Paekākāriki (Map 1) encompassed by:</b> (a) State Highway One in the East (b) The corner of Ames Street and State Highway One in the south (c) The beach, foreshore and dunes in the West (d) Henare Street, Horomona Road, Haumia Street, Tilley Road and Wellington Road in the North	Every day from 9.00 pm to 6.00 am the following day
<b>4. The public places located in or adjacent to the urban areas of Raumati South, Raumati, Paraparaumu, Paraparaumu Beach and Otaihanga (Map 2) encompassed by:</b> (a) State Highway One in the East, except in Paraparaumu Township where the eastern boundaries extend to Mamaku Street, Ruahine Street, Hookway Grove and its intersection with Valley Road (b) The Esplanade, McKenzie Avenue and Rainbow Court in the South (c) The beach, foreshore and dunes in the West (d) Waikanae River in the North	Every day from 9.00 pm to 6.00 am the following day
<b>5. The public places located in or adjacent to the urban areas of Waikanae and Waikanae Beach (Map 3) encompassed by:</b> (a) State Highway One in the East, except where the eastern boundaries extend to He Awa Crescent, Poneke Drive, Kakariki Grove, Tui Crescent, Kotare Street, Kea Street and Winara Avenue (b) The Waikanae River in the South (c) The beach, foreshore and dunes in the West (d) Manu Grove, Awanui Drive, Runanga Grove, Cranbrook Grove, Amokura Street and Fieldway in the North.	Every day from 9.00 pm to 6.00 am the following day





<p><b>6. The public places located in or adjacent to the township of Peka Peka (Map 4) encompassed by:</b></p> <ul style="list-style-type: none"> <li>(a) 146 Paetawa Road in the South</li> <li>(b) Paetawa Road in the East</li> <li>(c) The beach, foreshore and dunes in the West</li> <li>(d) Beachview Grove and Pingao Lane in the North</li> </ul>	<p>Every day from 9.00 pm to 6.00 am the following day</p>
<p><b>7. The public places located in or adjacent to the township of Te Horo Beach (Map 5) encompassed by:</b></p> <ul style="list-style-type: none"> <li>(a) Kitchener Street in the South</li> <li>(b) Gawler Street in the East</li> <li>(c) The beach, dunes and foreshore in the West</li> <li>(d) Te Horo Beach Road in the North</li> </ul>	<p>Every day from 9.00 pm to 6.00 am the following day</p>
<p><b>8. The public places located in or adjacent to the urban areas of Main Street/Mill Road, Aotaki Street, Raukawa Street, Rangatira Street and Waerenga Road, Otaki (Map 6) encompassed by:</b></p> <ul style="list-style-type: none"> <li>(a) Main Street/Mill Road: from the roundabout that marks the entrance into the Te Wānanga O Raukawa in the west to the junction with State Highway One in the east</li> <li>(b) This area bounded by the entrance to the Te Wānanga O Raukawa, Raukawa Street and Rangatira Street to the north and south respectively</li> <li>(c) Waerenga Road: from the corner of Aotaki Street in the West to State Highway One in the East</li> <li>(d) Aotaki Street: from the junction with Main Street in the north to Riverbank Road in the South.</li> </ul>	<p>Every day of the year, 24 hours a day</p>
<p><b>9. State Highway One and Retail Area, Otaki (Map 7):</b></p> <ul style="list-style-type: none"> <li>(a) State Highway One: from the junction with Mill Road and Rahui Road to the junction with Waerenga Road</li> <li>(b) Retail area: encompassed by the railway track to the junction with Rahui Road in the East, from this junction along Rahui Road and onto Mill Road as far as the junction of Mill Road and Dunstan Street in the North; all of Dunstan Street to the junction with Waerenga Road in the West; and along Waerenga Road to the point where it intersects with the eastern side of the railway track in the South</li> </ul>	<p>Every day of the year, 24 hours a day</p>

# Map 1 Alcohol Free Zones Paekākāriki



0 125 250  
Meters  
Scale @A4 1:10,000



-  Every day from 9.00pm to 6.00am the following day
-  Skate Park - Every day of the year 24hrs a day



# Map 2 Alcohol Free Zones Otaihanga / Paraparaumu / Raumati



0 750 1,500  
Meters  
Scale @A4 1:42,000



-  Every day from 9.00pm to 6.00am the following day
-  Skate Park - Every day of the year 24hrs a day



# Map 3 Alcohol Free Zones Waikanae and Waikanae Beach



0 600 1,200  
Meters  
Scale @A4 1:35,000


-  Every day from 9.00pm to 6.00am the following day
-  Skate Park - Every day of the year 24hrs a day



# Map 4 Alcohol Free Zones Peka Peka



0 125 250  
Meters  
Scale @A4 1:10,000

 Every day from 9.00pm to 6.00am the following day



# Map 5 Alcohol Free Zones Te Horo



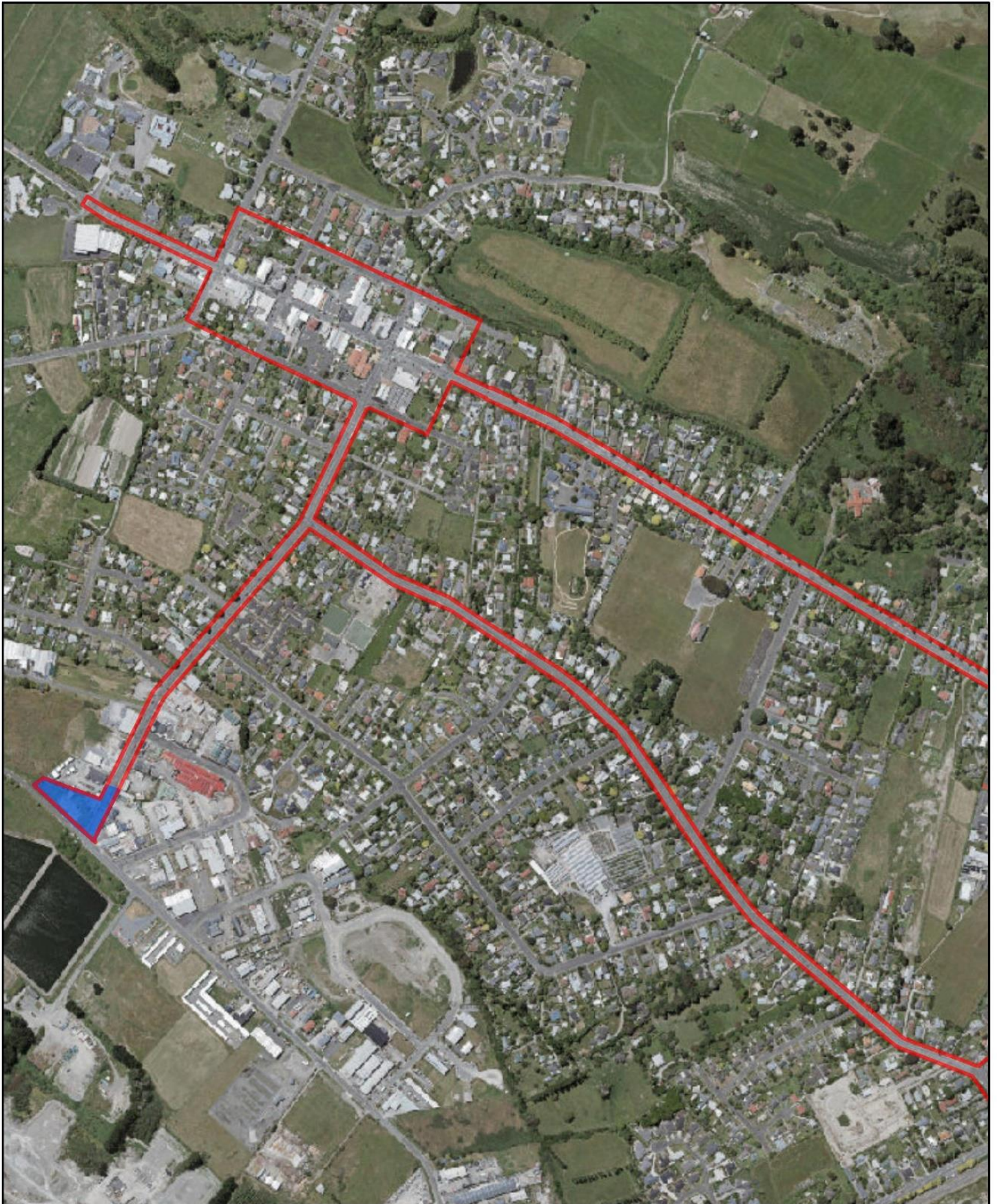
0 100 200  
Meters  
Scale @A4 1:5,000



Every day from 9.00pm to 6.00am the following day



# Map 6 Alcohol Free Zones Ōtaki Main St, Mill Rd and Waerenga Rd Areas



0 125 250  
Meters  
Scale @A4 1:8,000



Every day of the year 24hrs a day



Skate Park - Every day of the year 24hrs a day



# Map 7 Alcohol Free Zones Ōtaki SH1 Area



0 50 100  
Meters  
Scale @A4 1:3,500



Every day of the year 24hrs a day