

UPPER HUTT CITY COUNCIL

SILVERSTREAM LIQUOR CONTROL

BYLAW 2007

Explanatory note

This bylaw is called the Silverstream Liquor Control Bylaw 2007. It has the purpose of controlling the consumption and possession of liquor in public places in a defined geographical area of Silverstream (called **Silverstream Village 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.

1. Application of bylaw

1.1 This bylaw applies within the district of the Upper Hutt City Council.

2. Commencement

2.1 This bylaw came into force on 1 August 2007.

2.2 This re-print of the document was made on 22 December 2020.

3. Interpretation

3.1 In this Bylaw, unless the context otherwise requires:

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.

Silverstream Village Area means the part of Silverstream as is defined on the attached map marked “Silverstream Village 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

- 4.1 The consumption or possession of liquor in a public place (including while in a vehicle) is prohibited within the Silverstream Village 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 4.0 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

- 6.1 The Council will erect signs in the Silverstream Village 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 Silverstream Village Area does not authorise breach of this bylaw.

7. Offences

- 7.1 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 5.0 of this bylaw.

Silverstream Liquor Ban Area

