# CHRISTCHURCH CITY COUNCIL ALCOHOL RESTRICTIONS IN PUBLIC PLACES BYLAW 2018

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### PREAMBLE

This bylaw prohibits the consumption of alcohol and restricts the possession and carriage of alcohol in some public places within the Christchurch City Council district (called Alcohol Ban Areas).

In Alcohol Ban Areas, the consumption of alcohol is not generally allowed in public places (such as parks, footpaths, riverbanks, beaches or roads), but is allowed on private land (such as licensed premises or private residences).

The possession or carriage of alcohol in public places in Alcohol Ban Areas is limited by this bylaw and the Local Government Act 2002, and is generally only allowed when transporting, carrying or delivering alcohol through an area.

A breach of this bylaw is an infringement. This bylaw gives the Police the power to seize alcohol, to search people's bags and vehicles (in certain situations), and to arrest people found to be breaching the bylaw.

This bylaw should be read together with the Local Government Act 2002 (in particular sections 147-147C, 169 to 170), as the Act contains further information on bylaws made for 'alcohol control purposes'. Relevant parts of the Act are not included in this bylaw in full, but are referred to where necessary.

This bylaw does not cover matters related to licensed premises or any matters already covered by the Sale and Supply of Alcohol Act 2012.

Pursuant to the powers vested in it by section 147 of the Local Government Act 2002, the Christchurch City Council makes this bylaw.

### **1. SHORT TITLE AND COMMENCEMENT**

(1) This bylaw is the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2018 and comes into force on 18 December 2018.

### 2. PURPOSE

- (1) The purpose of this bylaw is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places.
- (2) This bylaw prohibits, or otherwise regulates or controls, the possession and consumption of alcohol in specified public places and the bringing of alcohol into specified public places.

### **3. INTERPRETATION**

(1) Text in this bylaw that is in grey italics (italics) is not part of the bylaw, but is explanatory in nature, and the Council may update or delete this text at any time without amending the bylaw.

Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

#### (2) In this Bylaw, unless the context requires otherwise:

ACT ALCOHOL	means the Local Government Act 2002. has the same meaning as 'alcohol' in section 5(1) of the Sale and Supply of Alcohol Act 2012 and section 147(1) of the Local Government Act 2002, and generally means alcoholic beverages such as beer, wine and spirits (including pre-mixed spirit-based drinks).
ALCOHOL RESTRICTIONS	means the restrictions imposed by clause 7(1) of this bylaw.
COUNCIL	means the Christchurch City Council.
EVENT	means any meeting, parade, concert, fair, celebration, festival, function or sporting or cultural event, commemoration, or other similar occasion, or a series of such occasions.
LARGE-SCALE EVENT ALCOHOL BAN AREA	means an area described in Schedule 2 in which alcohol restrictions are in place in the public places within the area and during the times specified in the Schedule.
LICENSED PREMISES	has the same meaning as 'licensed premises' in the Sale and Supply of Alcohol Act 2012, and generally means premises licensed for the sale or consumption of alcohol.
PERMANENT ALCOHOL BAN AREA	means an area described in Schedule 1 in which alcohol restrictions are permanently in place in the public places within the area, during the times, days or dates specified in the Schedule.

PUBLIC PLACE	has the same meaning as 'public place' in section 147 of the Local Government Act 2002; and 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 does not include licensed premises.
SPECIAL LICENCE	has the same meaning as 'special licence' in the Sale and Supply of Alcohol Act 2012, and generally means a licence granted under part 2 of the Sale and Supply of Alcohol Act 2012 for the sale and supply of alcohol during an event or series of events.
TEMPORARY ALCOHOL BAN AREA	means an area described in a resolution made under this bylaw in which alcohol restrictions are temporarily in place in the public places within the area during the times, days or dates specified in the resolution.

#### 4. PERMANENT ALCOHOL BAN AREAS

- (1) Permanent Alcohol Ban Areas are listed in Schedule 1. Schedule 1 describes the specific areas that are Permanent Alcohol Ban Areas and states the times, days or dates during which the alcohol restrictions apply to any public places in the Permanent Alcohol Ban Area.
- (2) To avoid doubt, the Council can add, remove or alter any part of Schedule 1 in accordance with section 156 of the Act.

#### 5. TEMPORARY ALCOHOL BAN AREAS

- (1) The Council may declare a Temporary Alcohol Ban Area by resolution. Any such resolution will describe the specific area that is a Temporary Alcohol Ban Area and the times, days or dates during which the alcohol restrictions apply to any public places in the area.
- (2) Before the Council declares a Temporary Alcohol Ban Area, the Council will comply with the requirements of section 147B of the Act.

Explanatory note: A Temporary Alcohol Ban Area will only be put in place for a limited time. The duration will depend on the reasons for imposing the alcohol restrictions. In making a resolution under the bylaw, the Council must <del>also</del> apply section 147B and the decision-making provisions in part 6 of the Act, which set out the requirements for council decision-making. These include identifying all reasonably practicable options to achieve the objective, and considering the views and preferences of persons likely to be affected by, or to have an interest in, the decision.

#### 6. LARGE-SCALE EVENT ALCOHOL BAN AREAS

- (1) The Chief Executive may nominate an event to be a Large-Scale Event, having taken into consideration
  - (a) the nature of the event;
  - (b) the number of people expected to attend the event; and
  - (c) the history of the event (if any).
- (2) When an event has been nominated as a Large-Scale Event, the Large-Scale Event Alcohol Ban Area applies in respect of that event during the specified times for that Alcohol Ban Area.

- (3) The Large-Scale Event Alcohol Ban Areas are listed in Schedule 2. Schedule 2 describes the specific areas that are Large-Scale Event Alcohol Ban Areas and states the times during which the alcohol restrictions apply to any public places in the Large-Scale Event Alcohol Ban Areas.
- (4) To avoid doubt, the Council can add, remove or alter any part of Schedule 2 in accordance with section 156 of the Act.

Explanatory note: A Large-Scale Event Alcohol Ban Area will only apply when the Chief Executive has designated an event to be a Large-Scale Event. The specific Alcohol Ban Area is set out in Schedule 2 as well as the time during which the Alcohol Ban Area applies. The area and time cannot be changed by the Chief Executive.

### 7. RESTRICTIONS IN ALCOHOL BAN AREAS

- (1) In Permanent or Temporary or Large-Scale Event Alcohol Ban Areas, subject to clause 8 of this bylaw and section 147(4) of the Act, no person may:
  - (a) consume alcohol in a public place; or
  - (b) consume alcohol in a vehicle in a public place; or
  - (c) bring alcohol into a public place, whether in a vehicle or not; or
  - (d) possess alcohol in a public place, whether in a vehicle or not.

Explanatory note: For exemptions in relation to unopened bottles or containers, see section 147(4) of the Act or the explanatory note to clause 8.

### 8. EXEMPTIONS TO RESTRICTIONS IN ALCOHOL BAN AREAS

- (1) The alcohol restrictions do not apply to areas or activities covered by a licence issued under the Sale and Supply of Alcohol Act 2012, including:
  - (a) any public place which is part of a licensed premises' outdoor area, where permission to occupy that area has been granted by the Council; or
  - (b) the carrying of alcohol directly between one part of a licensed premises and another part of the same licensed premises across a public place that separates the parts of the licensed premises; or
  - (c) any public place that is subject to a special licence, for the term of that licence; or
  - (d) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies; or
  - (e) any event held in a public place at which alcohol is served under a section 38 endorsed licence under the Sale and Supply of Alcohol Act 2012.

Explanatory note:

A number of exemptions for the transportation of unopened bottles or containers of alcohol through Alcohol Ban Areas are listed in section 147(4) of the Act, and are not restricted by this bylaw, including:

- commercial deliveries to licensed premises
- carrying alcohol bought from an off-licence (eg liquor store)
- carrying alcohol to or from BYO licensed premises
- carrying alcohol to or from private residences.

Some of these exemptions require the alcohol to be promptly removed from any public places covered by alcohol restrictions.

The Council may consider a dispensation under the Council's General Bylaw so that the restrictions in an Alcohol Ban Area do not apply for the duration of an event. However, if there is a risk of alcohol-related harm occurring as a result of the restrictions not applying, the event must comply with the Council's policy "Alcohol-related Harm at Public Events - Policy to Reduce". The policy requires effective joint planning between Council staff, the Police and other groups to reduce alcohol-related harm and to care for any people affected by alcohol.

### 9. POLICE POWERS OF SEARCH IN LARGE-SCALE EVENT ALCOHOL BAN AREAS

- (1) This bylaw authorises a member of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in areas to which a Large-Scale Event Alcohol Ban Area applies.
- (2) Clause 9(1) only applies if the Chief Executive nominating the event to be a Large–Scale Event provides that clause 9(1) of this bylaw will apply.

#### Explanatory note:

This power allows a member of the Police to search a container (e.g. a bag) or a vehicle immediately and without notice in a Large-Scale Event Alcohol Ban Area, provided the Council has complied with section 170 of the Act by giving 14 days public notice and displaying signs in conspicuous places on or adjacent to the Large-Scale Event Alcohol Ban Area. The Police have powers of search in all Permanent and Temporary Alcohol Ban Areas, as indicated in sections 169 and 170 of the Act.

When using the search powers, the Police must comply with certain conditions. However, if the power in clause **9** of this bylaw is used, the Police can search immediately and without notice.

#### **10. SIGNAGE IN ALCOHOL BAN AREAS**

- (1) Where it is practicable or reasonable to do so, the Council will erect signage within Alcohol Ban Areas to provide information to the public about the restrictions. The size, location and content of the signage will be at the Council's discretion.
- (2)To avoid any doubt, the absence of signage in any Alcohol Ban Area does not authorise a breach of this bylaw.
- (3) This clause is subject to any regulations made under section 147C of the Act.

#### **11. OFFENCE AND PENALTY**

(1)Every person who breaches this bylaw commits an infringement offence under section 239A of the Act and may be served with an infringement notice under section 245 of the Act and be liable to pay an infringement fee.

#### Explanatory note:

Any person in breach of the restrictions in place in an Alcohol Ban Area is subject to any action taken by the New Zealand Police in accordance with the powers given to the Police in the Act. These include the powers of search, seizure of alcohol, and arrest, and also the power to issue an infringement notice.

#### **12. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW**

(1)The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

#### **13. REVOCATION**

(1) The Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 is revoked.

The initial resolution to make this Bylaw was passed by the Christchurch City Council at an ordinary meeting of the Council held on 12 July 2018 and was confirmed, following consideration of submissions received during the special consultative procedure by a resolution at a subsequent meeting of the Council on 22 November 2018.

### **SCHEDULE 1**

### PERMANENT ALCOHOL BAN AREAS

The fifteen Permanent Alcohol Ban Areas are:

- 1. Central City
- 2. South Colombo
- 3. Riccarton/llam
- 4. New Brighton Mall, Marine Parade and Environs
- 5. Jellie Park
- 6. Linwood Village
- 7. Addington
- 8. Hagley Park and Environs
- 9. Sumner Esplanade
- 10. Merivale
- 11. Papanui
- 12. Spencer Park
- 13. Akaroa
- 14. Okains Bay
- 15. Riccarton Racecourse

The following pages of Schedule 1 contain maps, area descriptions and the times, days and/or dates during which the alcohol restrictions apply to Permanent Alcohol Ban Areas.

### Map 1 - Central City Alcohol Ban Area

Name of Alcohol Ban Area	Central City
Description of Alcohol Ban Area	The ban covers the area bounded by both sides of the streets and inclusive of the 'five Avenues': Bealey Avenue, Fitzgerald
	Avenue, Moorhouse Avenue, Hagley Avenue, Rolleston Avenue, and the section of the Avon River that runs alongside Park Terrace
	(from Armagh Street Bridge to Harper Avenue/Bealey Avenue Bridge) as shown in red below.
Times, days or dates during	Applies at all times, 24 hours, seven days a week
which alcohol restrictions apply	



#### Map 2 – South Colombo Alcohol Ban Area



### Map 3 – Riccarton / Ilam Alcohol Ban Area

Name of Alcohol Ban Area	Riccarton / Ilam
Description of Alcohol Ban Area	The ban covers the area bounded by both sides of the streets: Blenheim Road, Curletts Road, Yaldhurst Road, Avonhead Road,
	Maidstone Road, Waimairi Road, Greers Road, Memorial Avenue, Fendalton Road, Deans Avenue and back to Blenheim Road,
	including Ilam Primary School and University Drive. The ban excludes any land forming part of the University of Canterbury campus
	(excluded areas A, B, C) as shown in red below.
Times, days or dates during	Applies at all times, 24 hours, seven days a week
which alcohol restrictions apply	



Map 4 – New Brighton Mall, Marine Parade and Environs Alcohol Ban Area

Name of Alcohol Ban Area	New Brighton Mall, Marine Parade and Environs
Description of Alcohol Ban Area	The ban covers the area of New Brighton Mall, and Marine Parade and the New Brighton beach area within the District boundary
	as shown in red below.
	New Brighton Mall – the area bounded by both sides of the streets and inclusive of all of or the relevant parts of: Marine Parade,
	Beresford Street, Owles Terrace, Hawke Street, Keyes Road, and Lonsdale Street).
	Marine Parade and the New Brighton beach area – Marine Parade (from Beach Road to Bridge Street), and the beach alongside
	that section of Marine Parade including the Pier within the District boundary (down to the mean low water spring level).
Times, days or dates during	Applies at all times - 24 hours, seven days a week
which alcohol restrictions apply	



### Map 5 – Jellie Park Alcohol Ban Area

Name of Alcohol Ban Area	Jellie Park
Description of Alcohol Ban Area	The ban covers the whole Jellie Park, including both sides of Greers and Ilam Roads with the exception of the pool and sports
	complex as shown in red below.
Times, days or dates during	Applies at all times, 24 hours, seven days a week
which alcohol restrictions apply	



#### Map 6 – Linwood Village Alcohol Ban Area



# Map 7 – Addington Alcohol Ban Area

Name of Alcohol Ban Area	Addington
Description of Alcohol Ban Area	The ban covers the area bounded by both sides of the following streets: Lincoln Road, Moorhouse Avenue, Blenheim Road, Matipo
	Street, and Wrights Road as shown in red below.
Times, days or dates during	Applies from 9am to 10pm on New Zealand Trotting Cup Day, second Tuesday in November each year
which alcohol restrictions apply	
14	Bienheim Road Moorhouse Avenue
H	Addington
	Christchurch Southern Motorway
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# Map 8 – Hagley Park and Environs Alcohol Ban Area

Name of Alcohol Ban Area	Hagley Park and Environs
Description of Alcohol Ban Area	<ul> <li>The ban covers the Greater Hagley Park area, including Hagley Park South, Hagley Park North, the Botanic Gardens, Little Hagley Park and the area around Millbrook Reserve, as well as both sides of the streets included within and bounding the area as shown in red below.</li> <li>The streets or relevant parts of the streets which bound this area are as follows: <ul> <li>Deans Avenue – the ban includes the whole of Deans Avenue</li> <li>Moorhouse Avenue – the ban includes the section of Moorhouse Avenue that runs alongside South Hagley Park (from Deans Avenue to Hagley Avenue)</li> <li>Hagley Avenue – the ban stops at the edge of the Park alongside Hagley Avenue, but, does not include Hagley Avenue (Hagley Avenue is covered by the 24-hour Central City Alcohol Ban Area)</li> <li>Rolleston Avenue – the ban includes the whole of Carlton Mills Road</li> <li>Rossall Street – the ban includes the section of Rossall Street that runs from Carlton Mill Road to Rhodes Street</li> <li>Rhodes Street – the ban includes the section of Helmores Lane that runs from Rhodes Street to the Helmores Lane – the ban includes the section of Helmores Lane that runs from Rhodes Street to the Helmore Land Bridge (an includes Helmores Lane from the Bridge to Harper Avenue inside the ban area)</li> </ul> </li> </ul>
Times, days or dates during which alcohol restrictions apply	Road/Deans Avenue Bridge) Applies from 10pm to 7am each night, seven nights a week
	Hagley Park and Environs

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### Map 9 – Sumner Alcohol Ban Area

Name of Alcohol Ban Area	Sumner Esplanade
Description of Alcohol Ban Area	The ban covers the area bounded by both sides of the Esplanade (from Marriner Street to Heberden Avenue) along Heberden
	Avenue (from the Esplanade to the Sumner Boat Ramp car park); and including the Sumner Boat car park; as well as the beach area
	within the District boundary that runs alongside the area down to the mean low water spring level as shown in red below.
Times, days or dates during	Applies from 7pm each Thursday night until midnight of each Sunday night; and from 7pm on 31 December to 7am on 1 January
which alcohol restrictions apply	each year – New Year's Eve



#### Map 10 – Merivale Alcohol Ban Area

Name of Alcohol Ban Area	Merivale
Description of Alcohol Ban Area	The ban covers the area bounded by both sides of the streets and inclusive of all of, or the relevant parts of: Rossall Street, Rugby
	Street, Papanui Road, St Albans Street, Browns Road, and Innes Road/Heaton Street as shown in red below.
Times, days or dates during	Applies from 6pm to 6am each night, seven nights a week
which alcohol restrictions apply	



# Map 11 - Papanui

Name of Alcohol Ban Area	Papanui
Description of Alcohol Ban Area	The ban covers the area bounded by both sides of the streets and inclusive of all, or the relevant parts of: the cycle-walkway and
	the railway line from Vagues Road to Harewood Road, St. James Avenue, Windermere Road, Blighs Road, Papanui Road, Grants
	Road, Grassmere Street, Main North Road, Vagues Road, and St. James Park as shown in red below.
Times, days or dates during	Applies from 6pm to 6am each night, seven nights a week
which alcohol restrictions apply	



#### Map 12 – Spencer Park Alcohol Ban Area

Name of Alcohol Ban Area	Spencer Park
Description of Alcohol Ban Area	The ban covers part of the Spencer Park situated on the southern side of Heyders Road, commencing from 71 Heyders Road,
	Spencerville, and continuing to the beach, including the beach access and car parking areas as shown in red below.
Times, days or dates during	Applies from 8.30pm on 31 December to 6am on 1 January each year – New Year's Eve
which alcohol restrictions apply	



### Map 13 – Akaroa Alcohol Ban Area

Name of Alcohol Ban Area	Akaroa
Description of Alcohol Ban Area	The ban covers the area bounded by both sides of the streets, and inclusive of all, or the relevant parts of: Rue Lavaud, Beach Road,
	Rue Jolie, Rue Balguerie up to Muter Street, Rue Brittan, Rue Croix, part of Woodills Road up to and including the milk station turning
	area, Bruce Terrace from Beach Road to Rue Jolie, as well as the lower part of Stanley Park (from Beach Road to Penlington Place).
	This includes the following areas: Akaroa Beach and the waterfront area (including any wharf or jetty) from Children's Bay to
	Takapunueke Reserve, the Garden of Tane, Wackerle Green, Reclamation Parking and Slipway Area, Akaroa Recreation Ground, Jubilee
	Park, Childrens Bay and the War Memorial Grounds as shown in red below.
Times, days or dates during	Applies from 5pm on 31 December to 7am on 1 January each year – New Year's Eve
which alcohol restrictions apply	



#### Map 14 – Okains Bay Alcohol Ban Area

Name of Alcohol Ban Area	Okains Bay
Description of Alcohol Ban Area	The ban covers the area being the Okains Bay Beach and Okains Bay Road. The area excludes the Okains Bay Camping Ground and a
	small parcel of adjacent land owned by the Department of Conservation as shown in red below.
Times, days or dates during	Applies from 5pm on 31 December to 7am on 1 January each year – New Year's Eve
which alcohol restrictions apply	
	Okains Bay beach and Reserves

### Map 15 – Riccarton / Racecourse Alcohol Ban Area

Name of Alcohol Ban Area	Riccarton / Racecourse
Description of Alcohol Ban Area	The ban covers the area bounded by both sides of the following streets: Yaldhurst Road, Middlepark Road, Epsom Road, Main
	South Road, Racecourse Road, Buchanans Road, Carmen Road and Masham Road as shown in red below.
Times, days or dates during	Applies from 7am to 12 midnight, Saturday of Cup Week (New Zealand Cup Day)
which alcohol restrictions apply	



### **SCHEDULE 2**

# LARGE-SCALE EVENT ALCOHOL BAN AREAS

The Large-Scale Event Alcohol Ban Areas are:

- 1. Hagley Park and Environs
- 2. Rawhiti Domain / Thomson Park

The following pages of Schedule 2 contain maps, area descriptions and the times during which the alcohol restrictions apply to Large-Scale Event Alcohol Ban Areas.

Name of Alcohol Ban Area	Hagley Park and Environs
Description of Alcohol Ban Area	<ul> <li>The ban covers the Greater Hagley Park area, including Hagley Park South, Hagley Park North, the Botanic Gardens, Little Hagley Park and the area around Millbrook Reserve, as well as both sides of the streets included within and bounding the area as shown in red below.</li> <li>The streets or relevant parts of the streets which bound this area are as follows: <ul> <li>Deans Avenue – the ban includes the whole of Deans Avenue</li> <li>Moorhouse Avenue – the ban includes the section of Moorhouse Avenue that runs alongside South Hagley Park (from Deans Avenue to Hagley Avenue)</li> <li>Hagley Avenue – the ban stops at the edge of the Park alongside Hagley Avenue, but, does not include Hagley Avenue (Hagley Avenue is covered by the 24-hour Central City Alcohol Ban Area)</li> <li>Rolleston Avenue – the ban includes the whole of Carlton Mills Road</li> <li>Carlton Mill Road - the ban includes the section of Rossall Street that runs from Carlton Mill Road to Rhodes Street</li> <li>Rhodes Street – the ban includes the section of Rhodes Street that runs from Rossall Street to Helmores Lane</li> <li>Helmores Lane – the ban includes the section of Helmores Lane that runs from Rhodes Street to the Helmore Land Bridge (an includes Helmores Lane from the Bridge to Harper Avenue inside the ban area)</li> </ul> </li> <li>The sections of the Avon River that form a boundary to the ban area are: <ul> <li>Alongside Park Terrace (from the Armagh Street Bridge to the Harper Avenue/Bealey Avenue Bridge)</li> <li>Along the north side of Little Hagley Park (from the Helmores Lane Bridge to the Fendalton</li> </ul> </li> </ul>
Times, days or dates during which alcohol	Road/Deans Avenue Bridge) Applies for a 24 hour period on the day of the Large-Scale Event, commencing at 12.00 am and concluding at 11:59pm.
restrictions apply	

### Map 1 – Hagley Park and Environs Alcohol Ban Area (Large Scale Events)

Map 2 – Rawhiti Domain / Thomson Park Alcohol Ban Area (Large Scale Events)

