

Local Government Act 2002 Sections referred to in this paper

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Power to make bylaws for liquor control purposes

(1) In this section,—

liquor has the meaning given to it in the [Sale of Liquor Act 1989](#)
public place—

(a) means a place—

(i) that is under the control of the territorial authority; and

(ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and

(b) includes—

(i) a road, whether or not the road is under the control of a territorial authority; and

(ii) any part of a public place.

(2) Without limiting section [145](#), a territorial authority may make bylaws for its district for the purpose of prohibiting or otherwise regulating or controlling, either generally or for 1 or more specified periods,—

(a) the consumption of liquor in a public place:

(b) the bringing of liquor into a public place:

(c) the possession of liquor in a public place:

(d) in conjunction with a prohibition relating to liquor under paragraphs [\(a\)](#) to [\(c\)](#), the presence or use of a vehicle in a public place.

(3) A bylaw made under this section does not prohibit, in the case of liquor in an unopened bottle or other unopened container,—

(a) the transport of that liquor from premises that adjoin a public place during any period when, under the [Sale of Liquor Act 1989](#), it is lawful to sell liquor on those premises for consumption off the premises, provided the liquor is promptly removed from the public place:

(b) the transport of that liquor from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of liquor under the [Sale of Liquor Act 1989](#):

(c) the transport of that liquor from outside a public place to premises that adjoin a public place—

(i) by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or

(ii) from those premises to a place outside the public place by a resident of those premises, provided the liquor is promptly removed from the public place.

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Power of regional councils to make bylaws

(1) A regional council may make bylaws in relation to the following matters:

(a) forests that the regional council owns or controls, whether or not the forest is within the region of the regional council:

(b) parks, reserves, recreation grounds, or other land that the regional council owns or controls:

(c) flood protection and flood control works undertaken by, or on behalf of, the regional council:

(d) water supply works undertaken by, or on behalf of, the regional council.

(2) Without limiting the generality of subsection (1), bylaws may be made in relation to the matters listed in subsection (1) for the purpose of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of,—

(a) the real and personal property owned or controlled by the regional council; and

(b) sites or places on land of the regional council that have cultural, historical, recreational, scientific, or other community or amenity values.

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Review of bylaws made under this Act or the Local Government Act 1974

(1) A local authority must review a bylaw made by it under this Act (other than a bylaw deemed to be made under this Act by section 293) no later than 5 years after the date on which the bylaw was made.

(2) A local authority must review a bylaw made by it under the Local Government Act 1974 (other than a bylaw deemed to be made under this Act by section 293)—

(a) no later than 1 July 2008, if the bylaw was made before 1 July 2003; and

(b) no later than 5 years after the bylaw was made, if the bylaw was made after 1 July 2003.]

Dog Control Act 1996

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Dog control bylaws

(1) Any territorial authority may, in accordance with the [\[Local Government Act 2002\]](#), make bylaws for all or any of the following purposes:

- (a) Prohibiting dogs, whether under control or not, from specified public places:
- (b) Requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas or parts of the district:
- (c) Regulating and controlling dogs in any other public place:
- (d) Designating specified areas as dog exercise areas:
- (e) Prescribing minimum standards for the accommodation of dogs:
- (f) Limiting the number of dogs that may be kept on any land or premises:
- (g) Requiring dogs in its district to be tied up or otherwise confined during a specified period commencing not earlier than half an hour after sunset, and ending not later than half an hour before sunrise:
- (h) Requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces:
- (i) Requiring any bitch to be confined but adequately exercised while in season:
- (j) Providing for the impounding of dogs, whether or not they are wearing a collar having the proper label or disc attached, that are found at large in breach of any bylaw made by the territorial authority under this or any other Act:
- (k) Requiring the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence against section [53](#) of this Act):
- (l) Any other purpose that from time to time is, in the opinion of the territorial authority, necessary or desirable to further the control of dogs.

(2) Nothing in this section shall authorise the making of any bylaw conferring any power of entry onto any land or premises without the consent of the occupier.

(3) No bylaw authorised by any of the provisions of paragraphs (a) to (d) of subsection (1) of this section shall have effect in respect of any land for the time being included in—

(a) A controlled dog area or open dog area under section [26ZS](#) of the Conservation Act 1987; or

(b) A national park constituted under the [National Parks Act 1980](#).

(4) Bylaws authorised by this section shall be made in accordance with the [Local Government Act 2002](#) and shall be deemed to have been made under that Act.

[(5) A person who commits a breach of any bylaw authorised by this section commits an offence and is liable on summary conviction to the penalty prescribed by section [242\(4\)](#) of the Local Government Act 2002.]

[(5A) An injunction preventing a person from committing a breach of any bylaw authorised by this section may be granted in accordance with section [162](#) of the Local Government Act 2002, which section applies accordingly with all necessary modifications.]

(6) Notwithstanding section [7](#) of this Act, no joint standing or special committee that has had conferred upon it the functions, duties, and powers of territorial authorities under this Act shall have the power to make any bylaw; and the territorial authorities that so conferred their functions, duties, and powers under this Act shall retain the power to make bylaws in accordance with this section.

Local Government Act 1974

Sections referred to in this paper

699A

Infringement offences relating to navigation bylaws

(1) In sections [699B](#) to [699D](#),—

Infringement fee, in relation to an infringement offence, means the infringement fee prescribed for that offence by regulations made under subsection [\(2\)](#):

Infringement offence means a breach of a navigation bylaw that is specified in regulations made under subsection [\(2\)](#) as an infringement offence for the purposes of this section.

(2) The Governor-General may from time to time, by Order in Council, make regulations—

(a) Prescribing the infringement fee payable in respect of each infringement offence, which fee may not exceed \$1,000:

(b) Specifying which breaches of navigation bylaws are infringement offences for the purposes of this section:

(c) Prescribing the form of infringement notices for infringement offences.