

CHBDC:Part 4:2008

CENTRAL HAWKE'S BAY DISTRICT COUNCIL BYLAWS



Part 4 – Trading in Public Places

Superseding Model General NZS 9201:Part 4:1999

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Explanatory Note

This Bylaw is based on the Model General Bylaw NZS9201:Part 4:1999 Trading in Public Places as compiled by Standards New Zealand. This Bylaw amends that Standard as necessary to meet the requirements of the Central Hawke's Bay District Council.

Copyright

The copyright of the Model General Bylaw NZS9201:Part 4:1999 Trading in Public Places is the property of the Standards Council. The copying and amendment of the Model Bylaw has been carried out by a Territorial Authority in the process of preparing its local bylaw, as permitted by the Standards Council.

Referenced Documents

Reference is made in this document to the following:

New Zealand Legislation

- Fisheries Act 1996
- Local Government Act 1974
- Local Government Act 2002

Foreword

The CHBDC Bylaws series covers various matters under local authority jurisdiction. Local authorities are empowered under a variety of Acts including the Local Government Act 2002 to make Bylaws.

This CHBDC Bylaw is based on the Model General NZ Standard Trading in Public Places Bylaw prepared by Standards New Zealand. The Model General has been reviewed by technical staff and it has been deemed to currently meet the requirements of the Central Hawke's Bay District Council.

The purpose of this bylaw is to regulate the conduct of persons selling goods on streets, roads, footpaths and other public places. It also serves to regulate the conduct of persons using vehicles to sell goods and services to the general public.

Reference should be made to CHBDC:Part 1 *Introductory* and to the legislation referred to under Referenced Documents, for any other definitions not included in this Part.

CHBDC BYLAWS

Part 4 - TRADING IN PUBLIC PLACES

400 SCOPE

400.1 The general purpose of the CHBDC Bylaw Part 4 is:

- (a) to regulate the conduct of persons selling goods on streets, roads, footpaths and other public places; and
- (b) to regulate the conduct of persons using vehicles to sell goods and services to the general public.

NOTE - Section 684 of the Local Government Act 1974 for maximum fees.

400.2 This bylaw is made under the provisions of the Local Government Act 2002, and pursuant to Section 684 of the Local Government Act 1974, and Section 191 (2), part 10 of the Fisheries Act 1996.

401 DEFINITIONS AND INTERPRETATION

401.1 For the purposes of this bylaw the following definitions shall apply:

Goods - means any product or service.

Service Delivery Vehicle - means any vehicle being used for the purpose of delivering goods to the premises of any business or organisation and does not involve the sale of the goods to the general public in any public place.

401.2 For the purposes of this Standard the word “shall” refers to practices that are mandatory for compliance with this Standard, while the word “should” refers to practices which are advised or recommended.

402 LICENCE REQUIRED

No person, in any public place, shall engage in the sale of goods of any description whatsoever (except as provided in Section 409 Exemptions), without having first obtained a licence from Council.

403 APPLICATION

Every person who wishes to sell goods in a public place shall make written application to obtain a licence to the authorised officer of Council. The information to be supplied by the applicant may include any of the following, but not be restricted to:

- (a) name and address of the applicant;
- (b) name and address of the person(s) selling the goods;
- (c) the location / site;
- (d) the telephone number of the applicant;
- (e) the type of goods for sale;
- (f) the time sought for selling;
- (g) the type of vehicle(s) and registration numbers if applicable;
- (h) evidence of good character.

404 LICENCE DETAILS

The authorised officer in granting any licence may impose conditions. The conditions imposed may include, but not be restricted to, any of the following:

- (a) time and place;
- (b) duration of the licence;
- (c) location;
- (d) types of goods for sale;
- (e) area available for sale;
- (f) persons entitled to sell;
- (g) safety and hygiene requirements;
- (h) use of signage;
- (j) use of musical chimes or other audible devices for attracting customers;
- (k) litter, cleanliness;
- (m) name and address to be conspicuously displayed;
- (n) site rental.

405 FEES

Council may by resolution prescribe fees for licences and / or site rentals. Fees may differ for any class of licence as prescribed.

406 PRODUCTION OF LICENCE

- 406.1** Every licence holder shall at all times, when engaged in the sale of goods, carry a licence and show the licence to any authorised officer on demand.
- 406.2** Every licence holder shall, notwithstanding the conditions of the licence, upon being requested to do so by an authorised officer alter his / her position for sales to any other position as indicated by the authorised officer.

407 CONDITIONS OF LICENCE

Every person shall commit an offence under this Part of the bylaw who trades not in conformity with any of the conditions of the licence.

408 LICENCE NOT TRANSFERABLE

No licence issued under this part of the bylaw shall be transferable to any other person.

409 EXEMPTIONS

The exemptions allowed under this Part of this bylaw are as follows:

- (a) selling or disposal by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in Section 191 (2), Part 10 of the Fisheries Act 1996;
- (b) service delivery vehicles including milk vendors;
- (c) any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent or specific resolution of Council.

410 BYLAW APPROVAL DATE

The Common Seal of the Central Hawke's Bay District Council was attached, under Resolution (*Reference - CHBDC:Part4:2008*) passed at a meeting of the Central Hawke's Bay District Council held on (Day) (Month) (Year).

DATE CONFIRMED : ____/____/____