

Grey District Council Trading in Public Places Bylaw

This bylaw was adopted by the Grey District Council at an Ordinary Meeting held on 14 March 2016 and amended on 11 April 2016 and again on 12 February 2018 following consideration of submissions received as part of the Special Consultative procedure

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GREY DISTRICT TRADING IN PUBLIC PLACES BYLAW

EXPLANATORY NOTE

This bylaw is made pursuant to section 143, 145 and 146 of the Local Government Act 2002 read with section 22AB of the Land Transport Act 1998 and its amendments.

1.0 SHORT TITLE

1.1 The short title of this Bylaw will be the Grey District Trading in Public Places Bylaw.

2.0 COMMENCEMENT

2.1 This Bylaw shall come into force on 1 April 2016 and any subsequent amendment or review, on the date of its confirmation by Council.

3.0 PURPOSE

3.1 The general purpose of this Bylaw 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.

4.0 DEFINITIONS AND INTERPRETATION

4.1 For purposes of this Bylaw, the following definitions shall apply:

AUTHORISED OFFICER means an officer in the employ of the Grey District Council and that holds a delegation to issue licenses in terms hereof and enforce the provisions hereof.

COUNCIL means the Grey District Council.

GOODS means any product or service.

LICENCE means a formal written approval to the holder of the approval to exercise rights in terms of this bylaw.

PUBLIC PLACE includes all places within the Grey District which are accessible to the public.

TRADING refers to commercial activities in mobile, temporary or movable premises.

Note: For the purposes of this, Bylaw 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.

5.0 LICENCE REQUIRED

5.1 No person, in any public place space, shall engage in the sale of goods of any description whatsoever without having first obtained a licence from Council, except as provided in clause 16.0 - Exemptions.

For the avoidance of doubt, the possession of a Licence does not replace the need to also obtain the approval of the owner of the public place where the sale of goods will take place and complying with any conditions such owner may impose.

6.0 APPLICATION

6.1 Every person, other than a person mentioned in clause 16.0, who wishes to sell goods in a public place shall make written application to obtain a licence to trade 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;
- (i) Where appropriate, the written approval of neighbours;
- (j) The proposed signage to be deployed.

6.2 Every applicant shall comply with the District Plan rules governing the proposed activity.

7.0 LICENCE DETAILS

7.1 The authorised officer in granting any license may impose conditions. The conditions imposed may include, but shall 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;
- (k) Use of musical chimes or other audible devices for attracting customers;
- (l) Litter, cleanliness;
- (m) Name and address to be conspicuously displayed;
- (n) Site rental.

8.0 FEES

8.1 Council may, by resolution, prescribe fees for licences. Fees may differ for any class of licence as prescribed.

9.0 PRODUCTION OF LICENCE

9.1 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.

9.2 Every licence holder shall, notwithstanding the conditions of a 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.

10.0 INFORMAL TRADING EXCLUSION ZONE

10.1 It will be a general condition on all licences issued in terms of this Bylaw that no trading will be allowed within a distance of 50m from an existing business trading in similar merchandise.

11.0 COMPLIANCE WITH CONDITIONS OF LICENCE

11.1 Every person who trades in a manner that is not in conformity with any of the conditions of the licence shall commit an offence under this bylaw.

12.0 COMPLIANCE WITH STATUTORY REQUIREMENTS, INCLUDING BYLAWS AND REGULATIONS

12.1 Every licence holder shall, at all times, comply with the provisions any Act, Regulation or Bylaw or any other enforceable practice document that may apply.

13.0 LICENCE NOT TRANSFERABLE

13.1 No licence issued under this Bylaw shall be transferable to any other person.

14.0 TRADING ON COUNCIL LAND

14.1 Trading on land owned or under management or control of Council is subject to:

- The approval of Council;
- Adherence to the specific sites approved by Council from time to time and allocated by the authorised officer;
- Payment of the site rental as determined annually by Council on a tender basis for the relevant site; and
- An approved Health and Safety Plan for the operation including, where applicable, a Traffic Management Plan.

15.0 CHARITY EVENTS

15.1 Trading as part of charity events is subject to:

- The approval of the land owner;
- Prior notice to Council to trade for charity with the application incorporating a letter from the charity confirming the event, its date and location; and
- Written confirmation from Council as to the event having been noted.

16.0 EXEMPTIONS

16.1 The exemptions allowed under this bylaw are as follows:

- (a) Selling by commercial fishermen of limited quantity of fish of or in the immediate vicinity of a fishing vessel as specified in section 67(2), Part IV of the Fisheries Act 1983, in compliance with the Food Act;
- (b) Service vehicles like milk vendors and Couriers, which involves the delivery of a product to a place where there is no trading involved;
- (c) Community events, gatherings and meetings specifically exempted by the authorising officer.
- (d) Trading undertaken on the sites approved by Council in terms of Clause 14.1 in relation to the exclusion zone as provided for under Clause 10.1, subject thereto that the remainder of this Bylaw will apply to such trading.