

WAIKATO DISTRICT COUNCIL

TRADING IN PUBLIC PLACES BYLAW 2008

In exercise of the powers and authorities conferred on it under Part 8 of the Local Government Act 2002 and all other authorities enabling it in that behalf, the Waikato District Council made the following bylaw pursuant to a resolution passed on 25 March 2008.

A. TITLE

The bylaw shall be known as the “**Waikato District Council Trading in Public Places Bylaw 2008**” and shall consist of the “New Zealand Standard Model General bylaw 9201:Part 4:1999 – Trading in Public Places” attached hereto, subject to the modifications set out in the First Schedule annexed to the bylaw.

B. COMMENCEMENT

The bylaw shall come into effect on 1 April 2008.


C. APPLICATION

The bylaw shall apply to the Waikato District.

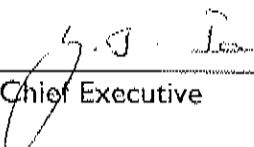
D. REVOCATION OF PREVIOUS BYLAW

The ‘Waikato District Council (General) Bylaw No. 1(1990), Chapter 4:1972 – Mobile or Travelling Shops, and Hawkers and Itinerant Traders’ is revoked from the date the new bylaw comes into effect.

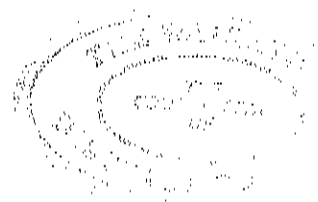
The Common Seal of the Waikato District Council was hereto affixed
In the presence of;



Mayor



Chief Executive



FIRST SCHEDULE

Modifications to New Zealand Standard Model General Bylaw 9201:Part 4:1999 to form part of the Waikato District Council Trading in Public Places Bylaw 2008.

Page 2 New Zealand Legislation

Replace "Local Government Act 1974" with "Local Government Act 2002".

Page 3 Foreword

First paragraph: Replace "Local Government Act 1974" with "Local Government Act 2002".

Third paragraph: Omit this paragraph.

Page 5 Scope

400.1 – Note - and 400.2

Replace "section 684 of the Local Government Act 1974" with "Local Government Act 2002".

401 Definitions and Interpretation

401.1 Add the following definitions:

APPROVAL means approved by the Council or by any officer authorised on that behalf by the Council

AUTHORISED OFFICER means any person appointed or authorised by the Council to act on its behalf and with its authority

COUNCIL means Waikato District Council

PUBLIC PLACE means any place that is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge; and includes every road, footpath, walkway, reserve, park, beach, foreshore and recreational grounds.

Page 7 - 409 – Exemptions

Replace Clause 409(c) with:

Any market, stall, stand or vehicle from which goods are offered or exposed for sale, and which has a current approval from Council under any other bylaw, legislation, resource consent or specific resolution of Council; provided that Council may impose additional conditions in respect of such approval, as if the approval was given under this bylaw.

410 OFFENCES AND BREACHES

Any person commits a breach of this bylaw who:

- 410.1 Does or omits, or causes to be done or omitted any act, matter, or thing, or who causes or knowingly permits or suffers any condition or thing to exist contrary to any provision contained in this bylaw, shall be deemed to have committed a breach of such provision, and shall be liable accordingly; or
- 410.2 Does anything or causes any condition to exist for which a licence or approval from the Council is required under this bylaw, without first obtaining that licence or approval; or
- 410.3 Fails to comply with any conditions imposed in respect of a licence or approval under this bylaw;
- 410.4 Fails to comply with any notice, or direction given under this bylaw.

411 PENALTIES

- 411.1 Every person who commits a breach of any of the provisions of this bylaw shall be liable to a penalty not exceeding Twenty Thousand Dollars (\$20,000.00).

NZS 9201:Part 4:1999

New Zealand Standard



STANDARDS
NEW ZEALAND
STANDARDS ASSOCIATION

Model General Bylaws

Part 4 – Trading in Public Places

Superseding NZS 9201:Chapter 4:1972

NZS 9201:Part 4:1999

NEW ZEALAND LEGISLATION

Local Government Act 1974
Fisheries Act Part IV: 1983

FOREWORD

The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 1974 to make bylaws.

This Standard supersedes NZS 9201:Chapter 4:1972 *Mobile or travelling shops, and hawkers and itinerant traders*. The revision simplifies the licensing procedure and reflects the current practice of selling goods on streets and footpaths or using vehicles to sell goods.

The definitions of "hawker" and "itinerant trader" have been omitted from the Standard. Reference should be made to NZS 9201:Part 1 Introductory for any other definitions not included in this Part.

NEW ZEALAND STANDARD
MODEL GENERAL BYLAWS
Part 4
TRADING IN PUBLIC PLACES

400 SCOPE

400.1

The general purpose of this Part of the 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.

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

400.2

This bylaw is made pursuant to section 684 of the Local Government Act 1974 and its amendments.

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 organization 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 clause 409.1, 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 authorized 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 authorized 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;

(i) 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 authorized officer on demand.

406.2

Every licence holder shall, notwithstanding the conditions of the licence, upon being requested to do so by an authorized officer alter his/her position for sales to any other position as indicated by the authorized 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 fisherman of limited quantity of fish in the vicinity of a fishing vessel as specified in section 57 (2), Part IV of the Fisheries Act 1983;

(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.

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Approved by the Standards Council on 8 June 1999 to be a New Zealand Standard pursuant to the provisions of section 10 of the Standards Act 1988.

First published: 8 July 1999

The following references relate to this Standard:

Project No. P 9201:Part 4

Draft for comment: No. DZ 9201:part 4

Printing code: 200-1999/4024/15818

Typeset by: Stanfards New Zealand

Printed by: Ultracopy Centre