



Rangitikei District Council Trading in Public Places Bylaw 2013

1. SCOPE

This bylaw is made pursuant to section 145 of the Local Government Act 2002, which gives authority to the Council to adopt bylaws for the following general purposes:

- (a) protecting the public from nuisance;
- (b) protecting, promoting, and maintaining public health and safety;
- (c) minimising the potential for offensive behaviour in public places.

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, trailers or relocatable structures to sell goods and services to the general public

2. DEFINITIONS

For the purposes of this bylaw, unless the context otherwise requires, the following definitions shall apply:

AUTHORISED OFFICER means any person appointed by the Council to act on its behalf and with its authority, and may include a police officer.

COUNCIL means the Rangitikei District Council

GOODS means any product or service

PUBLIC PLACE means any place that, at any material time, 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 any road (as defined by s315 of the Local Government Act 1974) or berm whether or not it is under the control of the Council. It also includes, without limitation, every reserve, park, domain, beach, foreshore and recreational grounds under the control of the Council.

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.

3. OFFENCES & PENALTIES

- 3.1 Any breach of this bylaw is an offence and is liable on summary conviction to a fine not exceeding \$20,000.

4. LICENCE REQUIRED

- 4.1 No person, in any public place, shall engage in the sale of goods of any description whatsoever (except as provided in clause 12 *Exemptions*), without having first obtained a licence from the Council.

5. APPLICATION

- 5.1 Every person who wishes to sell goods in a public place shall make written application to the authorised officer of the Council to obtain a licence. The information to be supplied by the applicant must include the following:

- (a) Name and address of the applicant;
- (b) Name and address of the person(s) selling the goods;
- (c) The location/site from where the goods are to be sold;
- (d) The telephone number of the applicant;
- (e) The type of goods for sale;
- (f) The period sought for selling;
- (g) The number and type of vehicle(s), and registration numbers if applicable;
- (h) Evidence of good character.

- 5.2 If the applicant wishes to sell goods at a location outside an existing shop or business, the application must supply written consent from that shop or business owner.

6. LICENCE DETAILS

- 6.1 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) Type 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;
- (j) Litter, cleanliness;
- (k) Name and address to be conspicuously displayed;
- (l) Site rental.

7. FEES

- 7.1 Council may by resolution prescribe fees for licences and/or site rentals.

8. DISPLAY OF LICENCE

- 8.1 Every licence holder shall visibly display their approved licence at all times when engaged in the sale of goods or services.

9. CONDITIONS OF LICENCE

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

10. LICENCE NOT TRANSFERABLE

10.1 No licence issued under this bylaw shall be transferable to any other person.

11. COUNCIL DISCRETION

11.1 Council reserves the discretion over the location of mobile trading operators (and the right to instruct relocation), having regard to relevant factors, such as:

- (a) Proximity to other activities in the vicinity
- (b) Avoidance of damage to footpaths or road reserves
- (c) Protection public health and safety
- (d) Maintenance of amenity values of an area
- (e) Compliance with other legislative requirements
- (f) Avoiding any impedance to the efficient flow of traffic or pedestrians

12. EXEMPTIONS

12.1 The exemptions allowed under 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.

12.2 The organiser of a community event may apply on behalf of a specified group of people who are intending to sell goods as part of that event, and the licence granted will apply to that group.

13. COMMENCEMENT

13.1 This bylaw was adopted by Council on 31 January 2013, and commences on the 7th of February 2013.