



KAWERAU DISTRICT COUNCIL

General Bylaw 2009: Part 3 - Trading in Public Places

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Explanatory Statement

The General Bylaw 2009: Part 3 - Trading in Public Places is the third part of a series that makes up the Kawerau District Council General Bylaw 2009. This part of the Bylaw replaces Chapter 3 of the General Bylaw 1997. The General Bylaw 2009 replaces the General Bylaw 1997.

General bylaws, by their nature, address a diverse range of matters. Kawerau District's 1997 general bylaw contained all those matters in a single document of 12 chapters and almost 100 pages. To improve functionality, Council has made each chapter into a discrete part that can be read and used on its own. Taken together, the parts make up the General Bylaw 2009.

This part of the Bylaw regulates the conduct of persons selling goods from vehicles and in public places in the District by providing a system of licensing and other approvals for such activities and prescribing the areas where they may be undertaken.

The Bylaw is made pursuant to Part 8 of the Local Government Act 2002 and section 684 of the Local Government Act 1974.

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Kawerau District Council
General Bylaw 2009: Part 3 - Trading in Public Places

1 Title

This part of the Kawerau District Council General Bylaw 2009 shall be known as the Kawerau District Council General Bylaw 200: Part 3 - Trading in Public Places.

2 Commencement

This Bylaw shall come into force on the 1st day of December 2009.

3 Repeal

As from the day this Bylaw comes into force, Chapter 3 of the General Bylaw 1997 and any amendments in force in the Kawerau District shall be repealed.

4 Application of Bylaw

This part of the Bylaw shall apply to the Kawerau District.

5 Scope

The purpose of this part of the General Bylaw 2009 is:

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

6 Definitions

The definitions in the Kawerau District Council General Bylaw 2009: Part 1 – Introductory shall apply to this part of the Bylaw.

For the purposes of this part the following definitions shall also apply:

GOODS means any product or service.

EVENT means an organised gathering that is open to the general public where it is anticipated there will be more than two hundred (200) people attending at any one time and/or there will be more than four (4) stalls selling products.

RESTRICTED TRADING AREA means an area as defined by Council resolution and listed in a Schedule to this part of the Bylaw.

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.

7 Restricted trading areas

No person shall engage in the sale of goods of any description, in any public place that is listed in the First Schedule as a Restricted Trading Area, except as provided in clause 15, Exemptions.

8 Licence required

Any person wishing to engage in the sale of goods of any description in any public place, except as provided in clause 15, Exemptions, shall first obtain a licence from the Council.

9 Licence application

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

- (a) Name and address of the applicant
- (b) Name and address of the person(s) selling the goods
- (c) The location/site
- (d) Contact details of the applicant
- (e) The type of goods for sale
- (f) The time and date sought for selling
- (g) The type of vehicle(s) and registration number(s) if applicable
- (h) Evidence of good character

10 Licence conditions

10.1 The Council, in granting any licence, may impose conditions. The conditions may include, but are not restricted to, any of the following:

- (a) Date, time and place
- (b) Duration of the licence
- (c) Location
- (d) Types of goods for sale
- (e) Area from which authorised to sell
- (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 removal, cleanliness
- (k) Name and address to be conspicuously displayed
- (l) Site rental

10.2 Notwithstanding any conditions of the licence, every licence-holder shall, upon being requested to do so by an authorised officer, move from his/her position for sales to any other position as indicated by the authorised officer.

11 Additional conditions for sale of goods from a vehicle

11.1 No person shall engage in the sale of goods from a vehicle at any time during the period between 30 minutes before sunset on one day and 30 minutes after sunrise on the following day, except as provided in clause 15, Exemptions.

11.2 Every person who is engaged in selling food from a vehicle must advise the authorised officer prior to operating if the vehicle or any of the equipment is changed in any way.

12 Display of licence

Every licence-holder shall display the licence at all times when engaged in the sale of goods, and show the licence to any authorised officer on request.

13 Licence not transferable

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

14 Breach of licence

Every person shall be in breach of this part of the Bylaw who does not trade in conformity with any of the conditions of the licence.

15 Exemptions

The exemptions allowed under this Bylaw are as follows:

- (a) Service delivery vehicles including milk vendors
- (b) Any event, stall, stand or sale of goods from a vehicle which has a current approval under any other policy, bylaw, legislation, resource consent or specific resolution of Council.

16 Fees

Council may by resolution prescribe fees for licences, site rentals, exemptions and approvals. Fees may differ for any class of licence, site, exemption or approval.

Revocations

Chapter 3 of the General Bylaw 1997 is hereby revoked.

The Kawerau District Council General Bylaw 2009: Part 3 - Trading in Public Places was duly made by a resolution passed at a meeting of the Kawerau District Council held on 24 November 2009 following a special consultative procedure.

The Common Seal of the
Kawerau District Council
was affixed hereto in the presence of:

.....
Mayor

.....
Chief Executive Officer

.....
Date

FIRST SCHEDULE – RESTRICTED TRADING AREAS

The following shall be Restricted Trading Areas for the purposes of this part of the Bylaw:

1. The area bounded by Plunket Street, Islington Street and Onslow Street (known as the Kawerau Town Centre).
2. Any area in front of a church on days of worship.
3. Any area outside any educational establishment during and immediately after class hours (except where the person selling goods has written approval from the Head of the educational establishment and Council).
4. Any area within 45 metres of any road intersection.