

PAPAKURA DISTRICT COUNCIL

TRADING IN PUBLIC PLACES BYLAW 2008

1 SCOPE

1.1 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.

1.2 This bylaw is made pursuant to section 146(a)(vi) of the Local Government Act 2002 and its amendments.

1.3 The provisions of this bylaw are in addition to other relevant provisions contained in central government legislation and regulations; the District Plan and other Council bylaws. Although Council officers will provide assistance as to the relevant legislative framework on a case by case basis, it is the responsibility of the public to ensure they comply with the law.

2 DEFINITIONS AND INTERPRETATION

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

AUTHORISED OFFICER means any person appointed or authorised in writing by the Chief Executive or by Council to act on its behalf and with its authority.

COUNCIL means the Papakura District Council or any officer authorised to exercise the authority of the Council.

GOODS means any product or service.

LICENCE means a licence or approval issued under this Bylaw.

PUBLIC PLACE the meaning assigned to that term in section 147(1) of the Local Government Act 2002 and its amendments.

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 LICENCE REQUIRED

- 3.1 No person, in any public place, may engage in the sale of goods of any description whatsoever (except as provided in clause 10.1, Exemptions), without having first obtained a licence from Council.

See “Street Trading (Display of Goods and/or Services for Sale on a Public Place) policy document”

- 3.2 For the purpose of this bylaw 3.1 includes those activities relating to alfresco dining.

[See “Alfresco Dining” policy document](#)

4 APPLICATION

- 4.1 Every person who wishes to sell goods in a public place shall make written application to obtain a licence to 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.

5 LICENCE DETAILS

The Council 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;

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

6 FEES

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

7 PRODUCTION OF LICENCE

- 7.1 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.
- 7.2 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.

8 CONDITIONS OF LICENCE

- 8.1 Every person issued with a licence must comply with the conditions of that licence.

9 LICENCE NOT TRANSFERABLE

- 9.1 No licence issued under this bylaw are not transferable to any other person.

10 EXEMPTIONS

- 10.1 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 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.
 - (d) Any market, stall or stand which has been initiated by Council for the benefit of the community.

11 OFFENCES

- 11.1 A person who fails to comply with, or contravenes this bylaw, commits an offence and is liable on summary conviction to a maximum penalty of \$20,000 in accordance with section 242(2) of the Local Government Act 2002.