



Mobile Traders Bylaw 2014

South Taranaki District Council



South Taranaki
Alive with opportunity



Mobile Traders Bylaw 2014

South Taranaki District Council

1.0 Title

1.1 This Bylaw is made under section 145 of the *Local Government Act 2002*, section 22AB of the *Land Transport Act 1998*, and section 64 of the *Health Act 1956*; and shall be known as the South Taranaki District Council Mobile Traders Bylaw 2014.

2.0 Commencement

2.1 This Bylaw shall come into force on 2 December 2014.

3.0 Revocation

3.1 The South Taranaki District Council Mobile Shops, Hawkers and Itinerant Traders Bylaw 1992, is hereby revoked.

4.0 Scope

4.1 This Bylaw does not govern the sale of food from mobile shops. Any sale of food is provided for under the South Taranaki District Council Food Safety Bylaw 2013.

5.0 Purpose

5.1 This Bylaw is to ensure that public trading activities in Public Places in South Taranaki District are safe, lively and attractive without inhibiting the safety of pedestrians and to protect the general public from nuisances.

6.0 Interpretation

6.1 In this Bylaw -

Authorised Officer means any person appointed by the Chief Executive of the Council or any sworn Police Constable in the New Zealand Police force; for purposes of acting as an Authorised Officer under this Bylaw.

Council means the South Taranaki District Council.

Hawker means any person who attempts to sell goods or services to any person without invitation or request for such service or prior orders.

Chief Executive.....

Mayor.....

Itinerant Trader means any person who, not having been continually resident in the district for at least 6 calendar months immediately preceding, or not owning, or not having entered into binding lease in writing of business premises in the district for at least 6 calendar months immediately preceding, carries on any business in the district involving the sale or exposure for sale of any class of goods or services in any premises, whether by themselves or by any other person employed by them.

Mobile Shop means a vehicle, whether self-propelled or not, from which goods or services are offered or exposed for sale or from which goods or services may be ordered.

Mobile Trader includes hawker, mobile shop, stall, and itinerant trader.

Stall means any structure or device, barrow, table, display board or portable stand established for the purposes of selling any goods.

7.0 Licence required

7.1 No person shall engage in mobile trading without having first obtained a licence from the Council to do so.

8.0 Application and Issuing of a mobile trading licence

8.1 Every application for a mobile trading licence must be made in the prescribed form and be accompanied by the prescribed application fee.

8.2 The Council may issue licences for mobile trading and every such licence shall expire on a day and month as may be prescribed by resolution of the Council.

8.3 The Council may at its discretion issue temporary licences upon payment of such fee whether per day or otherwise, and subject to such conditions as the Council may impose.

8.4 A separate licence is required for each mobile trading operation where two or more mobile trading operations are owned by the same applicant.

9.0 Transfer of registration

9.1 Should a holder of a mobile trading licence wish to transfer the licence to another person, the new operator must apply to the Council for such a transfer within 10 (ten) working days of taking over the operation of the business.

9.2 The application must be made using the appropriate form and contain the information which Council requires to issue such a transfer.

9.3 Should the licence not be transferred within 10 (ten) working days, the licence shall be cancelled.

Chief Executive.....

Mayor.....

10.0 General provisions for mobile trading

- 10.1 Every mobile trader must carry their mobile trading licence when operating, and where practicable the licence must be displayed in a conspicuous place on any stall or mobile shop.
- 10.2 Every mobile trader at the conclusion of the day's activities must remove the operation and leave the site in a clean and tidy condition.
- 10.3 Every mobile trader must cease operation immediately or move to such other location's if directed to do so by an Authorised Officer.
- 10.4 Every mobile trader must ensure that their activity does not endanger the health and safety of the general public.
- 10.5 Any vehicle used in mobile trading must be legally compliant with any relevant Act.
- 10.6 The right to occupy a location on any day will be determined on a 'first come basis'.
- 10.7 Every mobile trader must ensure there is no impediment to existing traffic and pedestrian flows.
- 10.8 Signage and goods must not be placed on a roadway, public footpath or other public space without Council permission set out in any approved licence.
- 10.9 Operators must not create excessive or unreasonable noise.
- 10.10 The mobile trader will compensate the Council for any damage caused to Council property, caused by the mobile trader carrying out business.
- 10.11 The mobile trader will apply in advance for any required connection of services required from the council, such as a water supply or waste disposal and compensate the Council for the cost of providing these at the rate established by council.
- 10.12 All liability for claims of damages that may arise from the business is solely the responsibility of the licenced mobile trader.

11.0 Suspension or cancellation of licence

- 11.1 The Council reserves the right to suspend or cancel any mobile trading licence issued under this bylaw, if the Council is satisfied that there has been a breach of any conditions of this bylaw.
- 11.2 Every mobile trader that has had a licence suspended or cancelled due to a breach of this Bylaw, must immediately cease trading until such time that the Council permits them to resume.

12.0 Fees and Charges

12.1 For fees and charges required under any section in this Bylaw, the applicant must pay to the Council a fee that Council may by resolution from time to time prescribe in its current *Fees and Charges Schedule*.

13.0 Penalties and Offences

13.1 Any person who fails to comply with any request made by any Authorised Officer under clause 8.3 shall be guilty of an offence against this bylaw.

13.2 Every person commits a breach of this Bylaw who:

- a) Does, or causes anything that is contrary to this Bylaw;
- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw;
- c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing;
- d) Knowingly permits any condition or thing to exist contrary to any provision contained in this Bylaw;
- e) Refuses or neglects to comply with any notice or direction given to them under this Bylaw;
- f) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this Bylaw; or
- g) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer.

13.3 Every person who is convicted of an offence against this bylaw is liable on summary conviction to a fine not exceeding \$20,000.

This Bylaw was made by the South Taranaki District Council on 1 December 2014.

THE COMMON SEAL of the SOUTH)
TARANAKI DISTRICT COUNCIL was)
hereunto affixed by resolution)
of the said Council in the)
presence of:)



..... Mayor



..... Mayor

Chief Executive.....

Mayor.....

