



WESTLAND DISTRICT TRADING IN PUBLIC PLACES BYLAW 2008

Scope

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 to sell goods and services to the general public.

Pursuant to the powers vested in it by the Local Government Act 2002, the Bylaws Act 1910 and any other authority enabling the Council in this behalf the Westland District Council makes this Bylaw.

1. SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw shall be known as the Westland District Trading in Public Places Bylaw 2008.
- 1.2 This bylaw shall come into effect on the day after the confirmation thereof.

2. INTERPRETATION

- 2.1 This Bylaw unless the context otherwise requires:

“Council” means the Westland District Council.

“Goods” means any product or service.

“public place”:

- (a) means a place:
 - (i) that is under the control of the Council; and
 - (ii) that is open to, or being used by, the public, whether or not there is a charge for admission; and

(b) includes:

- (i) a road, whether or not the road is under the control of the Council;
and
- (ii) any part of a public place.

“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.

3. LICENCE REQUIRED

No person, in any public place, shall engage in the sale of goods of any description whatsoever (except as provided in clause 10, Exemptions), without having first obtained a licence from the Council.

4. APPLICATION

Every person who wishes to sell goods in a public place shall make written application to obtain a licence to the 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 locations/sites;
- (d) The telephone number and e-mail address 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;

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;
- (b) Duration of the licence;
- (c) Location, including distance from businesses on private land selling same or similar goods;
- (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;
- (m) Requirement to comply with other applicable legislation (e.g. Food Act or Resource Management Act)

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 authorised officer alter his/her position for sales to any other position as indicated by the authorised officer.

8. 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.

9. LICENCE NOT TRANSFERABLE

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

10 EXEMPTIONS

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 67 (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.

11 \. PENALTY

Any person who acts in breach of any provisions of this bylaw commits an offence and on summary conviction is liable to the penalty set out in Section 242(4) of the Local Government Act 2002 (a fine not exceeding \$20,000.00).

The Special Order Resolution to make this bylaw was passed by the Westland District Council at an Ordinary Meeting of the said Council held on the twenty-first day of May 1992, which resolution was confirmed at a subsequent meeting of the Council held on the twenty- fifth day of June 1992.

NOTE

The initial resolution to make this Bylaw was reviewed in 2008 as required by Section 158 of the Local Government Act 2002. The original bylaw was “NZS 9201 Chapter 4: 1972; Mobile or Traveling Shops, and Hawkers and Itinerant Traders” which has been superseded by as “NZS 9201.4: 1999 Model General Bylaws – Trading in Public Places” and this bylaw is modeled on the new standard.

THE COMMON SEAL of the WESTLAND DISTRICT COUNCIL
was affixed in the presence of:

Mayor

General Manager

This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.

This Bylaw was subsequently reviewed and amended pursuant to Section 159 of the Local Government Act 2002 in 2018 and was confirmed on 2 July 2018.