

SOUTHLAND DISTRICT COUNCIL
TRADING IN PUBLIC PLACES BYLAW 2013

1. SCOPE

1.1 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.

1.2 This Bylaw is made pursuant to Sections 145 and 146 of the Local Government Act 2002.

2. TITLE AND COMMENCEMENT

- (a) This Bylaw shall be cited as the “Southland District Council Trading in Public Places Bylaw 2013”.
- (b) This Bylaw shall come into force on 9 March 2013.

3. REVOCATION

The Southland District Council Trading in Public Places Bylaw 2008 is hereby revoked.

4. DEFINITIONS

AUTHORISED OFFICER means a person appointed by Council under Section 177 of the Local Government Act 2002 but also includes a Police Officer.

COUNCIL means the Southland District Council.

FOOD shall have the same meaning as it has in Section 2 of the Food Act 1981.

GOODS means any product or service.

PERSON includes a company, body corporate and incorporated or unincorporated society or any other entity where the context requires.

PUBLIC PLACE—

- (a) Means a place—
 - (i) that is under the control of 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 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 organisation and does not involve the sale of the goods to the general public in any public place.

5. **LICENCE REQUIRED**

No person shall in any public place, engage in the sale of goods of any description whatsoever (except as provided in Clause 11, Exemptions), without having first obtained a licence from Council. A licence holder shall trade only in conformity with the conditions of that licence.

6. **APPLICATION**

Every person who wishes to obtain a licence under this Bylaw shall make written application to obtain a licence to the Authorised Officer of 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.

7. **LICENCE DETAILS**

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) 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; and
- (l) Site rental.

8. **FEES**

Council will from time to time set fees via the special consultative procedure set out in the Local Government Act 2002. Fees may differ for any class of licence as prescribed.

9. **PRODUCTION OF LICENCE**

9.1 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.

9.2 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.

10. **LICENCE NOT TRANSFERABLE**

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

11. **EXEMPTIONS**

The exemptions allowed under this Bylaw are as follows:

(a) Selling or disposal by commercial fishermen of fish in accordance with 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, specific resolution of Council, or written approval by an Authorised Officer.

(d) Any stall or stand operated by a local or nationally recognised charitable organisation, or a not for profit community organisation.

12. **OFFENCES**

Any person contravening or breaching any of the provisions of this Bylaw shall be guilty of an offence against this Bylaw.

13. **PENALTIES**

13.1 A person who is convicted of an offence against this Bylaw is liable to a fine not exceeding \$20,000.

13.2 The Council may, after a conviction for the continuing breach of this Bylaw, apply to a Court of competent jurisdiction for an injunction to restrain the further continuance of the breach by the person convicted.

This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on 6 March 2013.

THE COMMON SEAL of
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the
presence of: }

Lana Candor

MAYOR

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D. P. Colton

CHIEF EXECUTIVE

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