

Franklin District Council Trading in Public Places Bylaw 2008

1. Title and Commencement

- (1) This Bylaw may be cited as the Franklin District Council Trading in Public Places Bylaw 2008 and shall come into force on 1 June 2008.
- (2) This Bylaw applies to the Franklin District.
- (3) This Bylaw repeals that part of the Franklin District Council General Bylaw 1997 comprising the New Zealand Standard Model General Bylaw NZS 9201:4:1972 Mobile or Travelling Shops and Hawkers and Itinerant Traders (as amended).

2. Trading in Public Places Bylaw Validation

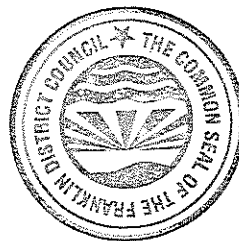
- (1) The Franklin District Council Trading in Public Places Bylaw 2008 was duly made at a meeting of the Franklin District Council held on 22 May 2008 after completion of the special consultative procedure under section 86 of the Local Government Act 2002.
- (2) The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 22 May 2008 in the presence of:



.....
Mark Ball
Mayor



.....
Ian Alexander
Acting Chief Executive



22-5-08.

.....
Date

3. Scope

- (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.
- (2) This Bylaw is made pursuant to section 146(a)(vi) of the Local Government Act 2002.

4. Definitions and Interpretation

For the purposes of this Bylaw, the following definitions shall apply:

Authorised officer means any person warranted by Council in accordance with section 177 of the Local Government Act 2002 to enforce this Bylaw.

Chief Executive means the Chief Executive of the Council.

Council means the Franklin District Council.

Goods means any product or service.

Person includes a corporation sole and also a body of persons, whether incorporated or not.

Public place means any place that, at any material time, is under the control of Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road whether or not it is under the control of Council. It also includes every reserve, park, domain, beach, foreshore and recreational ground within the Franklin District.

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.

Urban area means residential, business, rural village and coastal village zones as defined in the operative Franklin District Council District Plan.

For the purposes of this Bylaw, the word "shall" refers to practices that are mandatory for compliance with this Bylaw, while the word "should" refers to practices which are advised or recommended.

5. Licence Required

Unless exempted by clause 13 of this Bylaw, no person, in any public place, shall engage in the sale of goods of any description whatsoever without first having obtained a licence from Council.

6. Restricted Trading Activities

- (1) No person shall wash or clean the windows of any vehicle for payment or donation, or solicit any subscription, collection or donation at any road intersection or within 100 metres of any road intersection.

- (2) Except outside their own residence, no person shall park a vehicle in an urban area on a road, private road, public place or parking place, for the purpose of sale, exhibition or demonstration.

7. Application for Licence

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

8. Licence Details

Council, in granting any licence, may impose conditions on that licence. 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.

9. Fees

- (1) Licence fees are set in the Fees and Charges section of the Franklin District Council Long Term Council Community Plan and are reviewed annually as part of the Annual Plan process. Fees may differ for any class of licence as prescribed.
- (2) The Chief Executive has the discretion to waive payment of the licence fee for any applicant applying for a licence solely for fundraising purposes.

10. Production of Licence

- (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.
- (2) Every licence holder shall, notwithstanding the conditions of the licence, must comply with any request or requirement of an authorised officer.

11. Conditions of Licence

Every person shall commit an offence under this Bylaw who trades not in conformity with any of the conditions of the licence.

12. Licence Not Transferable

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

13. 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 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;
- (d) Any motor vehicle advertising any business or service;
- (e) Buskers and street entertainers, provided no sale of any items is involved and provided that permission is first obtained from the owners or occupiers of any business premises outside which they intend to perform.

14. Offences and Penalties

Any person who fails to comply with the requirements of this Bylaw commits an offence and shall be liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002, being a fine not exceeding \$20,000.