



**MASTERTON
DISTRICT COUNCIL**

**CONSOLIDATED
BYLAW 2008**

**PART THREE
TRADING IN PUBLIC PLACES**

The Consolidated Bylaw 2008
comprising parts one to eleven
and thirteen to sixteen
were adopted at the Council Meeting
held on Wednesday 28th May 2008.

The Consolidated Bylaw 2008 came into force
throughout the district on the 1st July 2008

MASTERTON DISTRICT COUNCIL CONSOLIDATED BYLAW 2008

Part 3 - TRADING IN PUBLIC PLACES

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New Zealand Legislation
Local Government Act 1974
Fisheries Act Part IV: 1983

FOREWORD

This Bylaw draws from the New Zealand Standard Model Bylaw Trading in Public Places from the NZS 9201 series. The NZS 9201 series are model Bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 2002 to make Bylaws.

Reference should be made to Masterton District Council Consolidated Bylaw 2008: Part 1 *Introductory* for any other definitions not included in this Part.

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.

NOTE – Section 684 of the Local Government Act 1974 for maximum fees

1.2

This Bylaw is made pursuant to section 684 of the Local Government Act 1974 and its amendments.

2 DEFINITIONS AND INTERPRETATION

2.1

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

- GOODS** Any product or service.
- SERVICE DELIVERY VEHICLE** 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

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 Council.

4 APPLICATION

Every person who wishes to sell goods in a public place 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.

5 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;
- l) Site rental.

6 FEES

Council may from time to time by resolution publicly notified 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 Part of 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 POWER TO AMEND BY RESOLUTION

The Council may from time to time by resolution publicly notified:

- a) Add schedules
- b) Make additions or deletions from the schedules
- c) Substitute new schedules

