

TIMARU DISTRICT CONSOLIDATED BY-LAW 2007

CHAPTER 3 - TRADING IN PUBLIC PLACES

Scope

The general purpose of this chapter of the by-law is:

- (a) To regulate the conduct of Persons selling goods on streets, Roads, Footpaths, Council property and other Public Places; and
- (b) To regulate the conduct of Persons using Vehicles to sell goods and services to the general public.

301 Licence required

301.1 No Persons, in any Public Place, shall engage in the sale of goods of any description whatsoever (except as provided in clause 308, Exemptions), without having first obtained a licence from Council.

302 Application

302.1 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, but shall not be restricted to any of, the following:

- (a) Name and address of the applicant;
- (b) Name and address of the Person(s) selling the goods;
- (c) The location/site or place of trading;
- (d) The contact telephone number of the applicant;
- (e) The type of goods for sale;
- (f) The times which it is proposed the goods are to be sold;
- (g) The type of Vehicle(s) and registration numbers if applicable;
- (h) Evidence of good character.

303 Licence details

303.1 The authorised Officer in granting any licence may impose conditions. The conditions imposed may include, but shall 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
- (j) Use of musical chimes or other audible devices for attracting customers
- (k) Litter, cleanliness
- (m) Name and address to be conspicuously displayed
- (n) Site rental

304 Fees

304.1 Council may by resolution, passed after consultation as part of the Long Term Council Community Plan or the Annual Plan, prescribe fees for licences and/or site rentals. Fees may differ for any class of licence as prescribed.

305 Production of licence

305.1 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.

305.2 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.

306 Conditions of licence

306.1 Every Person commits an offence under this chapter of the by-law who does not trade in compliance with any of the conditions of a licence issued by Council.

307 Licence not transferable

307.1 A licence issued under this chapter of the by-law shall not be transferable to any other Person.

308 Exemptions

308.1 The exemptions allowed under this chapter of the by-law 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 by-law, legislation, resource consent or specific resolution of Council.

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