

UPPER HUTT CITY COUNCIL

TRADING IN PUBLIC PLACES BYLAW 2005

EXPLANATORY NOTE

This bylaw is called the Trading in Public Places Bylaw 2005 and was made pursuant to Sections 145 and 146 of the Local Government Act 2002.

The purpose of this bylaw is to regulate the conduct of persons selling goods on roads and other public places and who are using vehicles to sell goods and services to the general public.

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1.0 APPLICATION OF BYLAW

1.1 This bylaw applies within the district of the Upper Hutt City Council.

2.0 COMMENCEMENT

2.1 This bylaw came into force on 22 December 2005.

3.0 INTERPRETATION

3.1 In this bylaw, unless the context otherwise requires:

“Authorised Officer” means any person appointed or authorised by the Council to act on its behalf and with its authority.

“Council” means the Upper Hutt City Council and any authorised officer.

“Goods” means any product or service.

“Public Place” means any place that at any material time is under the control of the Council and is open to or being used by the public whether free or in payment of a charge, and includes any road, whether or not it is under the control of the Council and also includes every park.

“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.

4.0 LICENCE REQUIRED

4.1 No person, in any public place, shall engage in the sale of goods of any description whatsoever (except as provided in clause 11.1), without having first obtained a licence from Council.

5.0 APPLICATION FOR LICENCE

5.1 Every person who wishes to sell goods in a public place must apply to the Council for a licence. The application must contain or be supported by such information as the Council may reasonably require in order to determine the precise nature and scope of the proposal and to satisfy it as to the suitability of the applicant.

6.0 LICENCE DETAILS

6.1 In granting any licence the Council may impose such conditions as it considers are reasonable and desirable.

7.0 FEES

7.1 The Council may prescribe fees for licences and site rentals and the fees may be different for different classes of licence.

8.0 PRODUCTION OF LICENCE

- 8.1 Every licence holder shall at all time when engaged in the sale of goods, carry a licence and show the licence to any authorised officer on demand.
- 8.2 Notwithstanding the conditions of their licences, Licence holders shall, upon being requested to do so by the Council, move their sales site or position to another site or position as directed by the Council.

9.0 CONDITIONS OF LICENCE

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

10.0 LICENCE NOT TRANFERABLE

- 10.1 No licence issued under this bylaw shall be transferable to any other person.

11.0 EXEMPTIONS

- 11.1 The exemptions allowed under this bylaw are as follows:
- (a) Service delivery vehicles including milk vendors;
 - (b) Any market, stall or stand which has a current approval from the Council or resource consent or approval under any other bylaw or other legislation.

12.0 PENALTY

- 12.1 The maximum penalty for an offence against any provision of this bylaw is a fine not exceeding \$500.