

CLUTHA DISTRICT COUNCIL REGULATORY BYLAWS

PART 4

TRADING IN PUBLIC PLACES

400 SCOPE

400.1

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; and
- (c) to regulate the conduct of persons soliciting for donations or subscriptions, or distributing advertising material

to ensure public safety, minimise conflict with neighbouring land uses, and protect the intended use of the public place.

400.2

This bylaw is made pursuant to Section 146(a)(vi) of the Local Government Act 2002 which gives Council the power to make a bylaw for the district for the purpose of regulating trading in public places.

401 DEFINITIONS AND INTERPRETATION

For the purposes of this bylaw, unless the context requires otherwise, the following definitions apply:

Goods	Any product or service.
Service delivery vehicle	Any vehicle being used for the purpose of delivering goods to any business premises or organisation and does not involve the sale of goods to the general public in any public place.
Hawker	Any person who carries or takes about any goods, wares, or merchandise for sale, not in pursuance of any invitation to call with, or of any previous order or request for such goods; and <ul style="list-style-type: none">• includes a peddler, and any person who exposes for sale any goods, wares or merchandise carried or taken about by that person, or solicits the custom of any other person; and whether any person shall carry any such goods, wares, or merchandise or not;• but does not include any person who uses any vehicle as a mobile or travelling shop.

Mobile or travelling shop

A vehicle, whether self propelled or not, from which goods, wares, or merchandise are offered or exposed for sale, or from which goods, wares, or merchandise may be ordered (whether or not in pursuance of an invitation to call with the goods, wares, or merchandise) or from which services are offered for sale.

Public place

The meaning assigned to that term in section 147(1) of the Act.

Stand or stall

Any other use of a public place for selling or exposing for sale any goods or services, or for any soliciting or promotion, whether or not any stand, stall or other structure is used, other than as defined for hawker or mobile or travelling shop.

402 CONDITIONS OF OPERATION

Every person who wishes to sell goods, or solicit for donations or subscriptions, or distribute advertising materials in a public place shall comply with the following provisions:

- a) The approval of the occupier of the adjacent property must be obtained for all stationary activities;
- b) The approval of Council's Environmental Health Officer must be obtained for all activities involving food products;
- c) Operation is limited to daylight hours only;
- d) No road or footpath may be obstructed, and adequate space for clear passage must be maintained at all times;
- e) Activities must not be located where they will restrict the visibility of road users;
- f) Activities must keep clear of all fire hydrants and markers so that these are clearly visible at all times and the hydrants themselves are readily accessible to the Fire Service;
- g) At the conclusion of the day's activities the operation must be completely removed, and the site left in a clean and tidy condition;
- h) Operators must not create excessive or unreasonable noise;
- i) All liability for claims of damages that may arise from the operation rests with the operator.

403 FEES

Council may by ordinary resolution, publicly notified, or through the annual plan process, prescribe fees for site rentals. Fees may differ for any class of licence as prescribed.

404 COMPLIANCE WITH REQUESTS FROM AN AUTHORISED OFFICER

Every operator shall comply with any request from an authorised officer.

405 COMPLIANCE WITH CONDITIONS

An operator who fails to comply with any part of this bylaw shall be in breach of this bylaw.

406 EXEMPTIONS

The exemptions allowed under this part of this bylaw are as follows:

- a) For the operator of a fishing vessel registered under Section 103 of the Fisheries Act 1996 and who is the holder of a current fishing permit issued under that Act, where that operator, or a person appointed in by him in that behalf, sells fresh fish or shellfish (taken from that vessel in accordance with the conditions of the permit) from that vessel at the place where it is moored, berthed, or beached or from a stall (including a vehicle used as a stall) within 450 metres of that place;
- 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.