

PART 7 TRADING IN PUBLIC PLACES

74. Purpose

74.1. The purpose of this part of the bylaw is to encourage diversity, vitality and amenity in public places while ensuring public safety, minimising conflict with neighbouring land uses, and protecting the intended use of the public place.

74.2. This section of this bylaw carries out this purpose by regulating the conduct of persons:

- Selling goods on streets, roads, footpaths and other public places.
- Using vehicles to sell goods and services to the general public.
- Soliciting for donations or subscriptions or distributing advertising material.

75. Definitions

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

Daylight Hours	A period of time between half an hour before sunrise and half an hour after sunset on one day.
Goods	Any product or service.
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.
Itinerant Trader	Retailers who have no fixed place of business, moving from place to place to sell their goods to consumers.
Mobile Travelling Shop or	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.
Premises	Any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together are deemed to be the same premises.

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.
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.

76. Registration and Approvals for Premises

76.1. The following businesses must be registered with the Council.

- (a) Hawker (not food)
- (b) Itinerant Trader
- (c) Mobile Shop
- (d) Food Trucks

76.2. If an operator wishes to sell food approval must be obtained from Council's Environmental Health Officer in the form of a copy of the certificate of registration of either a food control plan, relevant national programme or notice of exemption.

77. Conditions of Operation

77.1. Every person shall comply with the following provisions who wishes to do any of the following activities in a public place:

- (a) sell goods
- (b) solicit any subscription, collection or donation
- (c) preach
- (d) undertake busking
- (e) distribute any printed or written advertising material advertising any product, service or entertainment

77.2. Selling goods for profit in a public place shall only occur when:

- (a) It is part of a street fair, market or similar organised event by a local community group; or
- (b) It is not located beside or within any State Highway or Service, Retail Frontage area as identified within the Clutha District Plan; or
- (c) If it is located beside or within a State Highway or Service, Retail Frontage area as identified within the Clutha District Plan the activity occurs for no more than two calendar days in any consecutive period of 30 days: and
- (d) The activity is located more than 100 metres from any established competing business.

- 77.3. Council owned property and halls are not available for use by itinerant traders.
- 77.4. The approval of the occupier of the adjacent property must be obtained for all stationary activities.
- 77.5. Current Council registrations and approvals, as described in clause 76 of this bylaw, must be obtained for all applicable premises.
- 77.6. Operation is limited to daylight hours only.
- 77.7. No road or footpath may be obstructed, and adequate space for clear passage must be maintained at all times.
- 77.8. Activities must not be located where they will restrict the visibility of road users.
- 77.9. 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.
- 77.10. At the conclusion of the day's activities the operation must be completely removed, and the site left in a clean and tidy condition.
- 77.11. Operators must not create excessive or unreasonable noise.
- 77.12. All liability for claims of damages that may arise from the operation rests with the operator.
78. [Trading in Public Places Bylaw Licence](#)
- 78.1. If the conditions of operation in clause 77 of this bylaw cannot be met by the operator's listed in clause 76, an application for a Trading in Public Places Bylaw Licence can be made to the Council. This application can be approved or refused, and Council can impose conditions on the licence. Licences must be renewed annually and reapplied for if the circumstances of the operation change.
- 78.2. A fee for processing a Trading in Public Places Bylaw Licence will be charged as set out in Councils annually reviewed Schedule of Fees and Charges.
79. [Compliance with Requests from an Authorised Officer](#)
- 79.1. Every operator shall comply with any request from an Authorised Officer including a request to move on to any other part of a public place as directed by the Officer.
80. [Breach of Bylaw](#)
- 80.1. An operator who fails to comply with any part of this bylaw, including a request from an Authorised Officer, shall be in breach of this bylaw.

81. Exemptions

81.1. The exemptions allowed under 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.