

NZS 9201:Part 4:1999

New Zealand Standard

Model General Bylaws

Part 4 – Trading in Public Places

Superseding NZS 9201:Chapter 4:1972

NZS 9201:Part 4:1999

COMMITTEE REPRESENTATION

This Standard was prepared under the supervision of the Model General Bylaws Committee (P 9201) for the New Zealand Standards Council established under the Standards Act 1988.

The Committee consisted of representatives of the following:

- Auckland City Council
- Department of Internal Affairs
- Local Government New Zealand
- Manukau City Council
- Porirua City Council
- Southland District Council
- Timaru District Council

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NEW ZEALAND LEGISLATION

Local Government Act 1974

Fisheries Act Part IV: 1983

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FOREWORD

The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 1974 to make bylaws.

This Standard supersedes NZS 9201:Chapter 4:1972 *Mobile or travelling shops, and hawkers and itinerant traders*. The revision simplifies the licensing procedure and reflects the current practice of selling goods on streets and footpaths or using vehicles to sell goods.

The definitions of “hawker” and “itinerant trader” have been omitted from the Standard. Reference should be made to NZS 9201:Part 1 *Introductory* for any other definitions not included in this Part.

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NEW ZEALAND STANDARD

MODEL GENERAL 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.

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

400.2

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

401 DEFINITIONS AND INTERPRETATION

401.1

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

GOODS means any product or service.

SERVICE DELIVERY VEHICLE means any vehicle being used for the purpose of delivering goods to the premises of any business or organization and does not involve the sale of the goods to the general public in any public place.

401.2

For the purposes of this Standard the word “shall” refers to practices that are mandatory for compliance with this Standard, while the word “should” refers to practices which are advised or recommended.

402 LICENCE REQUIRED

No person, in any public place, shall engage in the sale of goods of any description whatsoever (except as provided in clause 409.1, Exemptions), without having first obtained a licence from Council.

403 APPLICATION

Every person who wishes to sell goods in a public place shall make written application to obtain a licence to the authorized 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.

404 LICENCE DETAILS

The authorized 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;
- (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.

405 FEES

Council may by resolution prescribe fees for licences and/or site rentals. Fees may differ for any class of licence as prescribed.

406 PRODUCTION OF LICENCE

406.1

Every licence holder shall at all times when engaged in the sale of goods, carry a licence and show the licence to any authorized officer on demand.

406.2

Every licence holder shall, notwithstanding the conditions of the licence, upon being requested to do so by an authorized officer alter his/her position for sales to any other position as indicated by the authorized officer.

407 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.

408 LICENCE NOT TRANSFERABLE

No licence issued under this part of the bylaw shall be transferable to any other person.

409 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.

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