TRADING IN PUBLIC PLACES BYLAW 2018

A bylaw of the Gore District Council made in pursuance of powers contained within the Local Government Act 2002 and any other authority enabling the Council in that behalf.

1. Title, purpose and commencement

This bylaw shall be known as "The Gore District Council Trading in Public Places Bylaw 2018".

This bylaw comes into effect on 1 July 2018.

2. Repeal

The Gore District Council Mobile Trading Bylaw 2011 is hereby repealed from the day this bylaw comes into force.

3. Dispensing power

It shall be lawful for the Council in any particular case or cases, by resolution to dispense with any of the following requirements of this bylaw.

4. Interpretation

In the bylaw, unless the context otherwise requires:

Council means the Gore District Council.

Designated commercial area means those areas of the District which are zoned "commercial" under the Gore District Plan.

District means the territory contained within the Gore District as defined in Part 2 Schedule 2 to the Local Government Act 2002.

Footpath means formed or unformed part of any street or reserve laid out for pedestrian access by the Council, and includes the edging, kerbing and channelling thereof, and includes any area of land owned or controlled by the Council which is set aside for the convenience of pedestrians generally, as a square, place, plaza or public access way.

Hawker means any person who carries or takes about any goods, wares or merchandise for speculative sale to any person, whether or not that sale is intended to be conducted on public or private property.
BUT does not include any person who in response to an invitation to call conducts a sale of any goods, wares or merchandise on private property.

AND does not include any person who operates a mobile shop.

Mobile commercial services means a vehicle, table, or other construction or erection whether self-propelled or not, from which the soliciting of patronage for, or provision of, any service which is offered or provided, on payment of a fee, charge or other valuable consideration, including an invitation to make a gratuitous contribution, either on a casual basis to passers-by or door to door, and includes the taking and selling of photographs, the production and sale of personal portraits, the telling of fortunes, the soliciting of commercial sexual services and any other service of any kind whatsoever.

Mobile shop means a vehicle, table, or other construction or erection whether self-propelled or not, from which goods, wares or merchandise (including food) are offered or exposed for sale, or from which such goods, wares, merchandise may be ordered; while such vehicle is in any public place.

BUT does not include, any vehicle used for the purpose of transporting and delivering goods, wares or merchandise pursuant to a prior order placed for the delivery of such goods, wares or merchandise.

Mobile trade(r)(ing) means a Hawker, a Mobile Shop or a Mobile Commercial Service. It does not include Street Stalls.

Officer means any person appointed as an Enforcement Officer under the Local Government Act 2002 but also includes a Police Officer.

Public place means all streets and public car parks within the District owned or controlled by the Council, and all parks and gardens and reserves within the District.

Sign means any material or device used for the purpose of advertising or to disseminate information, or other similar purpose. Whether it is pasted on or fixed to, any land, structure, trailer, vehicle or incorporated within the design of any structure, whether by painting or otherwise which is visible from a public space whether illuminated or not. This may include but is not limited to sandwich boards (fixed or mobile), flag signs, banners, placards, or other material bearing any writing or pictorial representation; or any writing, paint, chalk, spray or etch on, or otherwise marking any street, footpath, tree or structure on or in a public space.

Street means the whole of any land which has been laid out by or vested in the Council for the purposes of a road or street, every access way or service lane under the control of the Council and every place intended for use by vehicles.

Street stall means any vehicle, table, or other construction or erection operated by a local or nationally recognised charitable organisation, or a not for profit community organisation and it includes;

(i) Roadside sales which has the same meaning as in the Gore District Plan, *"the use of land or buildings in a rural area for the sale of produce or goods which are produced or crafted on the same property"; and*
(ii) Stalls that operate under an honesty box system located adjacent to the owners property, or where the stall owner does not own the adjacent property written approval from the adjacent landowner has been obtained.

5. Nuisance, public safety and damage

Any person intending to undertake any temporary activity in a public place which is not specified in Council's Trading in Public Places Bylaw and which may cause a nuisance, public safety hazard or damage in that public place must first obtain approval from Council to undertake the activity.

Council will not unreasonably withhold permission, and may impose conditions to protect the public from nuisance.

6. Mobile trading

6.1 Licensing

No person shall, without first obtaining a licence from the Council, stand in or occupy or use any portion of any public place to carry on a business as a mobile trader.

Provided that nothing in this section will apply to any person carrying on business as a mobile trader operating solely under the auspices of an approved street market, a craft market, farmers market or other similar organisation.

6.2 Application

(i) Applications for a licence shall be made on the form supplied by the Council (Schedule 1) and shall provide such information in respect of the application as the Council may reasonably require.

(ii) Applications shall clearly state the type of food, goods, wares, merchandise or other articles and/or services in which the applicant desires to trade.

(iii) Every application shall be accompanied by the fee set out in Schedule 4 hereto in respect of such licence. The Council may waive, upon written request, the payment of fees for any licence where such involves local or nationally recognised charitable or community organisations.

(iv) If the applicant wishes to sell food for human consumption, the application must be accompanied by a copy of the certificate of registration of either a food control plan, relevant national programme or notice of exemption.

(v) Any person who operates more than one mobile shop shall hold a separate licence for each mobile shop.

(vi) The operator of a mobile shop or hawker shall ensure that the current licence is prominently displayed at all times while trading and the licence shall be available to any Officer on request.

6.3 Council may prescribe conditions

All licences issued shall be subject to the standard conditions contained in the application form (Schedule 1).

The Council may, in issuing a licence, prescribe additional conditions or amend the standard conditions where appropriate with which the licence holder shall comply when carrying out their trade or business. Any licence holder who fails to comply with any such conditions commits an offence against this bylaw.

6.4 Distance from existing businesses outside designated commercial areas

No mobile trader, hawker or street stall shall operate within 100m of an existing competing business.

6.5 Prohibition in designated commercial areas

No mobile trader or hawker shall operate on any footpath or other public place within the designated commercial area engaging in their trade, or calling with respect of goods or articles of any description whatsoever, except as a street stall.

No mobile trader or hawker shall operate from any metered parking space or time restricted area.

6.6 Prohibition on recreation reserves

No mobile trader or hawker shall operate on any recreation reserve without additional separate approval.

6.7 Signage

A licence holder shall have no more than one freestanding sign associated with their mobile trade. The maximum area of the sign shall not exceed $2m^2$. The sign shall be located only where approved by Council. Council will approve the sign location at the time of application. Signs are prohibited from any median strip and/or poles on any road. Any other signage must be directly attached to the mobile trade vehicle or table.

6.8 Renewal of licence

Prior to the expiry of any licence the mobile trader or hawker may make application to renew their licence. Provided the licensee has complied with the conditions of the licence and on payment of the prescribed fee, the licence shall be renewed upon such terms and conditions as the Council may consider appropriate. Every licence shall be issued for a period of not more than 12 months.

6.9 Moving on

Every mobile trader and hawker, upon being requested to do so by an Officer, shall move from the public place where they are for the time selling their goods, to any other part of a public place as directed by the Officer. Any person who fails to comply with any such request commits an offence against this bylaw.

6.10 Restrictions

The Council may, by resolution, prohibit mobile traders or hawkers from operating in any specified public place within the District; and may limit or restrict the classes or types of goods or services that may be offered for sale; and may limit the hours or days on which any such business may be carried out.

6.11 Licence not transferable

No licence issued under this part of this bylaw shall be transferable to any other person, and no such licence shall authorise any person other than the person named therein to operate as a mobile trader or hawker.

6.12 Suspension of revocation of licence

An Officer may at any time for reasons of public health or safety require any licence holder to discontinue the use of any vehicle used in undertaking the mobile trade.

The Council may suspend or revoke any licence issued where it is satisfied that there has been a breach of the conditions upon which the licence was issued, or in any case where the holder of the licence has been convicted of an offence relating to or in connection with the trade conducted pursuant to the said licence. This action shall be in addition to and not in substitution for any action which may be taken pursuant to Clause 13 hereof.

6.13 Rubbish

Every mobile trader and hawker shall ensure that any rubbish generated as part of their activity is disposed of in an approved manner. They must ensure the area they are trading from is left clean, tidy and free from rubbish.

7. Begging/soliciting of donations and selling lottery tickets

No person shall stand in or on, or occupy any portion of any public place for the purpose of begging or for the soliciting of donations or other gratuitous contributions, or gifts of any kind, whether or not the soliciting involves the exchange of any token or other item, without the authority of the Council.

No person shall stand in or on or occupy any portion of any footpath or any other public place for the purpose of selling tickets in any lottery (as defined within the Gambling Act 2003) without the written authority of the Council.

8. Retail displays and signs on footpaths

8.1 The operator of a business within the designated commercial area may place or erect, on the footpath adjacent to the business any:

(i) Retail display with goods sold from the business, provided that any display which due to its design or location on the footpath does not constitute a hazard for pedestrians. Any display on the footpath shall be limited to 1.5m from the shop frontage or the kerb.

(ii) Sandwich boards (excluding flags) must be placed either

(a) against the shop frontage; or
(b) against the kerb (eg not a mixture of both).

These must be placed in such a location as not to impede pedestrian or vehicular traffic.

(iii) All flag signage must be against the shop frontage, unless written approval is obtained from the Council.

(iv) Retail displays, sandwich boards, flag signage etc must be removed daily at the close of business.

(v) No retail displays, sandwich boards, flag signage etc shall be illuminated or lit in any way.

8.2 No retail display or sign, or part thereof, shall be permanently established on the footpath.

8.3 Any retail display or sign must only be located on the footpath adjacent to the business premises (eg no signs shall be placed outside a business to which the sign does not relate).

8.4 A maximum of four sandwich boards and/or flag signage shall be permitted at each retail premise.

8.5 An Officer may at any time request that any retail display or sign be shifted or removed if:

(i) it poses a risk to public safety or is causing an obstruction or distraction to pedestrians or motorists; or

(ii) breaches clauses 8.1, 8.2 and 8.3 of this bylaw.

Failure to comply with such a request will result in any offending signs being removed and held at Council for collection.

9. Advertising/signs

No person or business shall, for the purpose of advertising or of disseminating news or any other information, or as decoration, or promotion, place or affix any display, banner, placard, poster or other materials bearing any writing or pictorial representation, hereinafter called “advertisement”, in or on any street or any other

public place, tree or structure which is administered by or under the control of the Council.

No person or business shall write, paint, chalk, spray or etch on, or otherwise mark any street, footpath, tree or structure which is administered by or under the control of the Council, without the authority of the Council or as provided by any other licence issued by the Council which specifically authorises such advertising.

Reference should be made to clause 3.4.1(c) of the Roading Bylaw regarding signs on parked vehicles and the Electioneering Signs Policy.

10. Alfresco dining

No operator of a business within a designated commercial area may place on the footpath adjacent to the business any tables and chairs for the purpose of alfresco dinning without first having obtained a permit from the Council.

Applications for a permit shall be made on the form supplied by the Council (Schedule 2) and shall provide such information in respect of the application as the Council may reasonably require.

All permits will be subject to the conditions contained on the application form (Schedule 2).

The Council may, in issuing a permit, prescribed additional conditions or amend the standard conditions where appropriate with which the permit holder shall comply with. Any permit holder who fails to comply with any such conditions commits an offence against this bylaw.

11. Fees

The Council may, from time to time, change or add to the fees listed in Schedule 3 hereto.

12. Power to request name and address

Any person, who is reasonably suspected by any Officer with having committed an offence against this bylaw, who fails or refuses, when required by the Officer, to give his name and/or address, or gives a false name and/or address, shall be guilty of a breach of this bylaw.

13. Breach of Bylaw and penalty

Any person who acts in breach of any provision of this bylaw or licence/permit issued under this bylaw commits an offence and is liable upon conviction to a fine not exceeding $20,000.

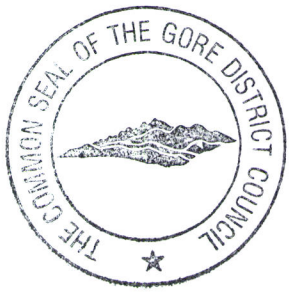
Notwithstanding the provisions of Clause 6.12 above, where the offence relates to any display, sign or tables and chairs any Officer may, after giving the owner of the offending object reasonable opportunity to remove the offending object, seize and impound such object as remain and to hold and deal with same in accordance with the provisions of Section 164, 167 and 168 of the Local Government Act 2002.

The foregoing bylaw was duly made and adopted by the Gore District Council at the ordinary meeting held on the 26 June 2018.

The COMMON SEAL of the GORE DISTRICT COUNCIL was hereunto affixed this 28th day of June 2018, in the presence of:

_____ **Tracy Hicks, Mayor**

_____ **Stephen Parry, Chief Executive**



SCHEDULE 1

Mobile Trading Licence Application

RURAL CITY LIVING

GORE DISTRICT COUNCIL

Application for a

Mobile Traders Licence

29 Bowler Avenue, Gore 9710
PO Box 8, Gore 9740

Phone 03 209 0330
Email info@goredc.govt.nz
www.goredc.govt.nz

Details of applicant

Full name:

Name of business:

Postal address:

Post code:

Daytime phone number: **Cell phone:**

Email:

Location of where you proposed to trade:

If trading in a building name/location of :

Product/service to be sold:

Is food being sold for human consumption: Yes ☐ No ☐

If yes, please attach a copy of the certificate of registration for the Food Control Plan or relevant National Programme.

Hours of operation:

Registration number of vehicle(s):

Make and model of vehicle:

Do you have any signage to display: Yes ☐ No ☐

Period licence is required for: One month ☐ **OR** months ☐ *(specify)*

Dates licence is required for:

Signature of applicant: **Date:**

Fees:
Fees are as per the current fees and charges on the Council's website.
Applications will not be processed until fees are paid.
Maximum licence period is 12 months.
Please allow 10 working days for processing of application.

OFFICE USE ONLY
Amount paid:
Date received:
Receipt No:

The following conditions apply to every applicant

Meaning of mobile trading
"Mobile Trading" includes:

a. Hawking or peddling
b. Busking
c. Trading from a mobile or travelling shop
d. Soliciting for orders

Duration of licences
Mobile Trading Licences issued under this policy shall be valid for one year from the date of issue and if not revoked may be renewed by payment of a further annual fee.

Licence to be carried
The holder of a Mobile Trading Licence shall carry the licence at all times while engaged in mobile trading and shall show it to any police officer or Council officer on demand.

Licence transfer/change of business
The licence is not transferable in respect of the licensee or the business. The licensee must have the prior written consent of the Council before it can transfer, assign or part with its rights under the licence, or change the business.

Licence may be revoked
A Mobile Trading Licence may be revoked by the Council if the holder:

a. permits a breach of any provision of this policy or any other law; or
b. Fails to observe the conditions of the Mobile Trading Licence; or
c. Permits any unlicensed person to operate as a mobile trader in connection with the mobile trading operation usually carried out by the licence holder.

Hours of trade
The hours during which the trader may operate will be specified on each licence. You must not operate during the hours of darkness.

Obstruction/hazards
The licensee shall cause as little obstruction as possible to the legitimate use of any property. No part of the business shall be permitted to cause a hazard to the public.

Nuisances
The licensee shall take all reasonable steps to prevent a nuisance from occurring as a result of operations.

Operation from metered park
The licensee shall not operate the business from a metered park unless the express approval of the Council has been granted.

Trade near similar permanent business
The licensee shall not operate the business within 100m of permanent business premises selling a similar product during the hours of operation of the mobile business, unless the express approval of the Council has been granted.

Signs
A licence holder shall have no more than one freestanding sign associated with their mobile trade. The maximum area of the sign shall not exceed $2m^2$. The sign shall be located only where approved by Council. Council will approve the sign location at the time of application. Signs are prohibited from the median strip of the road. Any other signage must be directly attached to the mobile trade vehicle or table.

Relocation on request
Any request made by the Council, it's authorised officers or law enforcement officers to relocate the mobile shop shall be complied with immediately.

Liability for agents
The named licensee shall be liable for all actions of agents or representatives in the exercise of rights under this licence.

Council may limit trading
Without limiting the Council's right to include conditions in Mobile Trading Licences, it may by resolution prohibit all holders of such licences from trading:

a. in particular places; or
b. at particular times; or
c. in particular goods and services

On-going compliance
For the licence to be valid, all conditions and requirements must be fully complied with. Any breach of conditions without the permission of the Council or its authorised officers may be held to invalidate and terminate the licence from the date of such breach.

Other legislation/Food safety
All relevant legislation shall be complied with prior to the commencement of the operation of business. Where food is sold, a copy of you certificate of registration for your Food Control Plan or National Programme must be attached to the application.

SCHEDULE 2

Alfresco Dining Permit Application

RURAL CITY LIVING

29 Bowler Avenue, Gore 9710
PO Box 8, Gore 9740

Phone 03 209 0330
Fax 03 209 0357
Email info@goredc.govt.nz
www.goredc.govt.nz

Application for an

Alfresco Dining Permit

Details of applicant

Full name:

Name of business:

Postal address:

Post code:

Daytime phone number: **Cell phone:**

Email:

Physical address of business:

Number of tables and chairs:

Are you having umbrellas: Yes ☐ No ☐ **If yes, how many?**

Hours of operation:

Signature of applicant: **Date:**

NOTES

1. Supply a plan detailing the siting of tables/chairs at an occupant density of 1.3 users per m^2. Note: Plans must allow for easy movement of through pedestrian traffic including prams and wheelchairs.

2. Supply a copy of approval of site layout from NZTA for the Main Street only.

3. The maximum hours that tables/chairs are permitted to be out on the street are between 9:00am and 11:00pm, seven days per week.

4. All furniture is to be removed from footpath at end of each day's trading.

5. Tables and chairs shall be located directly outside the business applying for this permit. If it is proposed to use an area elsewhere (i.e. a tiled or paved area within the CBD area), written approval of the business(s) directly in front of these areas will be required.

5. Permits are valid for 12 months only.

6. The prescribed fee shall accompany the application form. Please refer to the current fees and charges on the Council's website.

OFFICE USE ONLY

Reference:

Date received:

Receipt No:

SCHEDULE 3

~~Mobile trader 1 day – 1 month~~	~~$25.00~~
~~Charge for extended periods (per month)~~	~~$25.00~~
~~Alfresco Dining (per year)~~	~~$75.00~~

~~Fees current as at 1 July 2017~~

Updated 1 July 2025

Please refer to the Gore District Council's website for the current fees and charges.