

# **Kaipara District Council**

# **Consolidated**

# **General Bylaw**

# **2020**

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*Kaipara te Oranganui*

**KAIPARA  
DISTRICT**

*Two Oceans Two Harbours*

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## Consolidated General Bylaw 2020

# Part 3 – Trading in Public Places and Trading as a Hawker, Mobile Shop or Itinerant Trader

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## 1. Purpose

- 1.1 The purpose of this Part of the Bylaw is to regulate a diverse range of activities for the well-being and enjoyment of the public in public places. Communities need to feel safe and maintain high confidence in their ability to visit and conduct business in public places.

Part 3 seeks to:

- a. regulate the conduct of persons selling goods on public places, roads and footpaths
- b. to regulate the conduct of persons using vehicles to sell goods and services to the general public.

## 2. Interpretation

- 2.1 In this Bylaw, unless the context otherwise requires:

*Goods* means any product or service.

*Hawker* means any person who is a permanent resident in the district, who carries or takes any goods for sale to another person, without invitation to call or any previous request or order for such goods. This only refers to goods carried by a person.

*Itinerant trader* means any person who sells goods in the district and:

- a. is not continuously a resident in the district for at least six months
- b. does not own or lease premises in the district for a period of six months or more.

*Mobile shop operator* means the operator of a vehicle, whether self-propelled or not, from which goods, including food are offered, or exposed for sale in a public place, or road reserve, including the carriageway of a road, or from which goods including food may be ordered in a public place, or road reserve, including the carriageway of a road (whether or not in pursuance of any invitation to call with the goods) or from which services are offered for sale in a public place, or road reserve, including the carriageway of a road: but does not include any vehicle used to transport and deliver goods pursuant to a prior order placed for the delivery of the goods.

*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.

## 3. Licence required

- 3.1 No person shall, without first having obtained a licence, engage in any public place in the sale of goods of any description whatsoever (except as provided in clause 10.1), whether acting on their own account, or on behalf of another person.
- 3.2 All Hawkers, Mobile Shop Operators and Itinerant Traders must have a licence to operate.

## 4. Application

- 4.1 Every person who wishes to obtain a licence to sell goods in a public place or intending to trade as a hawker, mobile shop or itinerant trader shall make a written application in the prescribed form to the Authorised Officer. The information to be supplied by the applicant may include any of the following, but is not restricted to:
- a. name and address of the applicant
  - b. name and address of the person(s) selling the goods
  - c. location/site
  - d. telephone number of the applicant
  - e. type of goods for sale
  - f. time sought for selling
  - g. type of vehicle(s) and registration number if applicable.
- 4.2 An Authorised Officer may give written notice to an owner or occupier requiring them to repair or remove any fence, wall, retaining wall or any other structure encroaching on a public place or posing some danger, if in the Authorised Officer's opinion the said fence, wall, retaining wall, or adjacent land is in a condition that could cause damage or injury to a person.

## 5. Licence details

- 5.1 The Authorised Officer in granting any licence may impose conditions. The conditions imposed may include, but not be restricted to, any of the following:
- a. reason for licence
  - b. time and frequency
  - c. duration of the licence
  - d. location
  - e. types of goods for sale
  - f. area available for sale
  - g. persons entitled to sell
  - h. safety and hygiene requirements
  - i. use of signage
  - j. use of musical chimes or other audible devices for attracting customers
  - k. litter, cleanliness
  - l. name and address to be conspicuously displayed
  - m. site rental.
- 5.2 The holder of a licence must comply with the terms and conditions of the licence when trading in the public place.
- 5.3 Every licence holder shall, notwithstanding the conditions of the licence, upon being requested to do so on reasonable grounds by an Authorised Officer alter his/her site for sale to any other site as indicated by the Authorised Officer.

## **6. Fees**

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

## **7. Production of licence**

- 7.1 Every licence holder shall carry the licence granted to them pursuant to clause 5.1 at all times when engaged in the sale of goods and show the licence to any Authorised Officer on demand.

## **8. Conditions of licence**

- 8.1 Every person who trades not in conformity with any of the conditions of their licence commits an offence.

## **9. Licence not transferable**

- 9.1 No licence issued under this Part of the Bylaw shall be transferable to any other person or location, or times except with the written permission of Council on payment of a transfer fee.

## **10. Exemptions**

- 10.1 No licence shall be required under clause 3.1 for the sale of goods:
- a. pursuant to Part 4 of the Fisheries Act 1996
  - b. from a service delivery vehicle including a milk vendor
  - c. pursuant to any trade or calling that Council has approved by resolution as not requiring a licence
  - d. from any market, stall or stand which has a current approval under any other bylaw, legislation or specific resolution of Council.