

HUTT CITY COUNCIL BYLAW 2008

TRADING IN PUBLIC PLACES

Adopted by Council 18 March 2008

1. Interpretation

“**Council**” means Hutt City Council

“**District**” means The Lower Hutt City.

“**Hawker(s)**” means any person(s) who, in any public place, solicits sales or orders for sales of any goods, not in pursuance of any invitation to call with, or of any previous order or request for such goods but does not include any person who operates a vehicle as a mobile shop.

“**Keeper**” in relation to any mobile shop, or stall, means the person by whom or on whose behalf any business is carried on by means of that mobile or travelling shop.

“**Mobile Shop**” means a vehicle, whether self propelled or not, from which goods or services are offered or exposed for sale, or from which goods or services may be ordered (whether or not in pursuance of any invitation to call) but does not include any vehicle used for the purpose of transporting goods pursuant to a prior order placed for the delivery of the goods.

“**Permit**” means a permit issued by the Council under this bylaw and includes the sale of food.

“**Person**” includes a corporation sole, and also a body of persons, whether corporate or unincorporated.

“**Public Place**” means any place that, at any material time, is open to or is being used by the public, whether for free or on payment of a charge but does not include any place where any owner or occupier, other than the Council, is lawfully entitled to control access to or from that place.

“**Stall**” includes any stand or table capable of being moved, road vehicle, vessel or similar structure on or at or from which goods are sold or exposed for sale.

2. Restrictions on Hawking, Mobile Shops, and Stalls

2.1 No keeper of a mobile shop may use it or permit it to be used for business purposes within a public place in the District unless he, she, or it:

- (a) has a valid mobile shop permit from the Council; and
- (b) is complying with all terms and conditions of the permit.

2.2 No keeper of a stall may use it or permit it to be used for business purposes within a public place in the District unless he, she, or it:

- (a) has a valid stall permit from the Council; and
- (b) is complying with all terms and conditions of the permit.

2.3 No hawker shall conduct business within a public place in the District unless he, she, or it:

- (a) has a valid hawker permit from Council; and
- (b) is complying with all terms and conditions of the permit.

3. Council May Grant Mobile Shop Permits Subject to Terms and Conditions

- 3.1 Any person may apply to the Council for a mobile shop permit to conduct activities that would otherwise be in breach of clause 2.1.
- 3.2 Any applications under clause 3.1 must be made in writing using the Council approved application form and be accompanied by the required fee.
- 3.3 The Council may grant a mobile shop permit on such terms and conditions as the Council considers appropriate in each case.

4. Council May Grant Stall Permits Subject to Terms and Conditions

- 4.1 Any person may apply to the Council for a stall permit to conduct activities that would otherwise be in breach of clause 2.2.
- 4.2 Any applications under clause 4.1 must be made in writing using the Council approved application form and be accompanied by the required fee.
- 4.3 The Council may grant a stall permit on such terms and conditions as the Council considers appropriate in each case.

5. Council May Grant Hawker Permits Subject to Terms and Conditions

- 5.1 Any person may apply to the Council for a hawker permit to conduct activities that would otherwise be in breach of clause 2.3.
- 5.2 Any applications under clause 5.1 must be made in writing using the Council approved application form and be accompanied by the required fee.
- 5.3 The Council may grant a hawker permit on such terms and conditions as the Council considers appropriate in each case.

6. Expiry of Permit and Permit Renewal Process

- 6.1 A permit shall be valid for a period of 12 months from the date of issue, unless otherwise stated on the permit
- 6.2 A permit will automatically expire where a company or business holding the permit is sold.
- 6.3 Provided the permit holder has complied with the terms and conditions of their permit Council may renew the permit for a period of up to 12 months upon receipt of an application in writing on a Council approved form and the required fee, and upon such terms and conditions as the Council considers appropriate.

7. Permit not Transferable

- 7.1 No permit issued under this bylaw shall be transferable.

Commentary

The following comments do not form part of the Trading in Public Places Bylaw. They are provided to alert readers to relevant law and information that relate to the Bylaw.

Statutory authority

This Bylaw is made pursuant to the Council's bylaw-making powers in the Local Government Act 2002.

Offences

It is an offence under section 239 of the Local Government Act 2002 to breach a bylaw. If you breach this Bylaw, you may be liable on conviction to a fine of up to \$20,000 under section 242(4) of the Local Government Act 2002.