

**TRADING IN PUBLIC
PLACES with amendment
REVIEWED 2020**

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

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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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AMENDMENTS

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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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NOTES

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.

ITINERANT TRADER - see amendment attached

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.

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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.

402.1 .2 & .3 see amendment attached.

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.

405.1 Refund of Licence Fee - see attachment

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;

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- (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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Amendment to the Buller District Council general bylaw
NZS 9201 Part 4 Trading in Public Places

Section 401 Definition and Interpretation

401.1 Itinerant Trader includes any person who, not having been continuously resident in the district under the jurisdiction of the local authority for a period of at least 6 calendar months immediately preceding, or not owning, or not having entered into a binding lease in writing of his business premises in such district for a period of at least 6 calendar months, carries on or engages in any business in such district involving the sale or exposure for sale in any premises in the said district, and whether by himself or by any other person employed by him, of any goods, wares or merchandise but shall not include any hawker as above defined or any keeper as above defined or any keeper of a mobile or travelling shop or any bona fide commercial traveller who deals only with or solicits orders only from persons, firms, or companies carrying on business within the district aforesaid, as retailers of, or as manufacturers for sale of, articles manufactured from goods, wares, and merchandise similar to those sold by the commercial traveller, or by him on behalf of his employer or employers.

402.1 Licence required

No itinerant trader shall sell or offer or expose for sale any goods, wares, or merchandise whatsoever without having first obtained a licence from the local authority authorizing him to do so.

402.2 Such application shall be in an appropriate form as set out in 403 and the applicant shall with the application furnish such evidence of good character as the local authority may require.

402.3 Every itinerant trader's licence shall be in an appropriate form as set out in 404 and shall remain in force for the term of 1 year from the day of issue thereof and no longer.

405.1 Refund of Licence Fee

If during the continuance of any such licence the licensee named therein shall remain continuously in business in the district aforesaid for a period of not less than 6 months, the licence fee paid by him as aforesaid in respect of the licence in force during such period shall be refunded.