



NAPIER CITY

Trading in Public Places Bylaw 2014

NAPIER CITY TRADING IN PUBLIC PLACES BYLAW 2014

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1. Scope

- 1.1 Part 8 sub-part 1 of the Local Government Act 2002 (the Act), and other relevant Acts including the Reserves Act 1977, the Health Act 1956, and the Litter Act 1979, outline some of the powers and requirements of the Council in regard to streets, Public Places and Reserves. Areas of control so prescribed by this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of the Act and other Acts should also be read.
- 1.2 The general purposes of this bylaw are:
- (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; and
 - (c) To prescribe fees (section 150 of the Act describes the power of Local Authorities to prescribe fees).
- 1.3 This bylaw comes into force on 1 February 2015.
- 1.4 This bylaw revokes the Napier City Trading in Public Places Bylaw 2008.
- 1.5 So far as they are applicable, and are not contrary to the provisions of this bylaw, the provisions of the Napier City Introductory Bylaw 2014 are incorporated into and form part of this bylaw.
- 1.6 All Licences or permits issued under the Napier City Trading in Public Places Bylaw 2008, after the coming into force of this bylaw are deemed to have been issued under this bylaw and are subject to the provisions of this bylaw.
- 1.7 All matters and proceedings commenced under the Napier City Trading in Public Places Bylaw 2008 pending or in progress on the coming into operation of this bylaw may be continued, completed or enforced under this bylaw.

2. Definitions and interpretation

- 2.1 For the purposes of this bylaw the following definitions 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 organisation and does not involve the sale of the Goods to the general public in any Public Place.

3. Licence required

No Person in any Public Place must engage in the sale of Goods of any description whatsoever (except as provided in 10), without having first obtained a Licence from Council.

4. Licence application

Every Person who wishes to sell Goods in a Public Place must make written application to obtain a Licence to the Authorised Officer of Council. The information to be supplied by the applicant may include, but not be restricted to, any of the following:

- (a) Name and address of the applicant and the Person(s) selling the Goods;

- (b) The location/site and time sought for selling;
- (c) The telephone number and email address of the applicant;
- (d) The type of Goods for sale;
- (e) The type of Vehicles(s) and registration numbers if applicable;
- (f) Evidence of good character.

5. Licence details

The Authorised Officer may impose conditions in granting any Licence. The conditions imposed may include, but are not restricted to, the following:

- (a) Time, location and duration of the Licence;
- (b) Types of Goods for sale;
- (c) Area available for sale;
- (d) Persons entitled to sell;
- (e) Safety and hygiene requirements;
- (f) Use of signage, and musical chimes or other audible devices;
- (g) Litter and cleanliness;
- (h) Name and address to be conspicuously displayed;
- (i) Site rental.

The Council may refuse to grant a Licence in terms of this bylaw if it is satisfied that the applicant or licensee is not a Person of good character and reputation, or if not a fit and proper Person to hold such a Licence, or if the Vehicle in respect of which an application is made does not comply with this bylaw, or any other bylaw of the Council, or such modified standard as the Council may require.

Provided that before refusing any Licence on the ground that the applicant is not, in the opinion of the Council, a Person of good character and reputation or is not a fit and proper Person to hold such a Licence, the Council will give to the applicant an opportunity to be heard before a Committee of the Council.

The Council may suspend or cancel the Licence wholly or for such period as it thinks fit if satisfied:

- (a) That the licensee is not of good character and reputation or otherwise not a fit and proper Person to hold such a Licence; or
- (b) That the Vehicle or Vehicles used in connection with such Licence has or have become unsuitable for such use, or have been or are being used for purposes other than those stated in the Licence:

Provided that before the Council suspends or cancels any Licence the Chief Executive will give notice in writing to the licensee giving them the opportunity to appear before the Council or a committee thereof at a time and place fixed in such notice to show cause why such Licence should not be cancelled or suspended. The time fixed in such notice will not be less than 3 days after service of the notice on the licensee.

The Council will immediately give notice to the licensee of such suspension, cancellation or decision.

6. Fees

Council may by resolution prescribe fees for Licences and/or site rentals. Fees may differ for any class of Licence as prescribed. Classes are:

- (a) Hawker
- (b) Mobile or Travelling Shop
- (c) Amusement Device
- (d) Street Stall
- (e) Lottery Ticket Stand
- (f) Street Tables and Chairs
- (g) Temporary Commercial Promotion

7. Production of licence

When engaged in the sale of Goods every Licence holder must carry a Licence at all times and show the Licence to any Authorised Officer on demand.

Every Licence holder must, notwithstanding the conditions of the Licence, upon being requested to do so by an Authorised Officer alter their position for sales to any other position as indicated by the Authorised Officer.

8. Conditions of licence

Every Person commits an offence under this bylaw who trades not in conformity with any of the conditions of the licence.

9. Licence not transferable

No Licence issued under this bylaw will be transferable to any other Person.

10. Exemptions

The exemptions allowed under this bylaw are as follows:

- (a) Selling or disposal by commercial fisherman of limited quantity of fish in the vicinity of a fishing vessel as specified in section 191 (2), part 10 of the Fisheries Act 1996.
- (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.

This bylaw was made by the Napier City Council by resolution at a Council meeting on 17 December 2014 and must be reviewed within 5 years in accordance with section 158 of the Act.

Sealed with the Common Seal
Of the Napier City Council
In the presence of:





Mayor



Chief Executive

SCHEDULE 1 - Form of Application

**NAPIER CITY COUNCIL
TRADING IN PUBLIC PLACES BYLAW 2014**

Application for Licence

- Hawker
- Keeper of stall
- Keeper of mobile or travelling shop

The Chief Executive
 Napier City Council
 Private Bag 6010
 NAPIER

I _____
 of _____

hereby apply for a _____ Licence under the provisions of
 the Bylaws made in that behalf.

Date & Place of Birth: _____

Contact Phone No: _____ Vehicle Registration No: _____

Nature of goods to be traded: _____

Total Area of Trading Unit (includes all attachments) _____ Square metres

The Fee of \$ _____ to be enclosed with Application.

DATED AT NAPIER this _____ day of _____ 20 _____

SIGNED: _____

SCHEDULE 2 – Form of Licence

**NAPIER CITY COUNCIL
TRADING IN PUBLIC PLACES BYLAW 2014**

Licence No: _____

LICENCE TO HAWK OR OPERATE MOBILE OR TRAVELLING SHOP OR STALL

THIS IS TO CERTIFY THAT _____

of _____

IS LICENSED BY THE NAPIER CITY COUNCIL AS (a keeper of a mobile or travelling shop for the sale of) or (a keeper of a stall for the sale of) or (a hawker of)

subject to the following conditions being observed by the Licensee at all times;-

Chief Executive

DATED at NAPIER this _____ day of _____ 20 ____

This Licence will expire on the _____ day of _____ 20 ____

SCHEDULE 3 - Form of Occupation Permit

**NAPIER CITY COUNCIL
TRADING IN PUBLIC PLACES BYLAW 2014**

Permit No: _____

OCCUPATION PERMIT

This Permit authorises _____

being the holder of a Licence as (a keeper of a mobile or travelling shop) (a keeper of a stall) (a hawker) No: _____

to occupy any road or public place within the City other than those roads or parts of roads as listed below.

Prohibited roads, parts of roads and public places:-

Chief Executive

DATED at NAPIER this _____ day of _____ 20 _____

This Licence will expire on the _____ day of _____ 20 _____

SCHEDULE 4 – Prohibited Roads**NAPIER CITY COUNCIL
TRADING IN PUBLIC PLACES BYLAW 2014**

Both sides of the carriageway of the following Roads and all Public Places adjacent thereto, as shown in the schematics overleaf for illustrative purposes only.

The following are Roads where trading in Public Places is prohibited:

Central Business District

Byron Street

Herschell Street

Browning Street

Cathedral Lane

Tennyson Street from the start to the intersection with Clive Square West

Shelley Street

Clive Square East

Clive Square West

Emerson Street

Dickens Street from start to the intersection with Clive Square West

Market Street

Hastings Street from the start to No. 314

Marine Parade from 26 (spa complex) to 546 (aquarium)

Albion Street

Faulknor Lane

Dalton Street

Station Street

Vautier Street

Munroe Street from the start to the intersection with Vautier Street

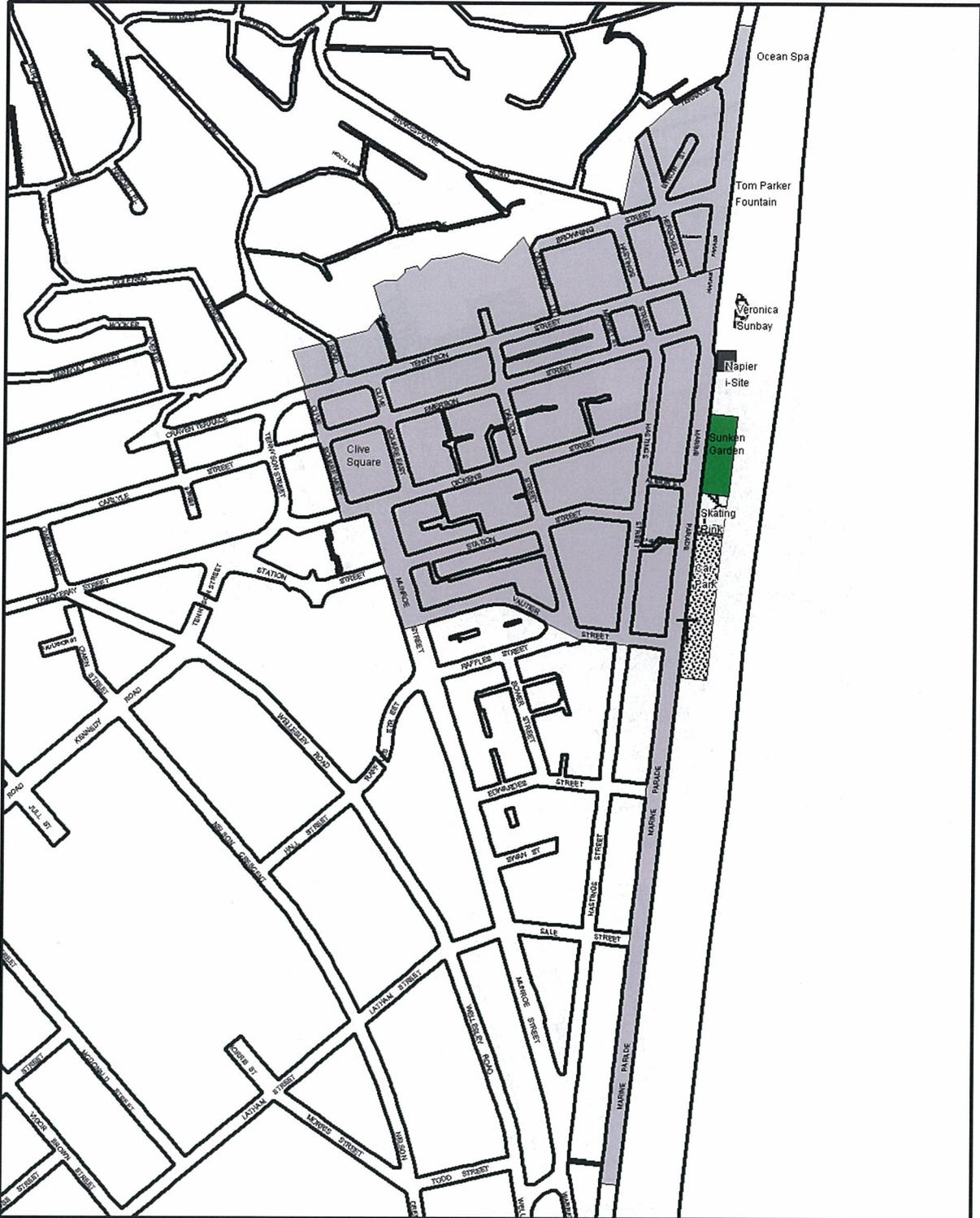
Taradale Shopping Centre

Gloucester Street from No. 201 at the northern junction with Lee Road to No.367 at the southern junction with Lee Road

Ahuriri

The entire length of Hardinge Road.

Schematic - Prohibited Roads Central Business District




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NAPIER CITY COUNCIL
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Trading In Public Places Prohibited - CBD Area
Scale 1:7,500

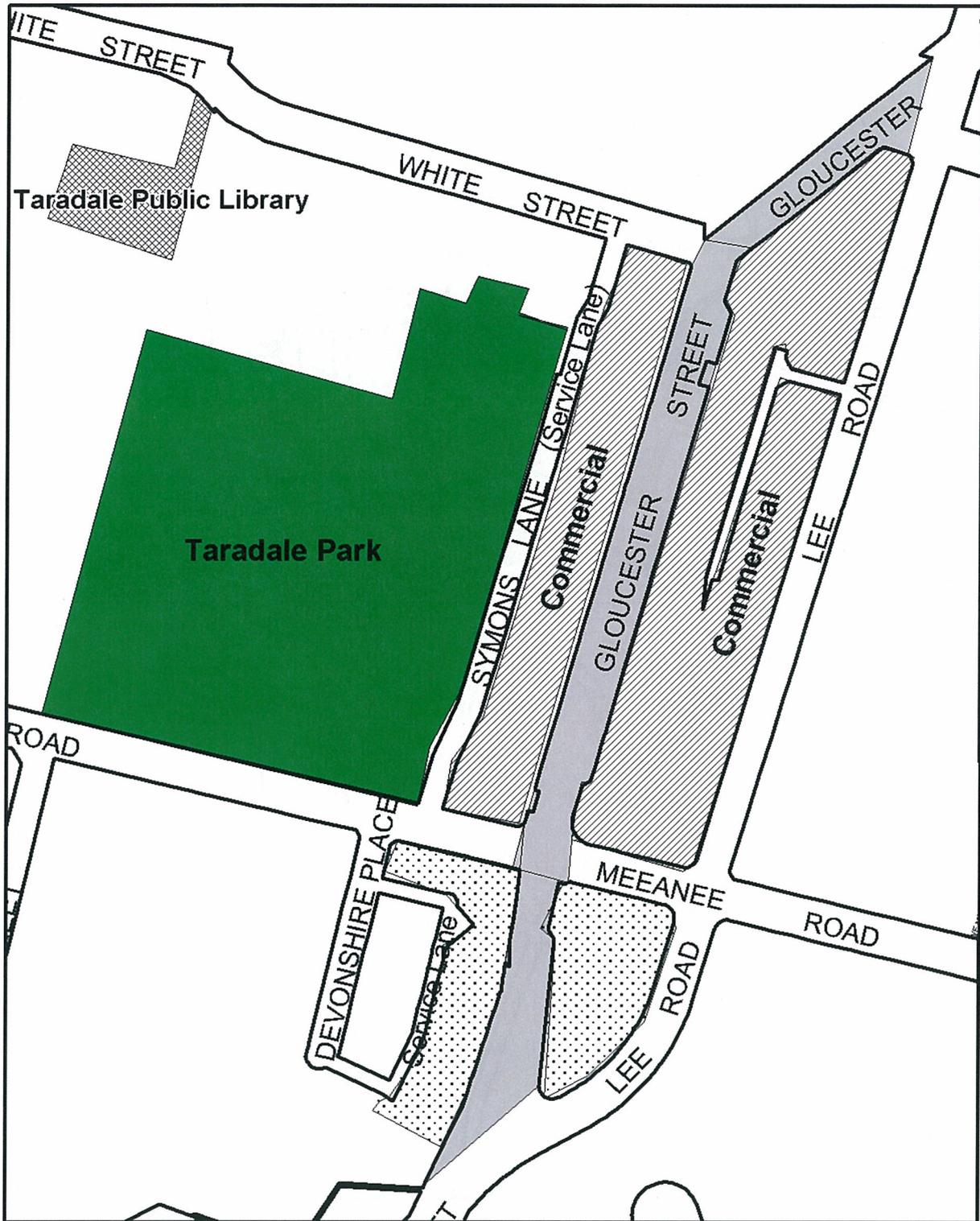


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Aerial Photography Flown Oct 2004
Datum: NZGD49 Projection: NZMG
ORIGINAL SHEET SIZE **A4**

Schematic - Prohibited Roads Taradale Shopping Centre



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