



CARTERTON
DISTRICT COUNCIL



SOUTH WAIRARAPA
DISTRICT COUNCIL
Kia Reretahi Tātau

Wairarapa Consolidated Bylaw 2019

Part Three

Sale of Goods or Services in Public Places

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Three - Sale of Goods or Services in Public Places	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 3 – Sale of Goods or Services in Public Places

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Referenced Documents

Reference is made in this document to the following New Zealand legislation:

- Local Government Act 2002
- Fisheries Act 1996

Foreword

This Part of the bylaw is made under section 145 of the Local Government Act 2002 (LGA). This Part draws on New Zealand Standards 9201 series Trading in Public Places Bylaw.

Reference should be made to the Wairarapa Consolidated Bylaw 2019: Part 1 Introductory for any definitions not included in this Part.

If any provision of this Part is inconsistent with Part 1 – Introductory, then the provisions of this Part prevail.

1. Scope

- 1.1. The purpose of this Part of the bylaw is to regulate the conduct of persons:
- a) selling goods or services on streets, roads, footpaths and other public places; or
 - b) using vehicles to sell goods or services to the general public.

2. Licence Required

- 2.1. No person, in any public place, shall engage in the sale of goods or services of any description whatsoever (except as provided in section 7), without having first obtained a licence or permission from Council.

3. Application

- 3.1. Every person who wishes to sell goods or services in a public place shall make written application to obtain a licence to the authorised officer of Council. The information to be supplied by the applicant may include, but are not restricted to, any of the following:
- a) name and address of the applicant;
 - b) name and address of the person(s) selling the goods or services;
 - c) the location/site;
 - d) the telephone number of the applicant;
 - e) the type of goods or services for sale;
 - f) the time sought for selling;
 - g) the type of vehicle(s) and registration numbers if applicable;
 - h) evidence of good character;
 - i) copy of any other licence which the applicant may be required to obtain under provision of any Act, regulation or bylaw; and
 - j) proposed signage.

4. Conditions of Licence

- 4.1. The authorised officer in granting any licence may impose conditions. The conditions imposed may include, but are not restricted to, any of the following:
- a) time and location;
 - b) duration of the licence;
 - c) types of goods or services for sale;
 - d) area available for sale;
 - e) persons entitled to sell;
 - f) safety and hygiene requirements;
 - g) signage additional to that allowed in the Wairarapa Combined District Plan;
 - h) use of musical chimes or other audible devices for attracting customers;
 - i) litter and cleanliness;
 - j) avoidance of nuisances, annoyance or danger to any person;
 - k) name and address to be conspicuously displayed;
 - l) site rental;
 - m) payment of a bond; and
 - n) liability insurance.
- 4.2. Within a public place in the Masterton and Carterton districts, no person may sell goods or services within the areas defined in the First Schedule.
- 4.3. Within the South Wairarapa district, the sale of goods or services in a public place may only be authorised to occur at the specific sites described in the first schedule.

5. Production of Licence

- 5.1. Every licence holder shall at all times when engaged in the sale of goods or services, carry a licence and show the licence to any authorised officer on demand.
- 5.2. Every licence holder shall upon request by an authorised officer, notwithstanding the conditions of the licence, alter their position for sales to any other position as indicated by the authorised officer.

6. Licence not Transferable

- 6.1. No licence issued under this part of the bylaw shall be transferable to any other person.

7. Exemptions

- 7.1. 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 191 of the Fisheries Act 1996;
 - b) service delivery vehicles including milk vendors; and
 - c) any event, market, stall or stand which has current approval under any bylaw, legislation, resource consent or specific resolution of Council.

8. Power to Set Fees

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

9. Offences and Penalties

- 9.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (refer Section 15) for details of what broadly constitutes a breach of this Part.
- 9.2. To avoid any doubt, a person breaches this bylaw and commits an offence who:
- a) sells goods or services in a public place without a licence (except where exempted under clause 7); or
 - b) sells goods or services in a public place in a way that is outside any condition stated in their licence.

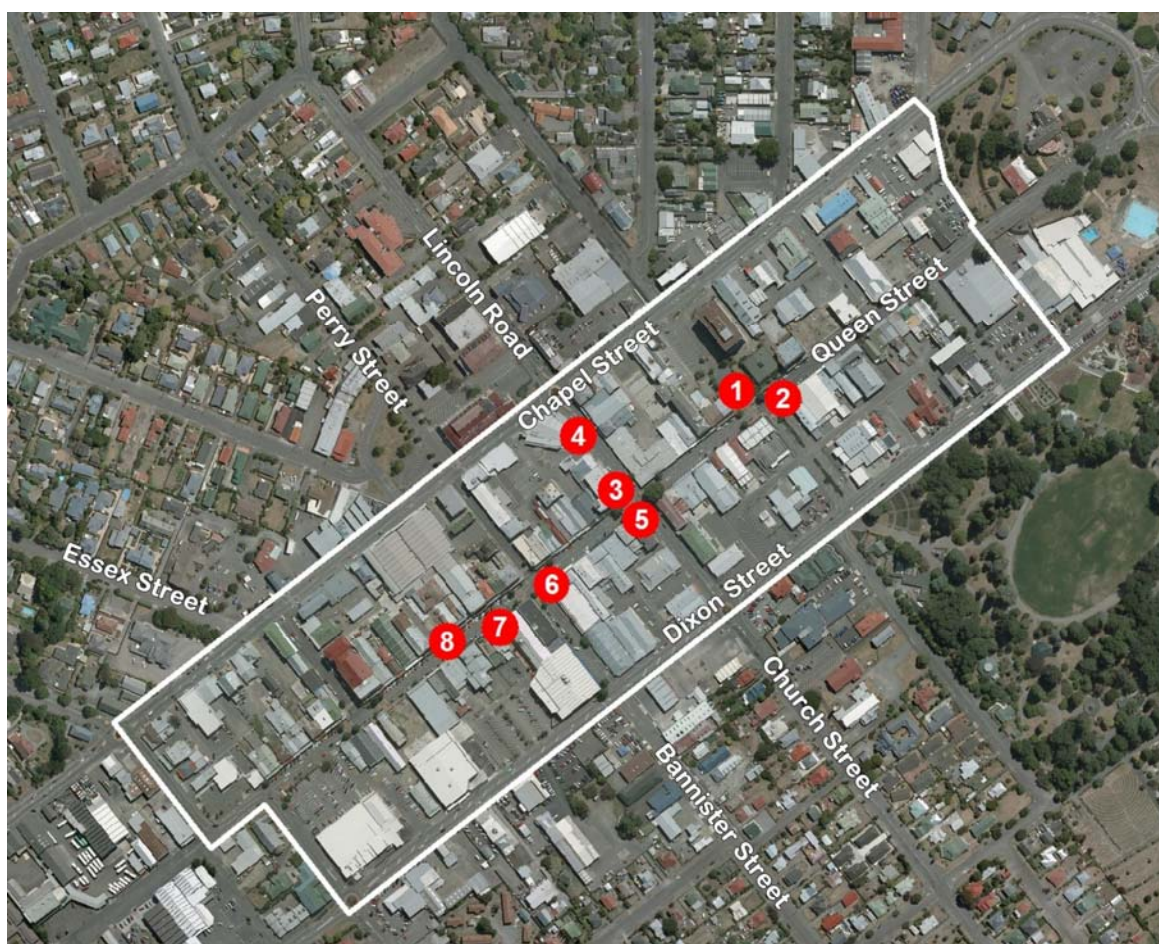
10. Power to Amend by Resolution

- 10.1. The Council may, by resolution publicly notified:
- a) add schedules;
 - b) make additions or deletions from the schedules; or
 - c) substitute new schedules.
- 10.2. Where Council intends to make a resolution under clause 10.1, consultation will be undertaken as required, in accordance with the requirements of section 156 of the LGA.

First Schedule

Exempted stall sites within Masterton CBD

- Site 1: Library Square on Queen Street, not obstructing paths
- Site 2: Corner of Queen St and Park Avenue outside 53 Queen St
- Site 3: Corner of Lincoln Road and Queen Street, under awning of 122 Queen St
- Site 4: Pie cart stand at National Bank, Lincoln Road
- Site 5: Corner of Church Street and Queen Street – outside AA
- Site 6: Corner of Bannister Street and Queen St, outside ANZ
- Site 7: Paper plus Alleyway, red pavers, avoiding seating area of Flat White Fiction
- Site 8: Paving area, approx 200 Queen Street

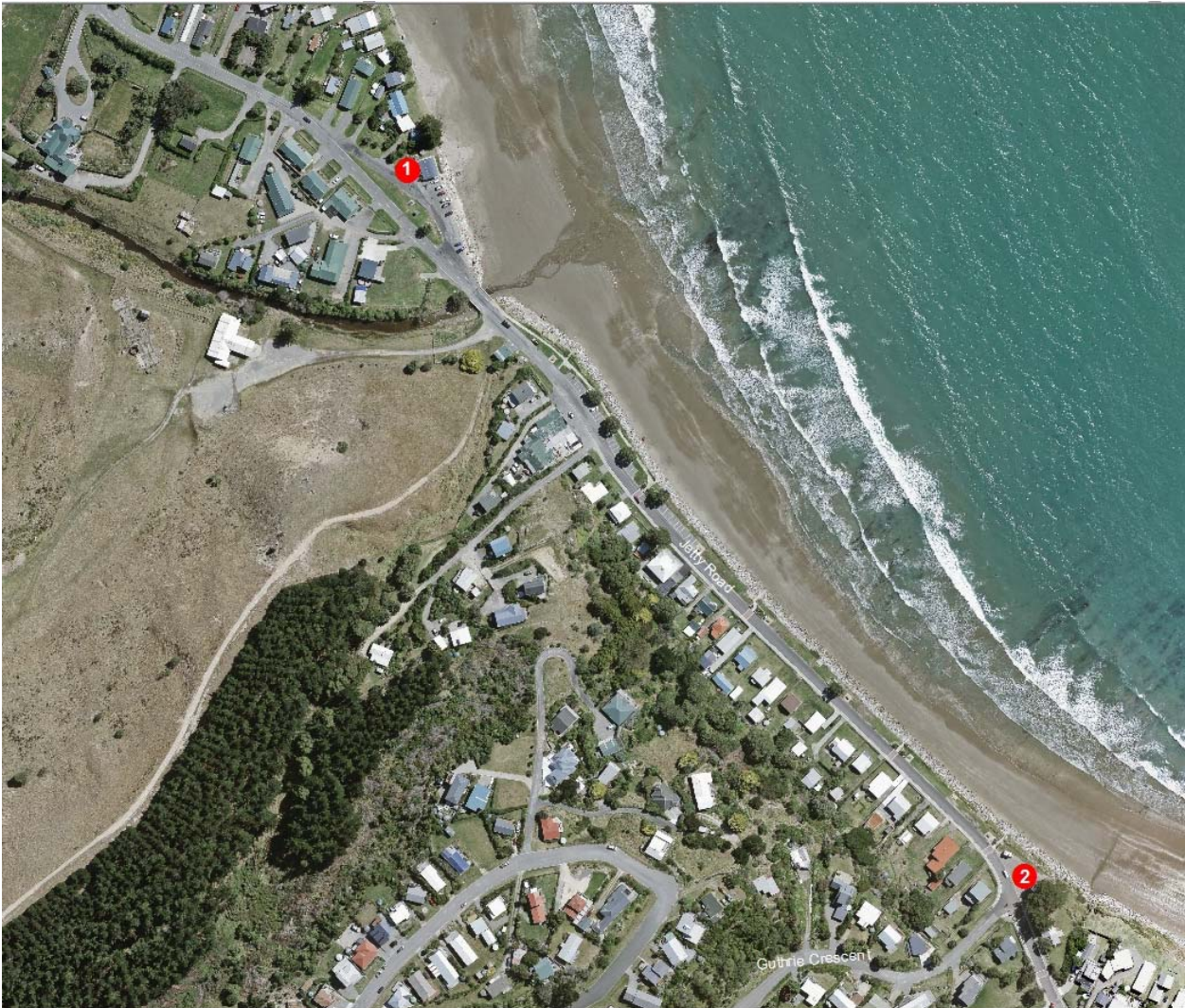






Castlepoint Designated Mobile Trading Areas

- Site 1: site at the toilets.
- Site 2: Guthrie Crescent carpark.



Exempted Stall Sites – South Wairarapa District Council

Martinborough

Exempted stall sites within Martinborough CBD

4 licenses are available for trading in four car parking spaces around (and adjacent to) the central square (dashed lines indicate area). Approved traders may choose the first available space when they arrive for the day.

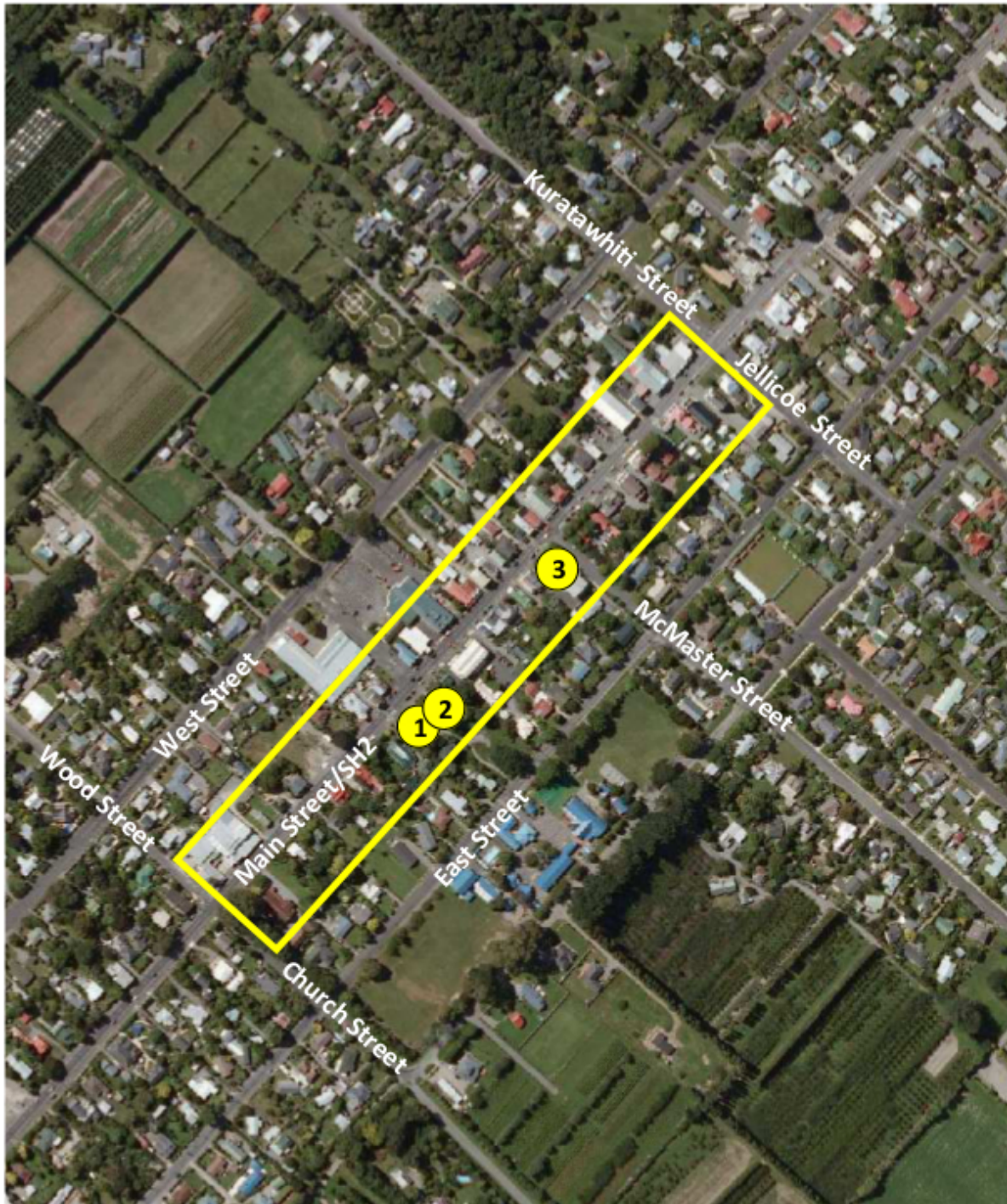


Greytown

Exempted stall sites within Greytown CBD

Site 1 & 2: Main Street entrance to Stella Bull Park, north of Old Library building and not obstructing footpath.

Site 3: Greytown Town Centre courtyard (some special conditions apply) .



Featherston

Exempted stall sites within Featherston CBD

Site 1 and 2: Cherry Tree Garden facing Fitzherbert Street, not obstructing footpath.

Site 3: Grassy area in front of Fell Museum and Information Centre, near pedestrian crossing and not obstructing footpath.

