



## MOBILE OR TRAVELLING SHOPS 2021

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**Date in force: 15 September 2021**

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**Purpose:** To regulate trading activities and the conduct of persons selling goods on streets, roads, footpaths and other public places; and

Setting general and specific conditions for trading in public places to ensure that appropriate standards of health and safety, pedestrian and vehicle access and visual amenity are maintained.

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**Review date: 15 September 2031**

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## 1 TITLE

- 1.1 This Bylaw is made under Section 145 of the Local Government Act 2002 and the Land Transport Act 1998 and shall be known as the 'Mobile or Travelling Shop Bylaw 2021'.

## 2 COMMENCEMENT

- 2.1 This Bylaw shall come into force on 15 September 2021

## 3 REPEAL

- 3.1 As from the day this Bylaw comes into force, the previous Mobile or Travelling Shop Bylaw 2008 shall be repealed.

## 4 APPLICATION OF BYLAW

- 4.1 This Bylaw shall apply to the Stratford District.

## 5 SCOPE

- 5.1 This bylaw is made pursuant to section 145 of the Local Government Act 2002 which gives authority to the Council to adopt bylaws for the following general purposes:

- (a) Protecting the public from nuisance;
- (b) Protecting, promoting, and maintaining public health and safety;
- (c) Minimising the potential for offensive behaviour in public places.

And any other authority enabling the Council to make bylaws to regulate activities in Public Places and includes the Land Transport Act 1998.

## 6 INTERPRETATION

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

**“Authorised Officer”** means any person authorised by Council to carry out or exercise any powers, duties or functions under this Bylaw or any part thereof or any Police Officer.

**“Goods”** means any product or service.

**“Hawker”** means any person who attempts to sell goods or services to any person without invitation or request for such service or prior orders.

**“Licence”** means the authority granted by the Stratford District Council allowing the holder to engage in the sale of goods or services from a mobile shop to stall, or the hawking of goods or services upon payment

of fees and such terms and for any duration that the Council specifies, including inspections for health and safety regulations.

**“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.

**“Non-Profit Organisation”** means a registered charity or community group or registered club.

**“Nuisance”** means to obstruct, annoy or interfere, be it intentionally or unintentionally.

**“Permitted area”** means an area permitted by the Council for trading with an approved licence.

**“Public Place”** means a place that is:

- (a) Under the control of the Council; and
- (b) Open to, or being used by, the public whether or not there is a charge for admission; and includes:
  - (i) Any part of a public place; and
  - (ii) Any reserve; or
- (c) A road, whether or not the road is under the control of the Council.

**“Restricted Area”** means those areas of the Stratford District which are designated on the Map attached as schedule 1.

**“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 goods to the general public in any Public Place.

**“Sign”** means any display or device which is visible from a public place and which is intended to attract attention for the purpose of identifying, advertising, informing or directing.

**“Stall”** means any structure or device, barrow, table, display board or portable stand established for the purposes of selling goods.

**“Stratford District”** means the territory defined in Schedule 1 and includes state highway 3 and state highway 43 within the Stratford District.

**“Trading”** refers to commercial activities in mobile, temporary or movable premises.

## **7 Licence required**

- 7.1 No person, in any public place, as outlined in the areas defined on the map attached as schedule 1 of this bylaw, shall engage in the sale of goods of any description without having first obtained a Licence from the Council, except where an exemption is provided in clause 16 of this bylaw.

**Note:** *The possession of a Licence does not replace the need to also obtain the approval of the owner of private land or property where the sale of goods will take place and complying with any conditions such as the owner may impose.*

**Note:** *No trading of any kind is to be undertaken on a State Highway without the permission of the appropriate agency.*

**Note:** *No trading of any kind is to be undertaken on a State Highway with a posted speed limit of 70km/hr and above within the Stratford District.*

## **8 Licence application**

- 8.1 Every person, other than a person mentioned in clause 16 of this bylaw, who wishes to sell goods in a public place shall make written application to obtain a Licence.
- 8.2 The information to be supplied by the applicant may include any of the following, but not 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 days and hours the applicant intends to sell goods;
  - (g) The type of vehicle(s) and registration numbers if applicable;
  - (h) Evidence of good character;
  - (i) Where appropriate, the written approval of neighbors;
  - (j) Proposed signage, and any audible devices;
  - (k) Litter and cleanliness measures;
- 8.3 Every applicant shall comply with the operative Stratford District Plan rules governing the proposed activity.
- 8.4 An application for a Licence must be lodged five working days prior to the trading.

## **9 Licence conditions**

- 9.1 The Authorised Officer may impose conditions in granting any Licence. The conditions imposed may include, but are not limited 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 or hygiene requirements;

- (f) Use of signage, and audible devices;
- (g) Litter and cleanliness
- (h) Display of Licence
- (i) Requiring compliance with a traffic management plan
- (j) Food Act registration.

9.2 The Council may, in issuing a Licence, prescribe additional conditions or amend the standard conditions where appropriate with which the Licence holder shall comply when carrying out their trade or business.

## **10 Production of Licence**

10.1 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 request.

## **11 Signage**

11.1 A Licence holder shall have no more than one freestanding double sided sign associated with their mobile trade. The maximum area of the sign shall not exceed 2m<sup>2</sup>.

11.2 The sign shall be located only where approved by Council. Council will approve the sign location at the time of the application.

11.3 Signs are prohibited from the following locations:

- (a) Median strip
- (b) Berm or street poles
- (c) Trees on road reserve

Any other signage must be directly attached to the mobile trade vehicle or table.

## **12 Moving on**

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

The reason for such a request include:

- (a) Safety
- (b) Avoidance of nuisance
- (c) Compliance with any Act "Regulation or Bylaw"

## **13 Breach of Licence**

13.1 Any Licence holder who fails to comply with any such conditions of the Licence commits an offence against this bylaw.

13.2 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.

#### **14 Licence not transferable**

14.1 No Licence issued under the bylaw will be transferrable to any other person.

#### **15 Fees**

15.1 Council may, by resolution, prescribe fees for Licenses. Fees may differ for any class of Licence as prescribed. Classes are:

- (a) Hawker
- (b) Mobile or Travelling Shop
- (c) Street Stall
- (d) Temporary Commercial Promotion

#### **16 Exemptions**

16.1 The exemptions allowed under this bylaw are as follows:

- (a) Service delivery vehicles or,
- (b) Any market, stall or stand which has been approval by an Authorised Officer under any other bylaw, legislation, resource consent or approval of the Council.
- (c) A Non-profit organisation that raises funds for the benefit of the needy, a community group, and environmental causes approved by an Authorised Officer.

*Note: Exemptions do not apply to state highways within the Stratford District*


#### **17 Recreation reserves**

16.1 No mobile trader or hawker shall operate on any recreation reserve without additional separate approval from an Authorised Officer of the Council.

This Bylaw was made by the Stratford District Council on 15 September 2021.

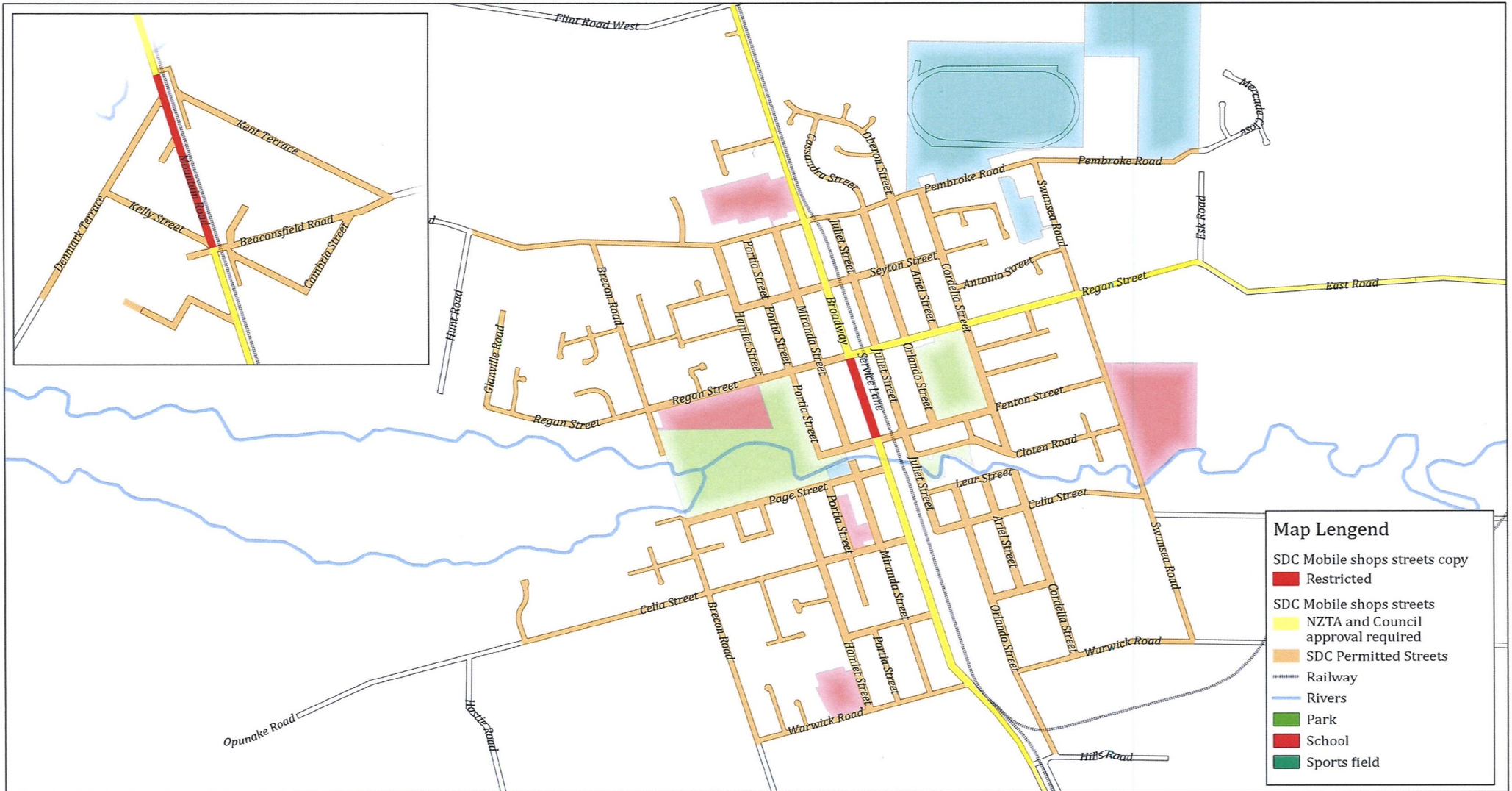
THE COMMON SEAL of the STRATFORD DISTRICT COUNCIL was hereto affixed by resolution of the said Council in the presence of:

Mayor ..... 

Chief Executive ..... 



SCHEDULE 1



TE KAUNIHERA Ā ROHE O  
**WHAKAAHURANGI**  
**STRATFORD**  
 DISTRICT COUNCIL



## Stratford & Midhirst Mobile Shops Permitted Street Parking and Restricted Street Parking Map

The information provided is an indication only and needs to be validated in the field.  
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