

8 MOBILE TRADING

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Schedule A

Mobile Trading

Approved by Council: 8 December 2003
Date of Effect: 1 January 2004

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PART 8: MOBILE TRADING

8.1 Meaning of Mobile Trading – “Mobile Trading” includes:

- (a) Hawking or peddling
- (b) Trading from a mobile or travelling shop

8.2 Mobile Traders to be Licensed – No person may engage in mobile trading without first obtaining a Mobile Trading Licence under this Bylaw. The holder of the licence shall observe the conditions recorded on the licence.

8.3 Applications – All applications for a Mobile Trading Licence shall be made on the form supplied by the Council. The Council will require the applicant to provide such information as is necessary for proper consideration of the application, including but not limited to:

- (i) Vehicle warrant of fitness and registration;
- (ii) Electrical certificate;
- (iii) Road user certificate;
- (iv) LPG cylinder annual inspection certificate - from a registered craftsman gasfitter;
- (v) A copy of the applicant’s public indemnity or liability insurance.

8.4 Issue of Licence – The Council may issue a mobile trading licence to any person on being satisfied that the person is a fit and proper person to hold such a licence by the applicant supplying (on request) the Council with evidence of their good character (personal/business reference/s), and that the proposed operation meets all of the requirements of the Council’s bylaw and any other applicable laws, bylaws, regulations or rules made by a competent authority and that the fee fixed for issue of the licence has been paid. The Council may include in licences such conditions as it thinks fit.

8.5 Food Hygiene Regulations 1974 - If food is being sold, the vehicle shall comply with the First Schedule of the Food Hygiene Regulations 1974 as far as practicable, to the satisfaction of an Environmental Health Officer. If a base kitchen is used, it shall be a registered premise under the same regulations.

8.6 Duration of Licences – Mobile trading licences issued under this Bylaw shall be valid for not more than one year from their date of issue and if not revoked may be renewed by payment of a further annual fee.

The Mobile Trading Licence is not transferable to another person. If the business or vehicle is sold or transferred to another person, the Dunedin City Council must be notified within 14 working days. The new owner will be required to apply for a licence and will not be permitted to use the mobile or travelling shop until a licence is issued.

8.7 Licence to be Carried – The holder of a mobile trading licence shall carry the licence at all times while engaged in mobile trading and shall show it to any Police Officer, or Council Officer on demand. The licence will apply only to the vehicle whose registration number is specified on the licence. The use of any other vehicle will not be permitted without prior written consent from the Council.

The Mobile Trading Licence is valid during the hours specified on the licence.

8.8 Nuisance, annoyance or danger to any person: The licensee or operator shall operate any mobile or travelling shop used in connection with the licence, in such a manner as to avoid causing any nuisance, annoyance or danger to any person.

8.9 Liability Insurance – The licensee shall carry insurance cover to cover the direct damage to vehicles and public liability ('Third Party Insurance') in connection with the vehicles.

8.10 Name to be Displayed – The name of the licensee and details of the product for sale shall be displayed on any stall or vehicle used in connection with the mobile trading.

8.11 Hazardous Substances - All LPG cylinders must be stored securely outside the mobile or travelling shop and total no more than 100kg LPG nett content. If the mobile or travelling shop is likely to be unattended at any time while in a public place, the cylinders shall be secured against tampering.

8.12 Trading Limits

(a) Unless permission has been applied for and granted from the appropriate Council departments, the Council prohibits all holders of Mobile Trading Licences from trading in the following areas:

(i) **Parks and Reserves (including car parks and roads in Reserves), and Restricted Roads** - A list of restricted roads is specified in Schedule A. (Please note that Council's Roading Manager may, as necessary, add other restricted roads to Schedule A.) A list of parks and reserves is available from the Community and Recreation Services Department.

(ii) **Restricted Areas** – including:

- Within 300 metres of another premises selling similar products, or
- Within 50 metres of any intersection or pedestrian crossing where people visiting the site may be placed in danger

(b) The licensee or operator of any mobile or travelling shop shall not stand or remain stationary in any public place or road except for such time as may be reasonably required for the transaction of business with customers on that occasion, and in any case shall not remain stationary on any one site for a period exceeding two hours, nor stand on any one site more than twice in any eight hour period.

(c) The licensee or operator shall when requested by any Police Officer or authorised officer of the Council, alter their position or move from place to place on any road or public place as directed.

(d) Should the licensee or operator fail to comply with the provisions of Condition (b) or if the mobile or travelling shop owned or operated by him or under his control is left unattended in any road or public place it shall be lawful for any officer mentioned in Condition (c) to move the mobile or travelling shop to any safe position.

8.13 Litter - The licensee or operator shall remove any litter from the surrounding area of the mobile or travelling shop that has been generated by the activities of his/her operations.

8.14 Licence may be Revoked – A Mobile Trading Licence may be revoked by the Council if:

(a) The holder in connection with mobile trading, permits a breach of any provision of this Bylaw or any other law, Bylaw, regulation or rule made by a competent authority.

(b) The holder fails to observe the conditions of the Mobile Trading Licence.

(c) Permits any unlicensed person to operate as a mobile trader in connection with the mobile trading operation usually carried out by the licence holder.

8.15 Sales from Boats Exempt – Nothing in this Bylaw shall apply to any sale of fish by the owner of a fishing vessel, provided that the fishing boat is registered under Section 103 of the Fisheries Act 1996 and in respect of which a boat fishing permit is for the time being in force, where he, or a person appointed by him in that behalf, sells fresh fish or fresh shellfish (being fresh fish or fresh shellfish taken from that boat in accordance with the conditions of the permit) from that boat at the place where it is moored, berthed, or beached or from a stall (including a vehicle used as a stall) within 450 metres of that place.

SCHEDULE A:

George Street, Dunedin

Princes Street

The Octagon