

TRADING IN PUBLIC PLACES BYLAW 2025



Trading in Public Places Bylaw 2025

Approved by:	Council		
Date approved:	12 August 2025		
Date of effect:	1 October 2025	Reviewed:	2025
Next review date:	2035	DOC ID:	

This bylaw is made by the Dunedin City Council under sections 145 and 146 of the Local Government Act 2002.

Explanatory note: This bylaw should be read in conjunction with the conditions/code of practice for the following trading activities:

- Mobile shop trading
- Commercial use of footpaths
- Street performing
- Street fundraising
- Rental scheme operations
- Touting.

Conditions which are made under clause 12 of this bylaw can be found on the Dunedin City Council website with the Trading in Public Places Bylaw.

1 SHORT TITLE

This bylaw is the Dunedin City Council Trading in Public Places Bylaw 2025.

2 APPLICATION

2.1 This bylaw applies to the Dunedin City territorial authority area.

2.2 This bylaw does not apply to any act that:

- 2.2.1 Is undertaken by a member of the emergency services while carrying out a statutory duty; or
- 2.2.2 Is undertaken in accordance with a valid contract for services with the Council.

3 PURPOSE

3.1 The purpose of this bylaw is to protect public health and safety, protect the public from nuisance, and regulate trading in public places by providing for a permit regime and the ability to impose reasonable controls on trading activities.

4 EXPLANATORY NOTES

- 4.1 Explanatory notes are not part of this bylaw and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.

5 DEFINITIONS

- 5.1 In this bylaw, unless the context otherwise requires:

Act	Means the Local Government Act 2002
Authorised Officer	Means an officer or other person appointed by the Council to perform duties or give permissions under this bylaw.
Busking	To play music or perform entertainment in a public place, usually while soliciting money or money's worth.
Conditions	Means the conditions for any trading activity under clause 6 of this bylaw, and includes any codes of practice or other documents setting out conditions that apply to any trading activity.
Council	Means the Dunedin City Council and includes any person authorised by the Council to act on its behalf.
Footpath	Means the part of the road built mainly for pedestrians and includes the edging, kerb and channelling, grass berm and a footbridge.
Footpath access	Means a minimum width of unobstructed access for footpath users must be maintained as follows: 3m in the central business district zone of the 2GP and 1.5m in all other areas.
Footpath art	Means temporary images or drawings created either directly on to the pavement or on removable surfaces such as, but not limited to, paper or plastic, laid out on the pavement but does not include any advertising in any form on the footpath.
Hawker	Means any person who attempts to sell goods or services to any person in a public place without: <ul style="list-style-type: none">a. Invitation; orb. Request for such service; orc. Prior orders
Mobile shop	Means a vehicle from which a trading activity is conducted. It does not include a service delivery vehicle carrying goods which have been ordered.

Mobile trading	Includes any trade from a mobile shop; and trading from a stall.
Operator	Means the permit holder and a person in control of the trading activity.
Peddler	Means a travelling seller of items.
Permit	Includes any written permission given by the Dunedin City Council under this bylaw.
Person	Includes a corporation sole, a body corporate and unincorporated body.
Public place	Means an area that is of a public nature, is open to or used by the public, and which is owned, managed, maintained, or controlled by the Council. It includes any road, street, footpath, court, alley, lane, park, recreation ground, sports field, reserve, beach, pedestrian mall, cycle track, accessway, squares and carparks. <i>Explanatory note: Reserves and beaches are also governed by the Reserves Act and the Reserves and Beaches Bylaw.</i>
Reserve	Has the meaning given by the Reserves Act 1977.
Stall	Means any stand, structure or device, awning, table or display board, whether portable or not, established for the purposes of selling any good or service.
Street fundraising	Means any coordinated and organised event by organisations who ask for, or seek, any subscription, collection or donation from members of the public. It includes street appeals and the sale of any item where an undertaking has been given that all or some of the proceeds will be given to charity.
Street performing	Means the provision of entertainment on or in a public place, and includes but is not limited to, playing an instrument, singing, dancing, juggling, mime, puppetry, performance art, conjuring, acrobatics, recitation, undertaking artworks and performing other acts of theatrical or visual forms. It does not include advertising or promotion in any form.
Touting	Means to solicit business, usually in a direct or persistent way, and to attempt to persuade someone to give something, such as money, for a specific purpose.
Trade and trading	Means to carry out a trading activity.
Trading activity	Means an activity, whether one-off or a series of activities whether temporary or permanent, undertaken by any person involving the sale of goods in a public place or the offering or performing of a service for payment, reward or otherwise in a public place, including but not limited to: <ul style="list-style-type: none"> • Mobile shop trading, including mobile shops and stalls • Commercial use of footpaths, including outdoor drinking and dining • Distribution of promotional goods and materials

	<ul style="list-style-type: none"> • Outdoor display of goods • Rental scheme operations • Street performing • Touting • Hawking • Peddling • Signage including stencils • Street fundraising including fundraising for a charitable cause, and soliciting of any subscription or collection of any one-off or ongoing donation.
2GP	Dunedin City District Plan

5.2 Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act, unless the context requires a different meaning.

6 TRADING ACTIVITIES IN PUBLIC PLACES

6.1 A person must not undertake a trading activity in a public place without written permission obtained from Council under this bylaw.

6.2 A permit issued under this clause can be subject to any terms and conditions that the Council thinks reasonable in relation to the proposed trading activity.

6.3 Permit holders must comply with the conditions of the permit including any applicable code of practice made under clause 12 of this bylaw.

6.4 Terms and conditions specified in a permit may include without limitation, such matters as:

6.4.1 The name of the permit holder

6.4.2 The duration of the permit

6.4.3 The location to which the permit applies

6.4.4 The type of trading activity allowed by the permit

6.4.5 The hours of trade allowed by the permit.

7 APPLICATION FOR PERMISSION

7.1 An application for a permit must be made in writing and on the appropriate form provided by the Council (if any).

7.2 Every applicant must provide all the information requested.

7.3 A permit must be obtained in respect of each trading activity to be carried out by the applicant.

Explanatory note: A person carrying out multiple trading activities must obtain an individual permit for each trading activity.



7.4 The Council may set application and other fees for any permit under this bylaw.

8 EXEMPTIONS

8.1 Traders must comply with the relevant requirements of this bylaw unless a written exemption is obtained from Council.

9 PERMIT MAY BE ALTERED, SUSPENDED, CANCELLED OR REVIEWED

9.1 The Council may, at its discretion, on giving notice of not less than 24 hours to the permit holder, review, withdraw or alter any permission given under clause 6 of this bylaw.

9.2 The Council may, at its discretion, immediately and without notice, alter, suspend, or cancel any permit given under clause 6 of this bylaw if:

9.2.1 Permit conditions are being breached; or

9.2.2 Urgent works are required in the public place where the permit applies; or

9.2.3 Urgent action is required to protect the public in the public place where the permit applies.

9.3 Where a permit has been suspended or cancelled the permit holder must immediately remove any vehicle, stall, goods, and materials used in the permitted trading activity from the public place.

9.4 Any applicant affected by a decision made under this bylaw may apply in writing to the Chief Executive for a review of this decision within 14 days after receiving notification of the decision.

10 PERMIT NOT TRANSFERABLE

10.1 A permit granted under this bylaw is not transferable to any other person.

10.2 A person granted with a permit for one trading activity cannot transfer the permit to any other trading activity to be carried out by the person.

11 FOOTPATH ACCESS IN PUBLIC PLACES

11.1 All permit holders must ensure that footpath access is maintained in public places at all times and that they, and their audience or customers, do not block footpaths, doorways, bus stops, fire escapes or roads.

12 CONDITIONS FOR TRADING ACTIVITIES

12.1 The Council may adopt conditions for trading activities regulated by this bylaw, which may include:

12.1.1 Additional definitions for specific trading activities.

12.1.2 Terms and conditions that apply to a specific type of trading activity permit, including requirements for or restrictions on how the activity is conducted.

12.1.3 Where the trading activity is allowed or not allowed in the district.

12.1.4 Guidance matters and other administrative arrangements relating to permits, which may include additional information to be provided with any application for a permit.

Explanatory note: Conditions are developed and made in accordance with the decision-making requirements in the Local Government Act 2002. Once made, conditions are made available on the Council's website, on the same page as this bylaw.

13 COUNCIL RESOLUTIONS

13.1 The Council may from time to time resolve to:

13.1.1 Declare any public place or part of a public place to be an area where a trading activity is prohibited.

13.1.2 Declare any public place or part of a public place to be an area where a trading activity is restricted and only permitted in a specific location.

13.1.3 Declare an activity to be a trading activity.

13.1.4 Declare a trading activity to be prohibited for any period.

14 BREACH OF BYLAW

14.1 A person breaches this bylaw when they:

14.1.1 Fail to comply with any provision in this bylaw.

14.1.2 Fail to comply with any conditions of a permit granted under clause 6 of this bylaw.

14.1.3 Fail to carry out any action reasonably required by an Authorised Officer under this bylaw.

14.2 A breach of this bylaw may result in the permit being altered, suspended, or cancelled.

14.3 Every person that has had a permit suspended or cancelled must immediately cease trading until such time that the Council may permit them to resume.

15 PENALTIES

15.1 Every person who breaches this bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000 as set out in the Local Government Act 2002. Any property involved in the commission of an offence against the Local Government Act 2002 which includes a breach of this bylaw, may be seized and impounded by the Council in accordance with that Act.

Explanatory note: This additional information does not form part of the bylaw. It contains information to help users understand, use, and maintain the bylaw. This information may be updated at any time.

Relevant legislation	Local Government Act 2002 Reserves Act 1977 Land Transport Act 1998 Roading Bylaw
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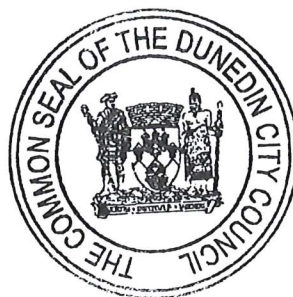
	<i>Reserves and Beaches Bylaw</i> <i>Reserves Management Plan General Policies</i> <i>Dunedin City District Plan</i>
Associated documents	<i>Conditions for commercial use of footpaths</i> <i>Conditions for mobile shop traders</i> <i>Conditions for street fundraisers</i> <i>Conditions for street performing</i> <i>Conditions for touting</i> <i>Code of practice for rental scheme operators</i>

THIS DEED was executed on the 22nd day of August 2025.

SIGNED:

THE COMMON SEAL of **THE DUNEDIN CITY COUNCIL** was hereto affixed
in the presence of

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Mayor/Councillor

Councillor

