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Sponsor/Group:	Group Manager: Policy & Operations



GREAT LAKE TAUPŌ
Taupō District Council

TAUPŌ DISTRICT COUNCIL TRADING IN PUBLIC PLACES BYLAW 2016

Purpose and Scope

1. The purpose of this Bylaw is to set the requirements for **trading in public places** within Taupō District to ensure the health and safety of any persons, and to protect the public from nuisance.
2. The Bylaw is made under the authority of section 146 of the *Local Government Act 2002*, section 64 of the *Health Act 1956* and section 22AB of the *Land Transport Act 1998*. In addition, **trading in public places** is also regulated and controlled by other Acts, regulations, standards, rules, bylaws, the Taupō District Plan, reserve management plans, and consent conditions which should be referred to in conjunction with this Bylaw.

Commencement

3. The Bylaw comes into force throughout the district on 1 June 2016

Revocations

4. Part 4 – Trading in Public Places of Taupō District Council General Bylaw No 1: 2008 is revoked at the time of the Taupō District Council Trading in Public Places Bylaw 2016 coming into force.
5. Street Stalls / Sale of Raffles – Turangi 1989 policy is revoked at the time of the Taupō District Council Trading in Public Places Bylaw 2016 coming into force.

Definitions

6. Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the *Local Government Act 2002*, the *Health Act 1956* and the *Land Transport Act 1998* will have the meanings as are respectively assigned in those Acts and corresponding supplementary legislation, unless inconsistent with the context in which such words occur.
7. In this Bylaw, if not inconsistent with the context:

Chief Executive	The chief executive of Council and any person delegated to perform any duties of the chief executive
Council	Taupō District Council
Licence	Any licence , permit or approval granted under this Bylaw which includes all conditions associated with the licence
Public Place	Any place under Council control and open to or used by the public as of right
Trading in public places	An activity undertaken by any person or organisation involving the sale of goods or services in a public place for payment, reward or other.

Trading in a Public Place

8. A person must not undertake **trading in public places** if they have not applied and obtained the relevant **licence** from **Council**. This excludes non-food items on a footpath outside a persons retail premises in the town centres.
9. A person must not undertake soliciting for collections and donations, or busking or similar, if they have not applied and obtained the relevant approval from **Council**.

Licences

10. A person must apply, display and trade in compliance with the relevant *licence* to undertake *trading in public places*.
11. Every licenced person must display their *licence* at all times when engaged in *trading in public places*.
12. No *licence* issued under this Bylaw is transferrable to another person.

Fees and charges

13. **Council** may by resolution set fees and charges.

Reviews

14. **Council** may cancel, amend or review a licence issued under this Bylaw if:
 - a. it is to protect the public from unhygienic, unsafe or hazardous practices;
 - b. it is likely to cause a nuisance, obstruction or damage; and/or
 - c. it is likely to interfere with public works permitted under legislation.

Exemptions

15. Any person may apply in writing to the **Chief Executive** for written permission for any activity that would be in breach of any prohibition under this Bylaw.
16. Fees may be prescribed for processing these permissions. This fee may be refunded, remitted, or waived at the **Chief Executive's** discretion.

Offences/Penalties/Powers

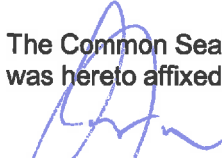
17. A person commits an offence under this Bylaw if they are engaging in *trading in public places* contrary to the licence conditions.
18. A person is in breach of this Bylaw who fails to comply with this Bylaw and commits an offence under section 239 of the *Local Government Act 2002*, and is liable on conviction to the penalties set out in section 242(4) of the *Local Government Act 2002*, for which a person is liable on conviction to a fine not exceeding \$20,000. These fines are current at the time of adoption of this bylaw.
19. Any person that commits a breach of a provision of this Bylaw made under section 64 of the *Health Act 1956* commits an offence and is liable to a fine under section 66 of the *Health Act 1956* as follows:
 - a. Not exceeding the amount fixed for any breach for which an infringement notice is issued;
 - b. Not exceeding \$500.00 and if the breach is a continuing one, not exceeding a further \$50.00 per day thereafter.These fines are current at the time of adoption of this bylaw.
20. Any person that commits a breach of a provision of this Bylaw made under section 22AB of the *Land Transport Act 1998* commits an offence and is liable to a fine under section 139 of the *Land Transport Act 1998* as follows:
 - a. Not exceeding the amount fixed for any breach for which an infringement notice is issued;
 - b. Not exceeding \$500.00 and if the breach is a continuing one, not exceeding a further \$50.00 per day thereafter.These fines are current at the time of adoption of this bylaw.
21. **Council** may, after the conviction of any person for a continuing offence against this Bylaw, apply to the court for an injunction to restrain the further continuance of the offence.
22. **Council** may remove, or cause to remove, from any *public place*, any vehicle, structure or object, in breach of this Bylaw, and/or recover all charges in connection with the removal of any vehicle, structure or thing.

Public Availability

23. This Bylaw, and any supporting documentation, is available for public inspection.

THIS BYLAW WAS MADE BY RESOLUTION TDC201604/07 OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON 26 APRIL 2016.

The Common Seal of Taupo District Council
was hereto affixed in the presence of:



Mayor



Chief Executive

