

PUBLIC PLACES BYLAW 2014

1. SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw is made pursuant to sections 145 and 146 of the Local Government Act 2002, sections 591A and 684 of the Local Government Act 1974, and section 72 of the Transport Act 1962.
- 1.2 This bylaw is the Hurunui District Council Public Places Bylaw 2014.
- 1.3 This bylaw comes into force on 13 February 2014.
- 1.4 This bylaw revokes the Public Places Bylaw 2008.
- 1.5 All permits or licenses issued under any revoked bylaw will be deemed to have been issued under this bylaw and be subject to the provisions of this bylaw.

2. OBJECTIVES

- 2.1 The objectives of this bylaw include:
- To regulate and manage parking, trading and other activities undertaken in public places
 - To protect the public from nuisance which may arise from activities undertaken in public places
 - To maintain public health and safety
 - To ensure that the potential for offensive behaviour in public places is minimised

3. DEFINITIONS AND INTERPRETATION

- 3.1 This bylaw applies generally to all roads and road reserve and where applicable other land, owned or under the care, control and management of the Hurunui District Council.
- 3.2 In this bylaw, except where inconsistent with the context:

Authorised Officer means any officer appointed by the Council to carry out duties and exercise powers under this bylaw.

Council means the Hurunui District Council.

Daylight hours means any period between half an hour after sunrise on one day and half an hour before sunset on the same day.

District means the district within the jurisdiction and under the control of the Council.

Driver means a person driving a motor vehicle; and includes the rider of an all-terrain motor vehicle, a motorcycle, a moped, a cycle, a mobility device, or a wheeled recreational device.

Flatboard means any portable or fixed sign, whether temporary or permanent, placed on or against a building that advertises, promotes, or provides information on any goods, services, or business, or any event.

Footpath means so much of any road as is laid out or constructed by authority of the Council primarily for pedestrians, and includes the edging, kerbing and channelling thereof.

Grass verge is that area of public road, excluding the footpath, which is laid out in grass.

Hawker means any person who carries any class of goods or services from place to place for sale, where there was no request, demand or seeking of those goods or services, and whether or not such person verbally advertises the same; but does not include any person who uses any motor vehicle as a mobile or travelling shop or any person selling or exposing for sale any goods in any premises.

Itinerant trader means any person who, not having been continually resident in the district for at least 6 calendar months immediately preceding, or not owning, or not having entered into binding lease in writing of business premises in the district for at least 6 calendar months immediately preceding, carries on any business in the district involving the sale or exposure for sale of any class of goods or services in any premises, whether by themselves or by any other person employed by them.

Keeper means the keeper of any mobile or travelling shop being the person who carries on business whether by themselves or by any other person employed by them by means of that mobile or travelling shop.

Ladder Board means a permanent sign constructed with vertical uprights between which are displayed at least two advertising signs belonging to separate businesses.

Licensed means holding a licence issued under this bylaw.

Manager Environmental Services means the Manager of Environmental Services of the Council or any person appointed by the Council to carry out the duties and exercise the powers of the Manager of Environmental Services.

Mobile or travelling shop means a conveyance, whether self-propelled or not, from which any class of goods or services are offered or exposed for sale on a road or public place or from which those goods or services may be ordered; but does not include any motor vehicle used for the purpose of transporting and delivering any class of goods, pursuant to a prior order placed for delivery. A conveyance includes motor vehicles and non-motorised modes of transport such as: a horse and cart; a bicycle, towing a cart.

Motor vehicle means a motor vehicle as defined in section 2 (1) of the Land Transport Act 1998 listed below or any amending or replacement legislation.

Motor vehicle

- (a) Means a vehicle drawn or propelled by mechanical power
- (b) Includes a trailer
- (c) Does not include—
 - a vehicle running on rails

- a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force
- a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres
- a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles
- a pedestrian-controlled machine
- a mobility device

Motorcycle

- means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar
- includes a vehicle with motorcycle controls that is approved as a motorcycle by the Agency
- does not include a moped

Owner in relation to a motor vehicle means the person lawfully entitled to possess it, except where:

- (a) The motor vehicle is subject to a bailment that is for a period not exceeding 28 days
- (b) The motor vehicle is let on hire pursuant to the terms of a rental service licence in which case owner means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and owned and ownership have corresponding meanings.

Parking means the stopping or standing of a motor vehicle (other than a motor vehicle picking up or setting down passengers in a loading zone or reserved parking area, and entitled to do so) on that portion of the road; and park and parked and have corresponding meanings.

Parking space means a space or section indicated by and lying within markings made by the Council for the accommodation of a motor vehicle whether or not it is in a multiple parking meter area or metered space.

Person includes a corporation sole and also a body of persons, whether corporate or unincorporated.

Police Officer includes any member of the Police appointed under the Police Act 1958 or any amending or replacement legislation.

Premises means any land, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied.

Prescribed markings, signs, notices or devices or any phrase containing one or more of the words markings, signs, notices, or devices means a marking, sign, notice, or device, as the case may be, prescribed by regulations made pursuant to Section 77 of the Transport Act 1962, or the Land Transport Rule 54002: Traffic Control Devices 2004 or any amending or replacement legislation.

Public place means and includes every road and thoroughfare of a public nature open to or used by the public as of right; and every place of public resort or place to which the public have access, whether on payment of a fee or otherwise, and which is under the

control of the Council but excludes reserves held by the Council under the Reserves Act 1977.

Road means any road under the control of the Council and includes a street and also includes any place to which the public have access, whether as of right or not; and also includes all bridges, culverts, ferries and fords forming part of any road, street or other places aforesaid.

Road reserve includes the road, footpath and grass verge.

Sandwich board sign means any portable sign placed on the footpath or other public place (not including a road, unless the road is a pedestrian mall or closed to traffic) advertising, promoting or providing information on any goods, services, business or event.

Stock means and includes any cow, bull, ox, heifer, steer, calf, sheep (includes any ram, ewe, wether, lamb), goat, kid, donkey, mule, horse (includes stallion, mare, gelding, colt, filly, foal), boar, sow, pig, llama, alpaca or deer of any kind.

Traffic sign means a sign of one of the classes described in the Land Transport Rule 54002: Traffic Control Devices 2004 and includes the support to which the sign is attached.

Writing, written or any term of similar import mean words printed, painted, engraved, lithographed, or otherwise traced or copied, and where anything is required to be in writing it may be partly in writing and partly in printing.

4. FEES

- 4.1 Actual and reasonable fees will be charged and included in Council's fees and charges schedule.
- 4.2 For every application made for a permit, license or other authority under this bylaw, the applicant must pay to the Council the fee the Council prescribes as per section 150 of the Local Government Act 2002.
- 4.3 Fees for a street stall licence are payable in advance of issue, or periodically during the period of operation of the licence at such a time as is agreed to between the Council or an authorised officer and the applicant. In the event that the holder fails to pay the fee by the time it is due, the licence lapses immediately.

5. PENALTIES AND OFFENCES

- 5.1 Every person commits a breach of this bylaw who:
 - (a) Commits, or causes to be committed, any act contrary to this bylaw, or
 - (b) Omits, or knowingly permits to remain undone, any act required by this bylaw, or
 - (c) Refuses or neglects to comply with any notice, or any condition in any such notice, whether public or private, given pursuant to this bylaw, or
 - (d) Obstructs or hinders any officer of the Council in the performance of any power, or duty conferred upon him or her by this bylaw.

- 5.2 A breach of this bylaw is an offence and every person is liable on summary conviction to the applicable penalty provided for in the Local Government Act 2002, the Local Government Act 1974, the Transport Act 1962, the Land Transport Act 1998, or such other penalty as may be prescribed in any other legislation.
- 5.3 In addition to summary conviction, where it is specified in this bylaw, a person may also be liable for an infringement fee as prescribed in Schedule 4 of the Land Transport Act 1998.
- 5.4 Where a person commits a continuing breach of this bylaw, the Council may apply to the District Court to grant an injunction restraining the continuance of the breach by that person, notwithstanding that proceedings for any offence constituted by the breach have not been taken.

6. SERVICE OF DOCUMENTS

- 6.1 A document is deemed to be delivered to a person if it is delivered to him or her personally by an authorised officer or sent by post to his or her last known place of residence or business.

ROAD RESERVE

7. PROHIBITED ACTIVITIES

- 7.1 Every person commits an offence who, without the written permission of the Council, or as is allowed for under this bylaw, undertakes any activity laid out in section 357 of the Local Government Act 1974, and will be liable to a fine as set out in that Act (refer Appendix A).
- 7.2 Any permission under clause 7.1 may be given subject to such conditions and payment of rent as the Council thinks fit, and unless otherwise agreed may be revoked without compensation on not less than 3 months' notice in writing.
- 7.3 The Council may by written notice require the owner or occupier of any land adjoining the road or any person who has done or permitted any of the things prohibited by clause 7.1 of this bylaw to remove any encroachment, obstruction, hazard, disfigurement or matter, or to repair any damage.

8. ROADSIDE FENCING

- 8.1 No temporary fence may be erected within 1 metre of any road edge.
- 8.2 A temporary fence may only be erected on one side of a road at any one time. (Where different occupiers on opposite sides of the road each wish to erect a temporary fence they must make their own compatible arrangements).
- 8.3 Clearly visible safety reflectors must be fitted to both ends of the temporary fence and to posts or stakes at not more than 50 metre intervals along the length of the temporary fence.
- 8.4 If the temporary fence is electrified:
(a) Appropriate "live wire" warning signs must be fitted to the fence;

- (b) The fence must be disconnected from its power supply during the hours of darkness.
- 8.5 No temporary fence, including a replacement or re-erected temporary fence, must be in place for a period greater than an aggregate of 30 days within any 3 month period without the prior written consent of the Council. Such consent may be given, with or without conditions, or refused as the Council in its discretion thinks fit. Upon the expiration of the 30 day period (or such longer period approved by the Council) the temporary fence must be removed and any damage to the road reserve repaired, as near as possible to its former condition.
- 8.6 Stock may be grazed on a road reserve adjoining land owned or occupied by the owner of the stock, or on a road reserve adjoining land of another person with the prior consent of that person, if:
- (a) The stock is securely and humanely tethered in a manner which ensures that the stock may not move closer than 1 metre to the road; or
 - (b) The stock is confined within a temporary fence in accordance with the provisions of clauses 8.1 to 8.5,
- 8.7 No person may graze any stock on road reserve:
- (a) During the hours of darkness; and
 - (b) Inside any urban boundary as shown in the Council's District Plan.
- 8.8 The owner of any stock which grazes on road reserve, in accordance with this bylaw, does so at the owner's risk in all respects. In addition the owner agrees to indemnify the Council to the fullest extent permitted by law, and to keep the Council indemnified against all damages, proceedings, claims and costs (including costs on a Solicitor/client basis) arising directly or indirectly out of any accident, damage or injury occasioned thereby.
- 8.9 Any movement of stock must be in accordance with Council's Livestock Movement Bylaw.

Explanatory Note

The following note is explanatory and does not form part of the bylaw itself:

Please note that this bylaw does not cover the erection of any structure or permanent occupation of the road reserve, for which a license is required from the Council. Please contact the Council's roading department if you have any enquiries relating to occupying road reserve, planting on road reserve, fencing road reserve, erecting a sign in the road reserve or erecting a structure in the road reserve.

9. FIRES ON ROAD RESERVE

- 9.1 No person may light any fire upon road reserve without the permission in writing of the Council and upon payment of the fee which will be set from time to time by the Council and in accordance with the Fire Prevention Bylaw.

PARKING

10. STOPPING, STANDING AND PARKING OF MOTOR VEHICLES

- 10.1 The Council may from time to time by resolution impose parking, standing or stopping restrictions on any road or other area controlled by the Council whether by way of time

restriction, restriction to a specified class, classes or description of motor vehicle, a total prohibition or any combination of these.

- 10.2 The Council will by prescribed markings, signs, notices or devices erected or placed in a conspicuous position in or on any road or other area controlled by it, indicate where on the road, other area or portion thereof, the stopping, standing or parking of any motor vehicle, whether attended or unattended, is prohibited or restricted.
- 10.3 Any of the signs, markings, notices or devices referred to may from time to time be supplemented, altered or removed, but while maintained, will apply to all motor vehicles other than those specifically excluded on the sign, marking, notice or device.

11. METHOD OF PARKING

- 11.1 No person may park any motor vehicle for a period in excess of the maximum authorised period displayed on a sign(s), which designate an area as "time restricted" parking area.
- 11.2 No person may park any motor vehicle on or over any marking indicating the limits of the parking space or in such a position that the said motor vehicle is not entirely within the markings which indicate the limits of the parking space; provided however, that where any motor vehicle has a trailer attached that person may park the motor vehicle and trailer in two parking spaces which are parallel to the kerb or footway, paying such fees as are required for those spaces.
- 11.3 No person may park any motor vehicle in a parking space which is already occupied by another motor vehicle provided however: up to six motor cycles but not other motor vehicles, may occupy any parking space at the same time, (and the motor cycles must park at right angles to the kerb in the metered space provided). However, if the parking space is parallel to the kerb or footway no motor cycle may be parked so that any part of it lies within one metre of the limit of the parking space.
- 11.4 If the parking space is parallel to the kerb or footway, the motor vehicle (except a motor cycle) occupying that space must be parked so that it is headed in the direction of the movement of the traffic on the side of the street on which the motor vehicle is parked.
- 11.5 If the parking space is at an angle to the kerb or footway the motor vehicle occupying that space must be parked so that the motor vehicle is entirely within the parking space and parallel to a marking which indicates the side of the parking space, so that the front or rear of the motor vehicle (as the case may be) is as near as is practicable to the kerb.

12. RIGHTS OF WAY

- 12.1 No person may stop, stand or park any motor vehicle so as to obstruct any road or any right of way.

13. ADDITIONAL OFFENCES

- 13.1 In addition to the offences specified in clause 5 of this bylaw, where a person commits a breach of this part of the bylaw, involving the unlawful stopping or standing of a motor vehicle on any part of the road or road reserve then, irrespective of any other enforcement actions, the Council may:

- (a) serve, by affixing to the motor vehicle, an infringement notice in relation to any offence, as provided for in the Land Transport (Offences and Penalties) Regulations 1998 or any amending or replacement legislation;
- (b) tow away or otherwise remove at the owner's expense and risk any such motor vehicle. The motor vehicle shall be stored at the owner's cost and released upon payment to the Council of towage and storage fees and any infringement fee which may be payable.

SIGNS

14. SANDWICH BOARD SIGNS

- 14.1 No person may display any sandwich board sign without first having obtained a permit from the Council.
- 14.2 An application for a permit must be made on the form specified by the Council and must include all the required information, and the prescribed fee.
- 14.3 Council may decline an application for a permit if the sign or its proposed position does not meet the standards prescribed in this bylaw.
- 14.4 In addition to the requirements for sandwich board signs in this bylaw, Council may, in issuing a permit, impose any other conditions which the Council considers appropriate. A breach of any of these conditions will constitute a breach of this part of the bylaw.
- 14.5 A registration sticker must be affixed to all permitted signs.
- 14.6 Permitted sandwich board signs must be placed immediately outside the frontage of the business being advertised.
- 14.7 No more than one sandwich board sign is allowed for each business premises.
- 14.8 Business premises which do not have a road frontage may place one sandwich board sign on the footpath nearest to the entrance to the business.
- 14.9 In certain circumstances, where pedestrian safety or visual amenity is of a concern, the Council may permit or require the use of a ladderboard. If a ladderboard is available, no sandwich board signs will be permitted in the same place.
- 14.10 The maximum size of any sandwich board is 1000 mm x 600 mm.
- 14.11 Sandwich boards must be placed in accordance with their permit, but are generally required to be placed as follows:
 - (a) In areas where grass verge exists, on the grass verge
 - (b) In areas where no grass verge exists, either directly against the shop frontage, or at least 400mm but not more than 500mm from the edge of the kerbProvided that at all times there is a minimum of 2 metres of unobstructed pedestrian right of way maintained.
- 14.12 Sandwich boards must not be placed so as to:
 - (a) Obstruct access to or egress from any building

- (b) Be within 2 metres of any road corner or intersection
- (c) Obstruct any taxi stand, bus stop or loading zone
- (d) Be placed on any public garden

14.13 All sandwich boards must be removed from the footpath or other public place when the business, service or event advertised on the board is closed or finished.

15. FLATBOARDS

15.1 Up to three flatboards per business frontage are permitted under this bylaw to be fixed, or leant against, the building of that business.

15.2 The maximum size of any flatboard sign is 700 mm x 450 mm.

16. SIGNS ATTACHED TO VERANDAS

16.1 All signs attached under a street veranda must:

- (a) Be located at right angles to the face of the building
- (b) Be fixed to the underside of the veranda in such a manner that they do not swing from their supports
- (c) Provide at least 2.5 metres of clearance to the footpath below
- (d) Be at least 3 metres away from any adjacent under veranda signs

17. DIRECTIONAL SIGNS

17.1 No person must place or affix any sign on the road reserve or to any pole, post or other structure upon the road reserve. The provisions of this bylaw do not apply to:

- (a) Any traffic sign, directional, information or naming signs erected or approved by the Council
- (b) Any sign erected by Transit New Zealand
- (c) Any sign erected pursuant to any statute or regulation
- (d) Any sign for an activity established pursuant to Resource Consent where the sign formed part of that consent or where Resource consent was granted for the erection of the sign
- (e) Any sandwich board sign for which a permit has been obtained

18. ADVERTISING ON MOTOR VEHICLES

18.1 Except where it is permitted under the District Plan, no person may display advertising material, on the body of a mobile or stationary motor vehicle, or in the tray of any truck, trailer or utility vehicle, or on any other structure or animal, on any road reserve.

18.2 Clause 18.1 does not apply to motor vehicles with signwriting (where the signwriting includes the logo and/or name of the business that owns the motor vehicle), and where the motor vehicle is being used in and as part of the normal course of business and not simply for the purpose of displaying advertising material, unless, in the opinion of an authorised officer, the motor vehicle with the signwriting is causing a safety hazard.

18.3 Should any motor vehicle to which clause 18.1 applies be left stationary and unattended on any road, whether otherwise lawfully stopped or not, and in the opinion of an

authorised officer, it is causing a safety hazard, the authorised officer may have it removed and stored at the cost of the owner.

19. ENFORCEMENT

- 19.1 If any sign fails to comply with the provisions of this part of this bylaw (clauses 14-19), and does not have the required permit, or causes concern for the safety or convenience of the public then the Council may serve written notice on the owner of the premises on which or outside which the sign is erected or displayed, or on the owner of the sign, requiring the owner of the premises or the sign to take down or remove the sign or so much of it that does not conform or comply with the provisions of this bylaw in the time specified in the notice.
- 19.2 If a notice given in accordance with clause 19.1 is not complied with in the specified time then the Council may take down or remove the sign at the expense of the owner, and in accordance with the powers in sections 163 to 166 of the Local Government Act 2002, and for that purpose an authorised officer may enter into and upon any building or premises of the owner, in accordance with the powers in sections 171 to 173 of the Local Government Act 2002.
- 19.3 If any sign does not comply with the provisions of this bylaw and causes concerns for the safety of the public then the Council may immediately take down and remove the sign at the expense of the owner, and in accordance with the powers in sections 163 to 166 of the Local Government Act 2002.

20. STREET TRADING IN GENERAL

- 20.1 No person may, without a licence issued by the Council:
- (a) Use any portion of any public place or other land owned by or under the control of the Council for:
 - (i) The purpose of placing any chair, display stand, drink or other food vending machine, planter box, seating, table, trestle, trestle table, or under veranda heater
 - (ii) Selling or distributing any refreshment, newspapers, periodicals, lottery tickets or raffle tickets or otherwise displaying, advertising, selling or offering any goods or services of any kind whatsoever
 - (iii) A recreation hire business hiring out devices including bicycles, motorbikes, wind surfers, catamarans, parasailers, paragliders, jetskis, roller blades or similar devices
 - (iv) For the purpose of operating a boot sale or any market or street stall
 - (b) Expose for sale any articles whatsoever outside any shop or other business premises so as to encroach onto any public place or hang or suspend any article over such public place. This subclause does not apply where the Council or a community board has a policy as to the use of a particular width of footpath that may be used by a shop trader adjacent to the shop occupied by the trader and no charge is proposed for the use of that width of footpath.
- 20.2 No person may, without a licence issued by the Council, place, use or operate any loud speaker, amplifier or similar device outside or attached to any commercial premises including any veranda.

- 20.3 Every application for a licence for the purpose of this part of the bylaw must be in writing. A licence may be declined where it is considered that appropriate standards of convenience, safety, visual amenity or civic value would not be met by granting a licence. When issuing a licence the Council will determine the period during which the licence will remain valid and may impose such conditions as it may think fit.
- 20.4 The Council may:
- (a) Determine what portions of any road or public place may be used for street stalls and newspaper boxes; and
 - (b) Impose conditions for the use of a public place.

HAWKERS, MOBILE OR TRAVELLING SHOPS, ITINERANT TRADERS, STANDS AND STALLS

21. EXEMPTION

- 21.1 The provisions of this part of the bylaw as to hawkers and keepers of mobile or travelling shops do not apply to:
- (a) The owner of a fishing boat registered under the Fisheries Act 1983 or any amending or replacement legislation and in respect of which a fishing permit is for the time being in force, where he or she or a person appointed by him or her 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 vessel used as a stall) within 450 metres of that place.
 - (b) A seller of printed books, pamphlet, magazines, or newspapers.

22. LICENCE REQUIRED

- 22.1 No person, whether acting on his or her own account, or employed by another person, may carry on business in any manner or to any extent as a hawker or keeper of a mobile or travelling shop without having first obtained a licence from the Council.
- 22.2 No itinerant trader may sell or expose for sale any class of goods or services without having first obtained a licence from the Council authorising him or her to do so.
- 22.3 No person may stand in, or occupy any portion of any public place or maintain on any portion of any public place any stall (including a motor vehicle used as a stall) or structure, for the purpose of distributing or selling any class of goods or services, without having first obtained a licence from the Council.
- 22.4 Subject to clause 22.3, the provisions of this part of the bylaw as to stands and stalls do not apply to any school, sporting or charitable organisation which occupy stands or stalls for fundraising purposes. This exemption applies to any one organisation for no more than three days a year.

23. APPLICATION FOR A LICENCE

- 23.1 Any person may apply to the Council for a hawker's or keeper's licence to occupy a stand or a stall and the application must be in such form as the Council may by resolution from time to time prescribe.

- 23.2 Every application must:
- (a) Disclose any previous conviction of the applicant for an offence under this bylaw or any previous bylaw revoked by this bylaw, the Summary Offences Act 1981, the Summary Proceedings Act 1957 or for any offence punishable by imprisonment.
 - (b) Where convictions have been disclosed, and / or where the authorising officer considering the application has grounds for concern, the applicant will be requested to consent to the Police disclosing any convictions.
 - (c) For a hawker's or keeper's licence, be accompanied by two good character references from two persons with standing in the community.
 - (d) For a keeper's licence, the applicant must state the number of motor vehicles to be used and the registration number of that or those motor vehicles.
 - (e) Be accompanied by all licences, permits or consents which the applicant is required to obtain under the provisions of any other Act, regulation or bylaw, if the applicant wants to sell or distribute articles of food for human consumption, whether with or without other goods.

24. CONDITIONS OF LICENCE

- 24.1 Every hawker's or keeper's licence expires on the date specified in the licence, regardless of the day and month it was issued.
- 24.2 Every licensed keeper of a mobile or travelling shop must comply with the following conditions:
- (a) No mobile or travelling shop may be stopped for the purpose of carrying on or soliciting business on the roads specified in Appendix B.
 - (b) No mobile or travelling shop may be used for carrying on or soliciting business within 400 m of any shop (including any other mobile or travelling shop) or stand or stall for which a permit has been issued, unless permission to do so, as an exception, has been granted at the discretion of an authorised officer. Such permission shall be specified in the licence and may only be granted where the authorised officer: has satisfied him or herself that an exception would be in keeping with the character of the area; and has consulted with, and obtained permission from the relevant Community Board.
 - (c) No conveyance used as a mobile or travelling shop may be stopped within 50 metres of any intersection or curve in the roadway.
 - (d) The mobile or travelling shop licence is valid during daylight hours only, unless participating in a community event and subject to the permission of the event organisers.
 - (e) The keeper of a mobile or travelling shop must remove any litter which is within the vicinity of his or her mobile or travelling shop and generated by his or her activities.
- 24.3 No licence holder may carry on business or distribute goods or services in such a manner so as to cause nuisance, annoyance or danger to any person or property.
- 24.4 The Council may by resolution from time to time prescribe the terms and conditions upon which a licence may be issued under this bylaw.
- 24.5 Every person must comply with the terms and conditions prescribed by the Council under clause 24.4.

24.6 Every licensed hawker or keeper must have, while hawking or selling from his or her mobile or travelling shop, his or her name legibly written in some conspicuous place on the exterior of any conveyance or container in which he or she carries his or her goods or services, and in letters no less than 25 millimetres in height.

25. GROUNDS FOR REFUSAL OF A LICENCE

25.1 The Council may refuse to issue a licence under this bylaw if:-

- (a) The applicant fails to pay the fee required by this bylaw;
- (b) The applicant has not complied with the provisions of any other Act, regulation or bylaw relating to the food and hygiene licensing and regulation of any trade or business;
- (c) The applicant has not provided the Council with the references required under clause 23.2(b);
- (d) The applicant has previously been convicted of an offence under this bylaw, or any previous bylaw revoked by this bylaw the Summary Offences Act 1981, the Summary Proceedings Act 1957 or any other offence punishable by imprisonment;
- (e) The applicant at any time acted or omitted to act in breach of this bylaw; or
- (f) In issuing a licence to the applicant, the Council would exceed the maximum number of licences for that particular class of goods or services that the Council may by resolution from time to time prescribe.
- (g) It is considered that appropriate standards of convenience, safety, visual amenity or civic value would not be met by granting a licence.

26. LICENCE NOT TRANSFERABLE

26.1 No licence issued under this bylaw is transferable to any other person, and no such licence authorises any person other than the person named in the licence to carry on business allowed for in the licence.

26.2 If a business, conveyance, stand or stall is sold or transferred to another person, the Council must be notified within 14 days, and the new owner is required to apply for a licence and is not permitted to use the mobile or travelling shop or premises or to occupy the stand or stall until a licence is issued by the Council.

27. PRODUCTION OF LICENCE

27.1 Every licence holder must carry at all times, when hawking, selling from their mobile shop, trading, or standing or selling from their stand or stall, their licence, and must show the licence to any Police officer or authorised officer who demands production of the licence.

28. INSPECTION

28.1 For the purpose of enforcing this bylaw, any authorised officer may at all reasonable times:

- (a) Enter upon any premises, in accordance with the powers in sections 171-173 of the Local Government Act 2002
- (b) Inspect any conveyance, container, stand or stall.

29. REQUIREMENT TO MOVE

- 29.1 If any authorised officer or Police officer has reasonable grounds to believe that a licensed hawker or keeper is carrying on business in a particular place in such a manner so as to cause a nuisance, annoyance or danger to any person or property, such officer may require the licensed hawker or keeper to move and/or to remove his or her mobile or travelling shop to any other place as the officer considers fit.

30. REVOCATION AND SUSPENSION OF LICENCE

- 30.1 The Council may revoke or suspend for the period of time it thinks fit a licence issued under this bylaw, if the licence holder:
- (a) Acts or omits to act in breach of this bylaw
 - (b) Is convicted of an offence under the Police Offences Act, the Summary Proceedings Act or any other offence punishable by imprisonment
 - (c) Becomes insolvent or bankrupt.

31. OFFICERS INSTRUCTIONS AND ENFORCEMENT

- 31.1 Every person trading in a public place whether holding a licence or not, must comply with any lawful instruction given by an authorised officer or Police officer.
- 31.2 Any person who is trading in a public place without a licence issued by the Council must, when required to do so by an authorised officer or Police officer, forthwith remove from the public place all trade goods, signs, stalls, motor vehicles and other equipment used by that person for trading.

32. TRADING IN CERTAIN PUBLIC PLACES

- 32.1 The Council may from time to time by resolution prohibit hawkers, keepers of mobile travelling shops or itinerant traders from carrying on business or persons from occupying stands or stalls in specified public places.

33. MAXIMUM NUMBER OF LICENCES

- 33.1 The Council may by resolution from time to time prescribe the maximum number of licences that the Council may issue for any particular class of goods or services.

Appendix A – Excerpt from the Local Government Act 1974, Section 357

357 Penalties for damage to roads

(1) Every person commits an offence who, not being authorised by the council or by or under any Act:

- (a) Encroaches on a road by making or erecting any building, fence, ditch, or other obstacle or work of any kind upon, over, or under the road, or by planting any tree or shrub thereon; or
- (b) Places or leaves on a road, any timber, earth, stones, or other thing; or
- (c) Digs up, removes, or alters in any way the soil or surface or scarp of a road; or
- (d) Damages or, except with the consent of the council, removes or alters any gate or cattle stop lawfully erected across any road; or
- (e) Allows any water, tailings, or sludge, or any filthy or noisome matter, to flow from any building or land in his occupation on to a road; or
- (f) Wilfully or negligently causes or allows any oil, or any liquid harmful to sealed or paved road surfaces or likely to create a danger to vehicles on such surfaces, to escape on to any road having a sealed or paved surface; or
- (g) Causes or permits any timber or other heavy material, not being wholly raised above the ground on wheels, to be dragged on a road; or
- (h) Causes or negligently allows any retaining wall, foundation wall, or fence erected on any land, or any batter or slope of earth, or any building, erection, material, or thing, to give way or fall so as to damage or obstruct a road; or
- (i) Digs up or removes any stone, gravel, sand, or other material from a river bed within 50 metres of a bridge or ford on any road or any dam on which a road is constructed; or
- (j) Does or causes or permits to be done any act whatsoever by which any damage is caused to a road or any work or thing in, on, or under the same,—

and is liable to a fine not exceeding [[\$1,000]] and, where the offence is a continuing one, to a further fine not exceeding [[\$50]] for every day on which the offence has continued and may be ordered to pay the cost incurred by the council in removing any such encroachment, obstruction, or matter, or in repairing any damage caused as aforesaid:

Provided that no fine shall be imposed unless the information is laid by authority of the council or by an officer thereof.

Appendix B - Restricted Area for Mobile or Travelling Shops

1. **Amberley:** Main Road (Carters Road) between Courage Road and Amberley Beach Road.
2. **Culverden:** Main Road (Mountain View Road) between Lyndon Street and Stock Road.
3. **Cheviot:** Main Road (Hall Street) between Reeves Street and Cadman Street, except in the area between the school gates and the swimming pool.
4. **Hanmer Springs:** Main Road (Conical Hill Road and Amuri Avenue) between Caverhill Close and Leamington Street, and the intersection of Jacks Pass Road, Jollies Pass Road and Cheltenham Street.