

TITLE:	Commercial Street Vending and Mobile Vending Vehicles	FILE: E14/02
SECTION:	Environmental and Health	
DOCUMENT:	Policy	PAGE: 1 of 4
COUNCIL ADOPTION:	CM 06/07/93 MN 877/93	
DATES AMENDED:		DATE: 25/11/98

COMMERCIAL STREET VENDING AND MOBILE VENDING VEHICLES

Objective

To establish guidelines for commercial street vending within the Ashfield municipality.

Definitions

"Street vending" means the setting up or use within the road reserve of any box, stall, stand, barrow or stationary vehicle, other than a "roadside stall" or "mobile vending vehicle" defined hereunder, for the purpose of offering for sale any goods, or for the pursuit of any business, calling, or employment.

"Mobile vending vehicle" means a motor vehicle plying on public streets and making brief intermittent stops (on lightly trafficked roads) for the hawking of ice cream, chocolates, sweets or the like. By law, these vehicles require the display or warning signs and fitting of flashing lights.

"Roadside stall" means a building or place not exceeding 20 square metres in floor space or area respectively where only primary products produced on the property on which the building or place is situated are exposed or offered for sale or sold by retail. *Roadside stalls are not permitted within the Ashfield municipality.*

Shopfront footpath displays" means goods including boxes, stands, products and all materials that comprise and make up the display in a licensed area outside a specified retail premises that has been approved by Council for the display on the footpath in front of such premises in accordance with Council's separate code for "Shopfront Footpath Displays".

"Charity street collection button days and street stalls" relate only to those organisations operating, or with an auxiliary operating within the municipality or its immediate environs and those appeals of a national and/or state-wide character in accordance with Council's code for "Charity Street Collection Button Days and Street Stalls"

"Food vending vehicle" shall include any motor vehicle registered under the Motor Traffic Act, any hand cart, bicycle, trailer or stand including 'Street Vending' and 'Mobile Vending Vehicles' defined above used for the preparation, heating, refrigeration or storage for food for sale for human consumption.

TITLE:	Commercial Street Vending and Mobile Vending Vehicles	FILE: E14/02
SECTION:	Environment and Health	
DOCUMENT:	Policy	PAGE: 2 of 4
COUNCIL ADOPTION:	CM 06/07/93 MN 877/93	
DATES AMENDED:		DATE: 25/11/98

"Food" or Article of Food shall have the meaning ascribed thereto in Section 3(1) of the Food Act 1989.

Policy

1.0 **Mobile Vending Vehicles**

1.1 Food Vending Vehicles - shall comply with Council's "Code for Construction and Use of Food Vending Vehicles"

1.2 Application for a permit to trade shall be made on the prescribed form and shall specify the part of the municipality or the streets in which it is intended to hawk or sell goods.

1.3 A person who hawks or peddles from a mobile vending vehicle shall not use any bell, music or other sound device to attract customers between the hours of 8pm to 8am, or any other time whilst the vehicle is stationary.

A person who hawks or peddles articles from a mobile vending vehicle shall indemnify the Council against any liability which the Council may incur resulting from or referable to any accident, damage, injury or loss, caused by the person hawking or peddling from a mobile vending vehicle or by acts or omissions in relation thereto.

1.4 A person liable to indemnify the Council under the previous clause shall maintain with an insurer approved by the Council public risk insurance in respect of the liability in the joint names of that person and the Council in an amount of not less than \$10 million for any individual claim.

1.5 A person who hawks or peddles human food, including ice cream or related products, from a food vending vehicle shall not hawk or peddle those articles within 200 metres of any trading retail shop which sells similar articles of human food.

1.6 The operator of any mobile vending vehicle shall comply with the requirements of the "Guidelines for the Operation of Mobile Vending Vehicles" issued by the Roads and Traffic Authority of New South Wales (RTA), and shall display the prescribed warning signs, and fit flashing amber lights onto the vehicle roof.

TITLE:	Commercial Street Vending and Mobile Vending Vehicles	FILE: E14/02
SECTION:	Environment and Health	
DOCUMENT:	Policy	PAGE: 3 of 4
COUNCIL ADOPTION:	CM 06/07/93 MN 877/93	
DATES AMENDED:		DATE: 25/11/98

1.7 All mobile vending vehicles shall be made available for inspection at a mutually convenient time and place during normal business hours prior to any permit to trade being issued.

1.8 No person shall hawk or peddle from any mobile vending vehicle unless such vehicle is registered with Ashfield Municipal Council and a current permit to trade is in force in respect of that vehicle.

2.0 **Street Vending**

2.1 Stalls, stands, stationary vehicles and the like used for the preparation, storage or sale of food for human consumption shall comply with the relevant requirements of Council's "Code for Construction and Use of Food Vending Vehicle".

2.2 Application for a permit to trade shall be made on the prescribed form and shall specify the location within the municipality where it is intended to hawk or sell goods.

2.3 A person who hawks or peddles goods or food for human consumption shall not hawk or peddle such goods or article of food within 200 metres of any trading shop which sells similar goods or articles of food.

2.4 Stalls, stands, stationary vehicles, goods and the like displayed shall be placed so as to minimise any risk or injury being caused to premises by and be so placed as to be clear from other obstructions including bus stops, approved advertisements and the like and the minimum unobstructed footpath width of 2500 shall, at all times, be maintained.

2.5 The street vendor (or any other person) be required to obtain a Public Risk Insurance, at their cost, such policy to include a clause indemnifying Council in the amount of \$5 million against any action that may arise from damage to property or injury to any person using the footpath area. Notwithstanding the above, that the Council's Ordinance Inspectors use discretionary powers to have any footpath obstruction removed, if of the opinion it is a danger to the public.

2.6 Stalls, stands, stationary vehicles, goods and the like displayed that are considered to be a danger to the public, if not removed upon request may be impounded and if not claimed and the impounding fee as determined by Council not paid within fourteen (14) days from the date of impounding will be disposed of as Council deems appropriate.

TITLE:	Commercial Street Vending and Mobile Vending Vehicles	FILE: E14/02
SECTION:	Environment and Health	
DOCUMENT:	Policy	PAGE: 4 of 4
COUNCIL ADOPTION:	CM 06/07/93 MN 877/93	
DATES AMENDED:		DATE: 25/11/98

2.7 The issue of any permit to trade will be subject to terms and conditions as determined by Council or its authorised Officer.

2.8 Approval of the NSW Roads and Traffic Authority (RTA) either directly or through Council's Local Traffic Committee, must be obtained for all street vending on all classified roads which, in the municipality of Ashfield are: Liverpool Road, Ramsay Street, Parramatta Road, Frederick Street, Milton Street and Old Canterbury Road.

2.9 No person shall display or store food for sale in any street, or other open space at a lower level than 75 centimetres above the footpath level or the ground level in the case of such street or open space, unless such food is adequately protected

2.10 Stalls, stands, stationary vehicles, goods and the like used for street vending without a current permit being in force may be impounded by Council and will not be released until the impounding fee as determined by Council is paid.

If the goods, articles or equipment are not claimed and the impounding fee not paid within fourteen (14) days from the date of impounding, the goods, articles or equipment will be disposed of as Council deems appropriate.

2.11 The street vendor shall maintain the area around the stall/stand/stationary vehicle/or the like in a clean and tidy condition and provide sufficient receptacles for the proper disposal of rubbish and wrapping generated by the street vending activity.