



Waipa District Council

THE STREET TRADERS AND BUSKERS

BYLAW 1995

In pursuance and exercise of the Powers and Authorities vested in it by Part XLIII of the Local Government Act 1974 and every other Power and Authority it thereto enabling the Waipa District Council makes and ordains this Bylaw.

1 Title

This Bylaw shall be cited and referred to as the "Waipa District Street Traders and Buskers Bylaw 1995".

2 Interpretation

In this Bylaw-

"**Busker**" means any person other than a school student who performs or entertains whether for money or otherwise and "busing" shall bear like meaning.

"**Council**" means the Waipa District Council.

"**Engineer**" means the Council's Regulatory Engineer or officers delegated by him to act on his behalf.

"**Mobile Trader**" means any person who is not a stallholder as defined in this Bylaw and who in a public place-

- i) solicits for orders; or
- ii) offers, distributes or sells any goods, merchandise or services from any vehicles and/or stall or any part thereof;
- iii) is a hawker, peddler, itinerant trader or keeper of a mobile or travelling shop as defined in the Local Government Act 1974.

-and "**mobile trading**" shall bear like meaning.

"**Restricted Areas**" means the areas listed in the First Schedule.

"**Prohibited Areas**" means any state highway and the following further public places-

- i) Any public place within 50m on either side of the centre line of any state highway where it passes through any urban area; and
- ii) Any public place within 200m on either side of the centre line of any state highway where it passes through any area which is not an urban area.

but shall include those parts of any state highway or public place which are within the Restricted Area and shall not include the market place established at the Moana Roa Reserve at Karapiro.

"**Urban Areas**" shall mean all areas in which the roads or streets are subject to a speed limit of 70km/hr or less as imposed by Section 52 of the Road Traffic Act 1962 or by any regulations made thereunder.

"**Public Place**" means any road, street, public carpark or footpath.

"Stallholder" means any person who offers, distributes or sells on behalf of any named voluntary organisation-

- i) tickets in any raffle or lottery; or
- ii) goods, merchandise or services.

-and "stallholding" shall bear like meaning.

"Stall" means any tent, table, chairs, framework or temporary structure of any description for the purpose of a stallholder.

"Vehicle" means-

- i) a vehicle as defined by the Road Transport Act 1962; or
- ii) a trailer, handcart or barrow; or
- iii) any contrivance equipped with a wheel, wheels or revolving runners upon which it moves or is moved.

"Voluntary Organisation" means any charity, club, society or association whether or not incorporated under the Incorporated Societies Act 1908 or the Charitable Trusts Act 1957 which does not distribute profits among its members.

3 Trading Busing or Stallholding

a) Prohibited Areas

No person shall use any portion of any prohibited areas for the purpose of-

- i) offering, selling or distributing raffle or lottery tickets;
- ii) offering, selling, distributing or displaying goods, merchandise or services;
- iii) busking or any other form of street entertainment or assembly.

PROVIDED THAT this shall not prevent anything which may be permitted pursuant to the provisions of the Waipa District Council Control of Advertising Signs and Sale of Goods in Public Places Bylaw 1992.

b) Restricted Areas

No person shall use any portion of any restricted areas for the purposes of-

- i) offering, selling or distributing raffle or lottery tickets;
- ii) offering, selling, distributing or displaying goods, merchandise or services;
- iii) busking or any other form of street entertainment or assembly.

-except under the authority of a permit issued by Council **PROVIDED THAT** this shall not prevent nor require a permit for anything which may be permitted pursuant to the provisions of the Waipa District Council Control of Advertising Signs and Sale of Goods in Public Places Bylaw 1992.

4 Permits

Applications may be made for a stallholders permit, or busker's permit on application forms issued by the Council.

The Council may issue permits as follows-

- i) **Stallholders** - A stallholders permit may be issued to a stallholder to operate within any portion of the restricted area and such permit shall contain the name of the person to whom the permit is issued and the name of the voluntary organisation which that person represents and shall specify as conditions-
- a) the numbers and description of any stall or vehicle and the precise location or locations of any stall or vehicle from which the raffle or lottery tickets or goods or merchandise are to be offered, sold or distributed; and
 - b) if no stall or vehicle is to be used the location in which the stallholder is permitted to operate; and
 - c) the hours of operation which shall not exceed 12 in any period of 24 hours.

PROVIDED THAT an application for a stallholders permit may be refused for a particular location or time if the consent in writing of the owner or occupier of any premises in front of which any stall or vehicle is to be set up has not been obtained or if in the opinion of the engineer the grant of the permit might be likely to-

- a) impede traffic; or
- b) create a traffic hazard; or
- c) interfere with the pedestrian use of a public place.

AND PROVIDED that an application involving the offering, selling or distribution of raffle or lottery tickets shall be refused if there has not been supplied such evidence as the engineer requires to show that the voluntary organisation has been issued with any necessary licence pursuant to the Gaming and Lotteries Act 1977 or similar legislation.

- ii) **Buskers** - A Buskers permit may be issued to a busker to operate within any portion of the restricted area and shall contain the name of the person or persons to whom the permit is issued and shall specify as conditions-
- a) the nature of the busking activity to be carried on; and
 - b) the precise location or locations on which the busking activity is to be carried on; and
 - c) the hours of operation which shall not exceed 2 hours in any period of 4 hours in any one location; and shall not be prior to 8:30am nor after 6:30pm between 1 April to 30 September or after 9:30pm between 1 October and 31 March; and
 - d) whether or not loudspeaking or noise amplification use is permitted.

PROVIDED THAT an application for a buskers permit may be refused for a particular location or time if the consent in writing of the owner or occupier of any premises in front of which any busking is to be carried on has not been obtained or if in the opinion of engineer its grant might be likely to-

- a) impede traffic; or
- b) create a traffic hazard; or
- c) interfere with the pedestrian use of a public place.

- iii) **Mobile Trader** - no permit shall be issued for a mobile trader to operate within any portion of the restricted area.

- iv) **Conditions Applicable to all Permits** - It shall be a condition of any permit issued that it is subject to the permit holder and the activity permitted not impeding traffic or creating a traffic hazard or interfering with the pedestrian use of a public place and at all times to the direction of any engineer or of any police officer in that respect.

- v) **Grounds for Refusal of Permit** - The issue of any permit may be refused if in the opinion of the Engineer the Applicant has failed to observe the terms and conditions of a permit granted on a previous occasion.

5 Advertising Signs

No advertising sign for any permitted stallholder or busker shall be displayed otherwise than in accordance with the Waipa District Council Control of Advertising Signs and Sale of Goods in Public Places Bylaw 1992.

6 Terminate the Activity

Any stallholders permit or buskers permit may at any time be terminated by verbal or written notice by the Engineer if in the opinion of the Engineer any of the conditions under which the permit was granted have been breached and in the event of such notice of termination being given the permit shall thereupon be treated as suspended and no operation shall take place under it without further authority of the Engineer. Failure to comply with the request of the Engineer shall be an offence against this Bylaw.

7 Fees

The Council may from time to time by resolution which will be publicly notified prescribe the fees payable in respect of any permit given under this Bylaw and may waive any such fee for specified permit holders or in such situations as the Council may determine.

Provided that permit issued to a person representing any voluntary organisation which has been approved by the Council shall in any event have exemption from the payment of fees.

8 Penalties

Any person who shall do or cause to be done or permit to be done anything whatsoever contrary to or otherwise than is provided by this Bylaw commits an offence and shall be liable to a fine not exceeding \$500.00 and where the offence is a continuing one then to a further fine not exceeding \$50.00 for every day or part of a day during which the offence is continued. The continued existence of anything in contravention of a provision in this Bylaw shall be deemed to be a continuing offence.

9 Revocation and Amendments

The Waipa District Mobile or Travelling Shops and Hawkers and Itinerant Traders Bylaw 1991 is hereby amended in the manner specified in the Second Schedule.

FIRST SCHEDULE

Restricted Areas

CAMBRIDGE

Victoria Street - Victoria Bridge to Hamilton Road

All of Commerce Street and Millicich Place

Duke Street - Wilson Street to Albert Street

Kirkwood Street - Empire Street to Victoria Street

All of Empire Street

All of Hamilton Road

Victoria Road - From Hamilton Road to Taylor Street

Queen Street - Dick Street to Albert Street

Alpha Street - Dick Street to Albert Street

Albert Street - Queen Street to the Karapiro Stream Bridge

All of Anzac Street

Shakespeare Street - Browning Street to State Highway 1

All of Cook Street

All of Pope Terrace

TE AWAMUTU

Alexandra Street - From Arawata Street to Tawhiao Street

All of Arawata Street

All of Sloane Street

All of Kihikihi Road

Rewi Street - From Alexandra Street to Downes Street/College Street

All of Mutu Street

All of Market Street

Churchill Street - From Alexandra Street to Mahoe Street

Mahoe Street - From Arawata Street to Mutu Street

All of Gorst Avenue

All of Jacobs Street

All of Vaile Street

Park Road - From Sloane Street to George Street

All of George Street

Treasdale Street - From Jacobs Street to Bank Street

Bank Street - From Vaile Street to Alexandra Street

Roche Street - From Vaile Street to Alexandra Street

Palmer Street - From Vaile Street to Redoubt Street

All of Redoubt Street

All of Walton Street

Ohaupo Road - From Arawata Street to Greenhill Drive

All of Rogers Place

Cambridge Road - From Rogers Place to Thorncombe Road

OHAUPO

All of Great South Road (SH3) through the village

KIHIKIHI

All of Lyon Street (SH3) through the village
Whitmore Street - From Lyon Street to Dick Street

TEMPLE VIEW

All of Tuhikaramea Road through the village

SECOND SCHEDULE

**Amendments to Waipa District Mobile or Travelling Shops
and Hawkers and Itinerant Traders Bylaw 1991**

- i) By omitting from paragraph 12 the words "it shall be a condition of any licence..." to the end of paragraph 12; and
- ii) By omitting clauses 1 to 5 inclusive from the portion of the said Bylaw headed "Stands and Stalls".

KIHIKIHI

All of Lyon Street (SH3) through the village
Whitmore Street - From Lyon Street to Dick Street

TEMPLE VIEW

All of Tuhikaramea Road through the village

SECOND SCHEDULE

**Amendments to Waipa District Mobile or Travelling Shops
and Hawkers and Itinerant Traders Bylaw 1991**

- i) By omitting from paragraph 12 the words "it shall be a condition of any licence..." to the end of paragraph 12; and
- ii) By omitting clauses 1 to 5 inclusive from the portion of the said Bylaw headed "Stands and Stalls".

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Order passed at a meeting of Council held on the 19th day of April 1995 and confirmed at a meeting of Council held on the 19th day of June 1995 and became operative on the 20th day of June 1995.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on the 19th day of June 1995 in the presence of:

General Manager

Mayor