

Municipal Ordinance Regulating Street Trading

In the absence of claims during the period of public exposure is automatically increased to the final plenary Initial Agreement approving Municipal Ordinance regulating peddling, whose full text was made public, for general knowledge and in compliance with the Article 70.2 of Law 7 / 1985 dated April 2, Regulatory Bases Local System.

MUNICIPAL ORDINANCE OF REGULATORY peddling

ARTICLE 1. General Provisions

This ordinance aims to regulate street trading in the town of Las Tres Villas, pursuant to the provisions of Article 1 of Law 9 / 1988 of November 25, Trade Street, 51.3 of the Act 1 / 1996 of January 10, Commercial Interior Andalusia; 25 of Law 7 / 1985 dated April 2, Regulating the Basis Local System 1.2. of Decree of 17 June 1955 laying approves the Regulation of Local Services, and by default, the Law 7 / 1996 of January 15 of the Retail Trade and the Royal Decree 1010/1985, of June 5, which regulates the exercise of certain selling arrangements outside of a permanent business establishment 1.

The street trading may only be exercised by natural or legal persons with full legal capacity to act in 2 places and sites that are specifically identified in the authorization expressly granted, and the dates and times to be determined.

1. According to the first final provision of Royal Decree 1010/1985, "When the Autonomous Communities have assumed legislative powers in the subject matter of this disposition, sales to which the same shall, in their respective territories, for their specific legislation. In this case state law shall in any case, the supplementary law of the Autonomous Communities.

2. According to Articles 1 and 4 of the Commercial Code of 1885, traders are elderly people who have the free disposal of their property, engaging in normal trade, as well as commercial or industrial companies which constitute the basis the Code of Commerce.

ARTICLE 2. Concept and Methods

For the purposes of this Ordinance, means a street trading which takes place outside of commercial permanent installations using removable, transportable or mobile, as with the conditions laid down in Act 9 / 1988 of November 25, Trade Street, ie:

- a) Trading in markets held regularly, with a frequency and in certain places.
- b) The street trading in thoroughfares and not fulfilling the conditions listed in the preceding paragraph.
- c) Trade traveling in trucks or vans. It is not considered street trading, which is subject to the jurisdiction of the respective City Council:
 - a) trade in markets Casual festivals, fairs and popular events during the celebration of them.
 - b) The traditional trade of used objects, placed seasonal and other forms of commerce are not covered in the previous paragraphs.
 - c) The sale of craft items jewelry, leather, cork and the like, provided they are the handiwork of craftsman seller.
 - d) The traditional markets for flowers, plants and animals are deeply rooted in some parts of the region.

ARTICLE 3. Licensing requirements and

1. For the pursuit of street trading, must meet the following requirements:

In connection with the owner - be discharged in the corresponding section or sections of the License Tax of commercial and industrial activities and the social security system as appropriate, be current on their payment obligations.

- Have the residence and work permits on their own, if he does not have Spanish nationality, in accordance with the regulations in force in the area, whether national or EC [whether foreigners].

- Be in possession of Professional Card Merchant Ambulante.

- Be in possession of the food handler card [if necessary]. In connection with the activity - Comply with the requirements of the rules of each type of products, especially products intended for food.

- Expose the public with visible plaque identifying as both the sales prices of goods and an address for receiving any complaints and have the invoices and proof of purchase for the products traded at the disposal of the competent authority or its officials and agents.

- Be in possession of the municipal license and meet the corresponding rate by occupation in the public domain under the tax timely.

2. The municipal license for the performance of vendors:

- Be subject to verification by the City upon compliance by the petitioner with the legal requirements in force for the exercise of trade referred to in the preceding paragraph, and those established by regulation of the product whose sale is permitted.

- Specify the place or places where the street trading may be exercised, sizes of posts, dates, times, products authorized and permitted routes [if necessary].

- Is handled according to the procedure for the local level: through an application addressed to the Mayor and the General Register of the City or places determined by Article 38.4 of Law 30/1992 of November 26, Legal System the Public Administrations and Common Administrative Procedure, enclosing relevant documents [photocopies of documents showing that the applicant meets the requirements related to ownership and the activity sought].

- It has a duration of one year, and may be revoked in cases of very serious offenses as set out in Article 8.3 of Law 9 / 1988 of November 25, Trade Street.

- It will be personal and not transferable. If the activity developed by the family of the holder or his dependents, they must be discharged in the scheme of social security.

- Will remain unchanged until they are changed, ex officio, the objective conditions of grant specified in it, in which case the City will issue a new authorization for the remaining time of validity to it.

3. The City Council will deliver a plate with the identification data of the authorized [place where the street trading may be exercised, since the size, date, time, products, etc.], The person authorized to exercise in peddling their municipality.

4. Licenses will be granted on a discretionary and non-discriminatory terms.

ARTICLE 4. Ambulante trade in markets, Street and Road

1. Common provisions. Urban sites allowed for the exercise of the street trade is as follows:

Plaza de la Juventud in Ocaña, Square Hammer Escullos Street in Santa Teresa in Dona Maria, and all the appendages of the municipality

Regulations establish the technical conditions of hygiene, safety and spatial location, in areas such as street trading posts located in them, as well as the police and surveillance mínimamentendrán ensuring that the local authorities.

The street trading will be held: Tuesdays at Ocaña, Fill in the Wednesday and Thursday in Dona Maria and will be held in facilities or removable seats that can only be installed in the location or locations specified in the authorization [no accesses can be in buildings for public use, commercial or industrial establishments, or in front of their windows and exposures, or in locations that impede such access and pedestrian movement], and may not exceed the maximum number of ten, whose itinerary is as follows: Square Youth in Ocaña, Square Hammer Escullos Street in Santa Teresa in Dona Maria.

Municipal taxes for the completion of street trading is governed by the appropriate financial controls established by the City.

2. Trade in markets. In the specific case of vendors in markets served and the Municipal Commission of Commerce Ambulante jurisdiction, the City Council endorse the establishment of vendors who can show they are in possession of the relevant municipal license. The award, by auction by bidding procedure, or areas of land to the vendors listed above is prohibited.

3. Street trading. The City Council may authorize the sale of positions in the public and are not subject to the requirements for trading in markets.

4. Itinerant trade. The City Council may authorize vendors in vans or trucks of all types of products, whose rules do not forbid.

ARTICLE 5. Products being sold

The authorization must specify the type of products that can be sold. Only you can authorize the sale of food products when they meet sanitary and hygienic conditions established by the sectoral legislation on the subject for each type of product.

In particular, no food may be sold by anyone who lacks food handler card.

Current regulations prohibit the sale of the following products, unless the City Council, according to the peculiarities of the population and the provisions of Article 10 of Royal Decree 1010/1985, of June 5, has approved on time, the sale of any product:

- Meat, poultry and game, fresh, chilled and frozen. -Fresh seafood, chilled and frozen.
- Milk and milk certified.
- Fresh cheese, curd, cream, butter, yogurt and other fresh dairy products.
- Bread - Cakes and pastries stuffed or garnished.
- Fresh pasta and stuffed.
- Anchovies, smoked and other semi.
- Just like those other products for their special features and opinion of the competent authorities involving health risk.

However, it will allow the sale of products such as fresh seafood, chilled and frozen when in the opinion of the competent health authority shall have adequate cold storage facilities and these are properly packaged.

ARTICLE 6. Municipal Commission of Commerce Ambulante

The Plenum of the Corporation may establish a Municipal Commission of Commerce Mobile, whose opinion will be mandatory but not binding, as provided under Article 4.1.º and 2. Law No. 9 / 1988 of November 25, Trade Ambulante.

ARTICLE 7. Obligations

Vendors must meet in carrying out its business with current regulations in the exercise of trade and market discipline, and responding venda products, all in accordance with the provisions of the Law and other provisions force.

ARTICLE 8. Competence for the Inspection and Punishment

The City Council exercises the powers to sanction and inspection, monitoring and ensuring compliance by holders of licenses for the performance of vendors, how many are available in this Ordinance, Law 9 / 1988, November 25 of street trading provisions of Andalusia and development, particularly the requirements and conditions set out in higiénicosanitarias Legislation.

ARTICLE 9. Types of Violations

Violations of this Ordinance may be minor, serious and very serious.

a) Minor offenses:

- Failure to present the public with visible plaque identificativa como both selling prices for the traded goods.
- Failure to comply with any condition relating to the authorization and payment of municipal taxes thereon for certain relevant bylaws.
- Perform actions or omissions which constitute breaches of the regulation of street trade in Andalusia and not regarded as serious or very serious misconduct, as well as the specific obligations arising from this municipal ordinance, except that they are characterized in some the other two categories.

b) Serious violations:

- Recidivism in the commission of minor offenses.
- Failure to comply with the requirements of the regulations of the products traded, and trade in unauthorized.
- Contempt or refusal to provide information to the municipal authority or their officials or agents in carrying out its mission.

No carry-Card Professional Trader Ambulante.

- Exercise commerce activity by persons other than family members of the holder or his dependents.

c) Very serious infringements:

- Recidivism in the commission of serious violations.

- Lack of adequate municipal authorization.

- Lacks some of the requirements for the exercise of the street trade relationship with the holder of the activity.

- Resistance, coercion or threat to the municipal authority, officials and agents thereof, in carrying out their duties.

ARTICLE 10. Penalties

1. Minor offenses are punishable by a warning or a fine of up to 60 Euros 2. Grave breaches are punishable by a warning and a fine of 60 to 300 Euros. 3. Serious infractions are punishable by a fine of 300 to 600 Euros and revocation of the permit municipal [if necessary].

These sanctions were imposed after the corresponding substantación handled as provided in Articles 134 and following of the Law 30/1992 of November 26, Legal Regime of Public Administrations and Common Administrative Procedure.

ARTICLE 11. Recidivism

In the case of repeated serious infringements, the competent authority on the subject [of Tourism, Trade and Sport] may withdraw during the two years of Professional Card and Merchant Street, unable to get the state during the same period or permanently disable for the exercise of the street trade, which dealt with the light of the penalties under the provisions of the Administrative Procedure Act [Act 30/1992 of November 26 of the Legal Regime of Public Administration and Procedure Administrative Common], you must pre-opening.

The serious and very serious firm will be listed in the General Registry of Merchants and scatter, for which the City Council shall communicate it to the Directorate-General [Department of Commerce].

ARTICLE 12. Prescription

Very serious infringements shall expire after two years, severe and mild year for two months.

These periods shall start from the production of made punishable or the end of the commission, if it is infringement.

[These periods shall run from the date on which the offense was committed or, where appropriate, from which they could initiate proceedings as provided in sections 114 and 116 of the Penal Code].

FINAL PROVISION

FIRST In matters not covered in this Ordinance shall apply the Act 9 / 1988 of November 25, Trade Street, and the current rules on consumer protection higiénicosanitariay.

FINAL PROVISION

SECOND This Ordinance shall enter into force on the fifteenth day following its publication in full in the Official Gazette of the Province in accordance with Articles 65.2 and 70.2 of the Law Regulating the Basis of Local and remained in force until amended or expressly repealed.

Against this Agreement may be interested in an administrative appeal before the Division of Administrative High Court, within two months counted from the day following its publication of this notice in accordance with Article 46 of Law 29/1998, of July 13, Regulatory Jurisdiction Disputes.

Las Tres Villas, to June 27, 2008. Mayor-President, T. Virtudes Perez Castillo.

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