

**WAITAKERE CITY COUNCIL**

**WAITAKERE CITY BYLAWS**

**CHAPTER 4**

**MOBILE OR TRAVELLING SHOPS, AND  
HAWKERS**

**CONTENTS**

Committee Representation  
Foreword  
Related Legislation

**GENERAL**

**Clause**

401 Interpretation

402 Exemptions

**HAWKERS AND KEEPERS OF MOBILE OR TRAVELLING SHOPS**

403 Licence Required

404 Application

405 Sale of Food for Human Consumption

406 Fees and Expiry of Licence

407 Form of Licence

408 Production of Licence

409 Name to Appear of Vehicle

410 Moving On

411 Local Authority may Prescribe Conditions

412 Licence not Transferable

413 Cleanliness of Vehicle

414 – 416 Deleted

**STANDS AND STALLS**

417 Permit Required

418 Application

419 Conditions of Permit

420 Permit Fee

Schedules

**RELATED LEGISLATION**

Auctioneers Act 1928  
Local Government Act 1974

**Clause Reference  
herein**

402.1  
Foreword

**WAITAKERE CITY COUNCIL**  
**WAITAKERE CITY BYLAW**

**CHAPTER 4**

**MOBILE OR TRAVELLING SHOPS, AND HAWKERS AND ITINERANT TRADERS**

**401 Interpretation**

**401.1 In this Part of this bylaw:-**

**HAWKER** means any person who carries or takes about any goods, wares, or merchandise for sale not in pursuance of any invitation to call with, or of any previous order of request for, such goods, and includes a peddler and any person who exposes for sale any goods, wares, or merchandise carried or taken about by him, or solicits the custom of any other person; and whether any such person shall cry any such goods, wares, or merchandise or not, but does not include any person who uses any vehicle as a mobile or travelling shop.

**KEEPER** in relation to any mobile or travelling shop, means the person by whom or on whose behalf any business is carried on by means of that mobile or travelling shop.

**MOBILE OR TRAVELLING SHOP** means a vehicle, whether self-propelled or not, from which goods, wares, or merchandise are offered or exposed for sale in the street, or from which goods, wares, or merchandise may be ordered (whether or not in pursuance of any invitation to call with the goods, wares, or merchandise) or from which services are offered for sale in the street; but does not include any vehicle on or from which food is sold for consumption in or at the vehicle, or any vehicle used for the purpose of transporting and delivering goods, wares or merchandise pursuant to a prior order placed for the delivery of goods, wares, or merchandise.

**402 Exemptions**

**402.1** The provisions of this Part of this bylaw as to hawkers and keepers of mobile or travelling shops shall not apply to the owner of a fishing vessel registered under Part IV of the Fisheries Act 1983 and in respect of which a boat-fishing permit is for the time being in force, where he or a person appointed by him in that behalf, sells fresh fish or fresh shellfish (being fresh fish or fresh shellfish taken from that vessel in accordance with the conditions of the permit) from that vessel at the place where it is moored, berthed, or beached or from a stall (including a vehicle used as a stall) within 450 metres of that place, or to sellers of printed books, pamphlets, magazines or newspapers.

**403 Licence Required**

- 403.1 No person, whether acting on his own account, or as the servant of another person, shall engage in the trade or calling of or carry on business in any manner or to any extent as a hawker or keeper of a mobile or travelling shop with respect to goods or articles of any description whatsoever (except as provided in the preceding clause), without having first obtained a licence from the local authority so to do.

**404 Application**

- 404.1 Every person desirous of obtaining a hawker's or keeper's licence shall make applications to the Clerk, in the form set out in the First Schedule hereto, and shall with such application furnish such evidence of good character as the local authority may require, and in the case of an application for a keeper's licence shall state the number of vehicles to be used.

**405 Sale of Food for Human Consumption**

- 405.1 Every application under the last preceding clause shall also state whether the applicant is desirous of hawking or selling from a mobile or travelling shop articles of food for human consumption and whether with or without other goods, wares, or merchandise, and in any such case where a motor vehicle is to be used, shall specify the registered number of that vehicle.
- 405.2 If the applicant is desirous of hawking or selling articles of food for human consumption such application shall be accompanied by all licences which the applicant may be required to obtain under the provisions of any Act, regulation or bylaw relating to the licensing and regulation of certain trades and businesses.
- 405.3 Before issuing any licence for a hawker or keeper of a mobile or travelling shop, the local authority shall satisfy itself that any motor vehicle to be used in connection with hawking or selling food for human consumption, and that any premises to be used for the storage of such food, are suitable for the purpose.

**406 Fees and Expiry of Licence**

- 406.1 The local authority may issue licences to trade and carry on business as hawkers or keepers of mobile or travelling shops and every licence, at whatever time of the year the same may be issued, shall terminate on day and month then next ensuing as may be prescribed by resolution of the local authority, and for every such licence shall be paid to the local authority such fee as the local authority may be resolution from time to time prescribe for that particular class of licence.
- 406.2 The local authority may at its discretion issue temporary licences upon payment of such fee whether per day or otherwise, and subject to such conditions as the local authority may impose.

**407 Form of Licence**

407.1 Every hawker's or keeper's licence shall be in the form set out in the Second Schedule hereto and shall take effect according to the tenor thereof.

**408 Production of Licence**

408.1 Every licensed hawker or keeper of a mobile or travelling shop shall at all times when hawking, or selling from his mobile or travelling shop, carry his licence with him and shall show the licence to any constable or authorised officer of the local authority who shall demand production of the licence.

**409 Name to appear on Vehicle**

409.1 Every licensed hawker or keeper of a mobile or travelling shop shall whilst hawking or selling from his mobile or travelling shop or exercising or carrying on his business, trade, or calling of a hawker or keeper of a mobile or travelling shop in some conspicuous place on the exterior of any vehicle or container, in which he takes or carries his goods or wares, have his name legible painted thereon in letters not less than 25mm in height.

**410 Moving On**

410.2 Any person who fails to comply with any request made by a constable, traffic officer, or authorised officer of the local authority pursuant to clause 410.1 hereof shall be guilty of an offence against this bylaw.

**411 Local Authority May Prescribe Conditions**

411.1 The local authority may, either upon the issue of any licence to any hawker or keeper of a mobile or travelling shop or at any time by notice in writing under the hand of the Chief Executive Officer served on any licensed hawker or keeper of a mobile or travelling shop-

(a) Prescribe any condition or conditions in compliance with which such hawker or keeper of a mobile or travelling shop must carry on his trade or business, and any hawker or keeper of a mobile or travelling shop who shall fail to comply in all respects with any such requirements within any period specified for compliance shall be guilty of an offence against this part of this bylaw; or

(b) Require such hawker or keeper of a mobile or travelling shop to discontinue the use of any vehicle so employed by him.

411.2 It shall be a condition of the licence where a vehicle is to be used for the sale of food for human consumption that no vehicle other than that specified in that licence shall be used for the purpose without the approval of the Environmental Health Officer of the local authority concerned.

- 411.3 No mobile or travelling shop shall be permitted to operate during the hours of darkness as defined in the Traffic Regulations 1976.
- 411.4 Any musical chimes operated in or on a mobile or travelling shop shall be used in a properly modulated manner and only while the said shop is moving, and not at all within the vicinity of any hospital or place of worship where a service is being conducted.
- 411.5 Every mobile or travelling shop shall be fitted with a wash hand basin connected to an adequate supply of hot and cold water and shall also be fitted with a suitable refuse water container except in such case where only pre-wrapped goods are sold from the mobile shop in which case the Inspector may require a sink or similar facility, and/or a suitable container to be provided it, in his opinion, such fittings or containers are necessary for cleaning working utensils, and/or for disposing of waste fluids.
- 411.6 Every keeper of a mobile or travelling shop shall wear clean overclothing, and shall cause such clothing to be kept in a clean and sanitary condition at all times to the satisfaction of the Environmental Health Officer.
- 411.7 Every hawker, peddler, keeper of a stall or keeper of a mobile or travelling shop shall conduct his business in such a manner that selling shall be done at the kerbside only and where possible entirely off the carriageway.
- 411.8 Every hawker, peddler, keeper of a mobile or travelling shop, upon being requested so to do by any Police Officer, Traffic Officer or duly authorised Officer of Council, and as often as so requested, shall alter the position from which he is conducting his business on any road or public place to such other part of the road or public place indicated by such Officer. In no case shall any stop on any road or public place be longer than 10 minutes. This clause shall not apply where a permit for a stand has been issued under the provisions of Clause 417 of this bylaw.

**412 Licence not Transferable**

- 412.1 No licence issued under this Part of this bylaw shall be transferable to any other person and no such licence shall authorise any person other than the person named therein to carry on the trade of business of a hawker or to keep a mobile or travelling shop.

**413 Cleanliness of Vehicle**

- 413.1 Every licensed hawker or keeper of a mobile or travelling shop or any person operating on behalf of such hawker or keeper who takes or carries about any article of food for sale shall keep and maintain every vehicle, box, basket, pack or other container used or connected therewith in a thoroughly clean and sanitary condition to the satisfaction of the Environmental Health Officer.

**414-416 Deleted**

**STANDS AND STALLS**

**417 Permit Required**

417.1 No person shall without having first obtained a permit from the local authority so to do -

- (a) Stand in or occupy any portion of any public place with, or place or maintain on any portion of any public place, any stall, structure, or contrivance for the purpose of distributing or selling any food or refreshments, newspapers, lottery tickets, textiles, hardware; or
- (b) Stand in or occupy any portion of any public place with, or place or maintain on any portion of any public place any weighing, knife-grinding, automatic vending, or slot entertainment machine or any other similar structure, apparatus or contrivance.

417.2 Notwithstanding in this part of this bylaw no hawker, peddler, keeper of a stall, or keeper of a mobile or travelling shop shall carry on the streets or parts of streets specified in the Fourth Schedule of this Chapter and such other streets or parts of streets as Council may from time to time by resolution determine provided that where the stall is to be established for a charitable cause, this prohibition shall not apply where there is a stand is established on a recognised shopping centre on a site approved by the local authority.

**418 Application**

418.1 Every application for a permit shall be in such form as the local authority may require

**419 Conditions of Permit**

419.1 Every permit shall be issued by the local authority and shall be subject to such conditions as the local authority may impose and shall state therein the term of expiry thereof, the portion of any public place on which the applicant is permitted to stand, the hours during which he may so stand, and the class of article or goods he proposed and it is permitted to sell, and no person shall stand or sell except in conformity with the terms of such permit.

**420 Permit Fee**

420.1 For every such permit there shall be payable to the local authority such fee as the local authority may by resolution from time to time prescribe.

**THIRD SCHEDULE**

Deleted

**FOURTH SCHEDULE**

Streets and Public Places or parts thereof where stands prohibited.

Airport Road	Karekare
Beach Valley Road	Lincoln Road
Brighams Creek Road	Marine Parade South
Bruce McLaren Road	Piha Road
Clarke Road	Pomaria Road
Edmonton Road	Portage Road
Garden Road	Railside Ave
Glendale Road	Rathgar Road
Godley Road	Scenic Drive
Great North Road	State Highway 16
Henderson Valley Road	Swanson / West Coast Road
Hobsonville Road	Te Atatu Road
Huia Road	Titirangi Road
Larnoch Road	Waitakere / West Coast Road

**APPLICATION FOR A HAWKER'S (ITINERANT TRADER'S) (KEEPER OF A  
MOBILE OR TRAVELLING SHOP'S) LICENCE**

..... Council

To the Chief Executive Officer

..... Council

I ..... of ..... hereby apply for a (Hawker's) (Itinerant  
Trader's) (Keeper of a Mobile or Travelling Shop's) Licence under the provisions of  
Chapter ..... of the ..... Council's bylaws made in that behalf.

1. The number of vehicles which I propose to use is .....
2. I am / am not desirous of (hawking) (selling from a mobile or travelling  
shop) articles of food for human consumption.
3. The registered number / numbers of the vehicles for (hawking) (selling  
from a mobile or travelling shop) articles of food for human consumption  
is / are .....
4. The following evidence of my good character is  
attached:.....

I herewith tender the prescribed fee of .....

Dated at ..... this ..... day of ..... 19 .....

..... Signature of Applicant

**SECOND SCHEDULE**

**HAWKER'S (ITINERANT TRADER'S) (KEEPER OF A MOBILE OR TRAVELLING SHOP'S LICENCE)**

**This Licence is not transferable**

No. .... Council

The ..... Council hereby licenses ..... of  
..... to carry on business as an itinerant trader, hawker, or  
keeper of a mobile or travelling shop with the ..... of  
..... until the ..... day of....., 19 .....  
subject to Part ..... of the Council's bylaws and to the following  
conditions:

.....

The registered numbers of the vehicles to be used for the sale of food for human  
consumption are .....

Date at ..... this ..... day of ..... 19 .....

..... Clerk