

Mobile Shop and Traders License Information Sheet

Mackenzie District Council Mobile Shop and Traders Bylaw 2021

Purpose

What is the purpose of the bylaw?

The purpose of the Mackenzie District Council Mobile Shops and Traders Bylaw 2021 is to regulate the conduct of persons selling goods on streets, roads, and pavements and on property owned or managed by the Council. Additionally, the bylaw regulates persons using vehicles to sell goods and services in public places. Any person or business wanting to engage in mobile trading must obtain a license from Mackenzie District Council.

Changes

What has changed from the previous Mobile Shop and Traders Bylaw 2014?

- The Council has designated locations for the operation of Mobile Shop and Traders. These are; the Village Green, Fairlie, the Denmark Street Greenway, Fairlie, the Lakeside Drive Carpark, Tekapo, the Hamilton Drive Carpark, Tekapo, and the Mackenzie Drives Carpark, Twizel.
- Licenses will be valid for twelve months from the date of issue (1 July to 31 June). Applications will open each year on 1 April and be open for two months.

Exclusions

What exclusions apply to the Mobile Shop and Traders Bylaw 2021?

The provisions of this Bylaw do not apply:

- to sellers of printed books, pamphlets, magazines or newspapers.
- mobile traders operating at community events where the trader has been invited or has permission of the event organiser;
- mobile traders operating on private land not owned or managed by the Council;
- and mobile ice-cream vans such as Mr. Whippy. Mobile ice cream vans such as Mr. Whippy are permitted in the district provided:
 - the trader informs Council, in writing, when and where they will be operating.
 - the trader stays in one location no longer than one hour.
 - the trader does not park within 200m of the village centre.
 - musical chimes or other audible devices are operated in a reasonably modulated manner.
 - an authorised officer provides written confirmation that the trader has permission to trade.

Applications

How do I apply for a Mobile Shop and Traders License and where do I apply?

- Applications will be called for each year on the 1 of April and will remain open for a period of two months. After the close of the application period, an authorised officer

will review the applications received and create a mobile trading schedule for Fairlie, Tekapo, and Twizel.

- Applications can be made through the Mackenzie District Council Website or by downloading and completing the 'Mobile Shop and Traders License Application' form. Please supply the necessary supporting documents including evidence of signing authority (if on behalf of a trust or company), any health licenses, pictures of the mobile shop / food truck, and pictures / designs of any signage that will be displayed.
- Applications can be emailed to planning@mackenzie.govt.nz
- Where an application is received outside of the April-May period, an authorised officer may grant a license until June 30 where the site restrictions are not exceeded (no discount to the applicable fees will be applied).
- If the number of applications exceeds the site restrictions an authorised officer will evaluate the applications based on the criteria within Section 8 of the Mobile Shops and Traders Bylaw 2021.
- A trader must apply for a separate license for each location. Each license application is subject to a separate application fee and assessment process. A license may be granted, have conditions imposed, or be refused at the discretion of an authority officer.
- A trader who operates more than one mobile shop shall hold a separate license for each mobile shop.

Licenses

Can the License be transferred? How long is the License valid for? What are the conditions of the License?

- A license issued under the Mackenzie District Council Mobile Shops and Traders Bylaw 2021 is not transferable to any other person or business.
- A license issued under the Mackenzie District Council Mobile Shops and Traders Bylaw 2021 is valid for twelve months from the date of issue (1 July to 31 June). Where an application is issued after 1 July the license will only be valid until the 31 June.
- The operator of a mobile shop shall display at all times while trading a copy of their license and ensure that a copy of their license is made available to an authorised officer on request. The operator of a mobile shop shall move as directed at the request of an authorised officer.
- All licenses will be subject to the standard conditions contained in Schedule 2 of the Mobile Shops and Traders Bylaw 2021. These conditions relate to Hours of Operation, Musical Devices, Signage, Rubbish, and Noise.
- Failure to comply with any conditions contained within the Bylaw, or a specific license will result in the immediate suspension of a license for a one-week period where the non-compliance will be investigated. Once the investigation is completed the decision will be made to remove the suspension of the license or cancel the license.

Fees

What fees are associated with an application?

- There is no fee for this application. If your application for a Mobile Shop and Traders License is successful, you will be invoiced for the license fee. The license fee is required to be paid prior to the issuing of a license.
- The prescribed fee for a Mobile Shop and Traders License will be set out in the Councils Schedule of Fees and Charges.
- Please note failure to pay within the time frame specified may result in the offer of a license being rescinded and allocated to another party.

Offenses and Penalties

What if the Bylaw is not complied with?

- Any person or business found to be in breach of the Mobile Shops and Traders Bylaw 2021 commits an offence and is liable upon conviction to the penalty set out in Section 242 (4) of the Local Government Act 2002 which provides for a fine not exceeding 20,000.

Please refer to the Mobile Shop and Traders Bylaw 2021 for further details including maps and information regarding the designated Mobile Trading sites.