

LG308

LOCAL GOVERNMENT ACT 1960

Municipality of the Shire of Yilgarn

By-laws relating to Trading in Public Places

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 19th day of April 1991 to make and submit for confirmation by the Governor the following By-laws:—

1. These By-laws may be cited as the Shire of Yilgarn By-laws relating to Trading in Public Places.
2. In these By-laws, unless the context requires otherwise—
 - “Community Association” means an institution, association, club, society or body, whether incorporated or not, the object of which are or a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the transaction thereof;
 - “Public Places” includes a street, way, park, reserve and place which the public are allowed to use, whether or not it is private property.
 - “Trading” means selling or hiring of goods, wares, merchandise or services, or offering goods, wares, merchandise or services for sale or hire, in a street or other public place and includes displaying goods, wares or merchandise for the purpose of offering them for sale or hire, inviting offers for sale or hire, soliciting orders or carrying out any other transaction therein.
3. These By-laws shall not apply to the selling or offering for sale of newspapers or magazines.
4. No person shall carry on trading in any public place unless that person is acting within the specifications of a current licence issued under these By-laws and (Subject to By-law 9) for which all fees and charges have been paid.
5. An application for a licence shall be in writing and shall contain such information as the Council may require.
6. In considering an application for a licence the Council shall have regard for any relevant policy statements and for the desirability of the proposed activity and its location and for the circumstances of the case may refuse to issue a licence, in which case it shall provide the applicant with reasons in writing.
7. The Council may issue a licence specifying such requirements, terms and conditions as the Council sees fit, including:—
 - (a) the place to which the licence applies;
 - (b) the days and hours when trading may be carried out;
 - (c) the number, type, form and construction, as the case may be of any stand, table, structure or vehicle which may be used for trading.
 - (d) the particulars of goods or services or transactions in respect of which trading may be carried on;
 - (e) the number of persons and the names of persons permitted to carry on trading and any requirements concerning personal attendance at the place of trading and the nomination of assistants, nominees or substitutes;
 - (f) whether and under what terms the licence is transferable;
 - (g) any prohibitions or restrictions concerning the causing of any nuisance, the use of signs, the making of noise and the use of amplifiers, sound equipment, sound instruments and lighting apparatus;
 - (h) any requirements concerning the display of the licence holders name and other details of the licence, the care, maintenance and cleaning of the place of trading and the vacating of the place when trading is not taking place;
 - (i) any requirements regarding the acquisition by the licence holder of public risk insurance;
 - (j) the period not exceeding twelve months during which the licence is valid.
8. The amount of the fees and charges shall be calculated and payable in accordance with Schedule 3 hereto.

- 9. Where trading is carried on by a community association for the purpose of that community association, fees and charges prescribed under By-law 8 shall not be payable in respect of that Trading or the licence under which it is carried on.
- 10. The Council may at any time revoke a licence.
- 11. Where a licence is revoked the Council shall if requested provide the licence holder with reasons in writing and shall refund the charge having first deducted the charge applicable to the period from the issuing of the licence to its revocation.
- 12. Any person who contravenes or fails to comply with any provisions of these By-laws commits an offence and is liable on conviction to a penalty for each offence of not more than \$1 000 or imprisonment for six months.
- 13. From the date of the coming into operation of these By-laws all previous By-laws relating to this subject matter made and in force in the area constituting the district of the Municipality of the Shire of Yilgarn are hereby revoked.

Schedule 1
 FORM OF APPLICATION FOR LICENCE
Shire of Yilgarn
 Trading in Public Places
 Application for Licence

- Name of Applicant
- Address
- Postal Address
- Phone (B) (W)
1. Location of Trading Activity:
 2. Nature of proposed Trading Activity (Describe how the goods will be displayed, sold and/or services offered):
 3. Description of proposed stand, structure or vehicle
 4. Specifications of above:
 Dimensions:
 Colour:
 Type of materials:
 5. Number of assistants/persons other than applicant expected to engage in trading:
 6. Proposed commencement date and, if applicable, other proposed date(s) of operation:
 7. Proposed hours of operation:
 8. Is evidence of public risk insurance attached: Yes/No
 9. Any other information specifically requested by Council:

For Office Use Only

Application received on /..... /.....

: Senior Administrator
 : Health Surveyor
 Adopted by Council on /..... /.....

Approval Recommended
 Yes/No
 Yes/No

Approved Yes/No

Reason for Non Approval (if applicable)

.....

Schedule 2
 FORM OF LICENCE
Shire of Yilgarn

Licence for Trading in a Public Place

Name of Licensee

 Postal Address

 Period of Licence
 Location of Business

 Adopted by Council on /..... /.....

Conditions of Licence (see attached)

This licence and the conditions pertaining to the Licence must be displayed at the location of the business.

Shire Clerk

Schedule 3
Shire of Yilgarn
 Fees and Charges

Annual License Fee (To be paid with lodgement of application)	\$30.00
Annual Additional Charge (To be assessed in accordance with the table below)	
For a period of one week or less	\$20.00
For a period of one month but greater than one week	\$50.00
For a period greater than one month \$50 per month or part thereof up to a maximum of \$450 in any one year	\$450.00

Dated 19th November 1991.

The Common Seal of the Municipality of the Shire of Yilgarn was hereunto affixed in the presence of—

P. R. PATRONI, President.
 I. B. FITZGERALD, Acting Shire Clerk.

Recommended—

DAVID SMITH, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council the 17th day of March 1992.

M. C. WAUCHOPE, Clerk of the Council.