



SECTION	ENVIRONMENT AND DEVELOPMENT SERVICES
POLICY TITLE	ITINERANT FOOD VENDORS
FILE REFERENCE	COR050505
Date Adopted	8th December 1992
Date of Review	29th March 1994

OBJECTIVES

1. To allow a service to be provided to the local community and tourist population and in so doing, protect the retail sector and maintain public health.

POLICY STATEMENT

1. The following policy is to serve as a guideline to food vendors, the local business sector, Council authorised officers and the public as to the type of itinerant food vending operation permitted in the Byron Shire.
2. This policy does not apply to those traders licensed by Council to sell homegrown produce at Brunswick Heads.
3. The following conditions apply to all itinerant food vendors operating or intending to operate within the Byron Shire:

Licensing

- (a) All itinerant food vendors must be approved by Council before operating.
- (b) Approvals will be issued in the first week of June each year between the hours of 9 a.m. and 4 p.m. at Mullumbimby Council offices.
- (c) Vendors must be present to receive the licence and vehicles must have received a health clearance certificate (see section "Inspections (b)").
- (d) The approval period will be from 1st July each year to 30th June the following year.
- (e) Approvals are not transferable.
- (f) A separate approval must be obtained for each vehicle.
- (g) Employees of the applicant must be nominated on the licence application form.
- (h) An approval fee will exist as specified in Council's fees and charges policy.

Operating Requirements

- (a) Vendors cannot operate in or on parks and reserves and beaches within the Shire. An exception may exist where the vendor is stopped for a short period of time and is not creating a safety or traffic hazard.
- (b) Vendors are not permitted to "set-up stand".
- (c) Vendors are not permitted to operate within 1 km of a food outlet selling a similar food product if that outlet is open.

Legislative Requirements

- (a) A vendor's operation, including the vehicle, cart or stall, must be in accordance with the requirements of the Food Act 1989 and regulations thereunder.
- (b) A vendor's operation must be in accordance with the Noise Control Act 1975 and regulations thereunder, and the Factories, Shops and Industries Act, if required.

Inspections

- (a) Regular inspections will be carried out by Council's Health Officers to ensure compliance. A fee will be charged if the vendor's operation is unsatisfactory.
- (b) A vendor's vehicles, carts, stalls, etc., must be made available for inspection by a Council Health Officer for a health clearance certificate which is required to obtain approval. A fee for the inspection, as set out in Council's fees and charges policy, will exist.

Garbage and Litter

- (a) All garbage and trade wastes must be disposed of in a manner acceptable to Council's Health Officers.
- (b) Any person littering or polluting is liable for penalties under the Environmental Offences and Penalties Act 1989.

General Requirements

- (a) An approval to operate may be cancelled by Council at its discretion due to non-compliance with any of the requirements outlined in this policy or if a reasonable complaint is received by Council.
- (b) A vehicle, cart, stall or the type of food sold, etc., cannot be altered without consulting Council's Health Officers for approval.
- (c) No animal is to be used as part of the vehicle, cart, stall, etc.
- (d) No additional flashing or rotating lights, except that required under the Motor Traffic Act, are permitted.
- (e) All vehicles must be registered as per the requirements of the Motor Traffic Act.

- (f) Illegal, dangerous or offensive goods are not to be sold by the vendor.
- (g) No direct soliciting or collecting of donations will be permitted.
- (h) Amplification equipment is not to be used without Council's permission.
- (i) Vendors shall not obstruct traffic, pedestrians, entrance ways to shops and laneways.
- (j) Banners, signs, bunting and the like are not permitted to be erected without approval.
- (k) The vendor's operation must not unduly disrupt normal business activities nor unduly disturb the ambience of both residents and passers-by.
- (l) Persons granted approval shall comply with the requirements of this code and such licences must be available to be shown on demand by an authorised officer.

Definitions

In the code, unless inconsistent with the context or subject matter:

- (a) "itinerant food vendor" means a person who has a vehicle, cart or stall used for the sale of food and which travels from place to place.
- (b) "vendor" means itinerant food vendor.
- (c) "Health Officer" means a suitably qualified person appointed by the General Manager to undertake health duties within the Shire.
- (d) "authorised officer" means a person appointed as such by the General Manager.
- (e) "set-up stand" means to set the stall in one place and have customers come to the stall.
- (f) "Council" means the Council of the Shire of Byron.
- (g) "traffic" means any form of transportation and shall include horses.

Review

A review of this policy shall be undertaken in the month of November 1993.

1999 No. 625 (Extract)**ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT (VEHICLE STANDARDS)
REGULATION 1999****Schedule 1 Amendments**

- (7) The light from any such light mounted on the top of the vehicle must be visible in normal sunlight from a distance of at least 200m to a driver approaching that vehicle from any direction.

124 Flashing direction indicator lights

- (7) A motor vehicle that:

- a. is specified in clause 123 (4), and
- b. has direction indicator lights that show yellow light to the front,

may be equipped with a device that will cause the direction indicator lights fitted to the front and rear and on both sides of the vehicle, and any trailer connected to the vehicle, to flash simultaneously and regularly at a rate of not less than 60 and not more than 120 flashes per minute.

- (8) When all such lights fitted to a motor vehicle and trailer (if any) are flashing simultaneously, there must be an indicator that will inform the driver, by visible and audible means, that the lights are flashing.

125 Flashing lights on other vehicles – street vending vehicles

Street vending vehicles must be fitted with a flashing warning light mounted on the roof of the vehicle. Any such light must:

- (a) be capable of displaying a rotating, flashing, yellow colour light, and
- (b) commence to emit light within 1 second of being switched on, and
- (c) when switched on, flash regularly at a rate of not less than 60 times per minute, and
- (d) be connected to an indicator that will inform the driver, by visible and audible means, that the light is flashing, and
- (e) emit light that is visible in normal sunlight from a distance of at least 200m to a driver approaching the vehicle from any direction.