



# **BYRON SHIRE COUNCIL**

## **POLICY 5.4**

### **ITINERANT FOOD VENDORS**

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**POLICY TITLE** ITINERANT FOOD VENDORS

**FILE REFERENCE** COR050505

**Date Adopted** 8 December 1992

**Date of Review** 29 March 1994

## **1. OBJECTIVES**

- 1.1. 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.

## **2. POLICY STATEMENT**

- 2.1. 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.
- 2.2. This policy does not apply to those traders licensed by Council to sell home grown produce at Brunswick Heads.
- 2.3. The following conditions apply to all itinerant food vendors operating or intending to operate within the Byron Shire:

## **3. CONDITIONS**

### **3.1. 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.

### **3.2. 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.

### **3.3. 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.

### **3.4. 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.

### **3.5. 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.

### **3.6. 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.

**3.7. 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.

**3.8. Review**

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