

NORTHERN TERRITORY OF AUSTRALIA
ALICE SPRINGS (STALLHOLDERS) BY-LAWS 1984

By-law

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SCHEDULE

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1984, No. 32*

By-laws under the *Local Government Act*

The Alice Springs Town Council, in pursuance of the powers conferred upon it by the *Local Government Act* and in accordance with section 350(3) of the Act, at a meeting held on 30th January, 1984, hereby makes the following By-laws.

ALICE SPRINGS (STALLHOLDERS) BY-LAWS 1984

1. CITATION

These By-laws may be cited as the Alice Springs (Stallholders) By-laws 1984.

2. DEFINITIONS

In these By-laws, unless the contrary intention appears -

"authorized officer" means a person authorized by the council for the purposes of these By-laws and includes a member of the Police Force;

"goods" includes wares, merchandise, raffle tickets, tokens, badges and shares;

"packages" includes boxes, baskets and packaging;

"permit" means a permit granted under by-law 8(1);

"public place" means -

- (a) a road, street, lane, footpath, plaza, court, alley, carpark or thoroughfare which the public is allowed to use, notwithstanding that such road, street, lane, footpath, plaza, court, alley, carpark or thoroughfare may be formed on private property; and

* Notified in the *Northern Territory Government Gazette* on 6 June, 1984.

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- (b) any place declared to be a public place by resolution of the council and notified by public notice;

"sell" in relation to goods means offering or exposing goods for sale or hire or displaying or publishing an advertisement describing or promoting the sale of goods from a stall;

"stall" means a structure in or from which goods are offered for sale and includes a tent, vehicle, caravan, trailer or table.

3. APPLICATION

These By-laws apply to and in relation to public places and land adjacent to a public place.

4. DELEGATION

(1) The council may, by resolution, delegate to a person any of its powers and functions under these By-laws, other than -

- (a) this power of delegation; and
- (b) the power to grant a dispensation under by-law 5.

(2) A power or function delegated under this section when exercised or performed by the delegate shall, for the purposes of these By-laws, be deemed to have been exercised or performed by the council.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the council.

5. DISPENSATIONS

The council may, at a meeting at which not less than two-thirds of the members are present, by resolution carried by a majority of members then in office, dispense with compliance by a person with these By-laws or any part of them, and the By-laws shall apply accordingly.

6. CLERK TO KEEP REGISTER

The clerk shall cause to be kept a register of -

- (a) delegations made under by-law 4(1);
- (b) dispensations granted under by-law 5; and
- (c) permits granted under by-law 8(1),

by the council.

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7. APPLICATION FOR PERMIT

(1) A person may make an application in writing to the council for a permit to conduct business from a stall which shall include -

- (a) the name and address of the applicant;
- (b) the type of goods which the applicant intends to sell;
- (c) the proposed location of the stall from which he proposes to sell the goods;
- (d) the period for which the permit is required; and
- (e) such other particulars as the council may require.

(2) An application under clause (1) shall be accompanied by the fee -

- (a) for the application; and
- (b) for the period referred to in clause (1)(d), specified in the Schedule.

8. PERMITS

(1) The council may, on receipt of an application under by-law 7, grant or refuse to grant a permit.

(2) A permit granted under clause (1) shall be in such form as the Council, by resolution, determines and -

- (a) shall be valid for a period not exceeding 12 months; and
- (b) may be subject to such conditions,

as the council thinks fit, and endorses on the permit.

(3) A permit is not transferable.

(4) A permit shall be displayed by a stallholder whilst he is selling goods from his stall.

9. REVOCATION OF PERMIT

(1) Where -

(a) a stallholder -

- (i) has been convicted of an indictable offence;

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- (ii) has contravened or failed to comply with these By-laws or a condition of his permit;
 - (iii) is conducting his business from the stall in such a manner as to cause a nuisance or annoyance to a person in the vicinity of the stall; or
 - (iv) purports to assign or transfer his permit; or
- (b) the business from the stall is being conducted by a person other than the stallholder,

the council may revoke his permit.

(2) Where the council revokes a permit under clause (1), it shall serve a notice of the revocation on the stallholder or on the person apparently in charge of the stall and the revocation of the permit takes effect immediately on service of the notice.

(3) A stallholder shall return his permit to the clerk within 3 days after the service of the notice referred to in clause (2).

10. OBLIGATIONS OF STALLHOLDER

- (1) A stallholder shall -
- (a) comply with and not contravene these By-laws or the conditions of his permit;
 - (a) comply with reasonable directions of the council or an authorized officer concerning the location and siting of his stall;
 - (c) maintain his stall in good order and condition to the satisfaction of the council or an authorized officer;
 - (d) display his name legibly and conspicuously on the stall; and
 - (e) keep the site of the stall cleansed and free from garbage resulting from its operation.
- (2) A stallholder, in the conduct of his business from a stall, shall not -
- (a) sell goods between the hours of sunset and sunrise on the next day or on a day resolved by the council to be a prescribed day;

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- (b) place his stall, within 100 m of a shop or permanent place of business which is open and trading in goods of the type offered for sale by the stallholder unless the proprietor of the shop or business has assented in writing to such placing of a stall;
- (c) call his goods or cause or make a noise or disturbance likely to be a nuisance or cause annoyance to a person in the vicinity of the stall;
- (d) deposit or store packages or goods except within his stall;
- (e) obstruct the passage of pedestrians or vehicles;
or
- (f) act in an offensive manner in the opinion of a person or an authorized officer.

11. OFFENCES

A person who contravenes or fails to comply with these By-laws is guilty of an offence.

Penalty: \$500 and \$50 for each day during which the offence continues.

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SCHEDULE

	By-law 7(2)
FEEES	\$
Application fee	5.00
Period of time applied for under by-law 7(1)(d):	
For one half day or part	5.00
For one day or more	10.00 per day

The common seal of the Alice Springs Town Council was affixed hereto on 8th February, 1984, in pursuance of a resolution of the Council authorizing the seal to be so affixed, passed on 30th January, 1984, in the presence of

Leslie I. Oldfield
Mayor

R. Mitchell
Town Clerk
