

NORTHERN TERRITORY OF AUSTRALIA
JABIRU TOWN DEVELOPMENT (STALLHOLDERS) BY-LAWS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1983, No. 8*

By-Laws under the *Jabiru Town Development Act*

The Jabiru Town Development Authority in pursuance of section 31 of the *Jabiru Town Development Act*, at a meeting held on the 27th day of January 1983, made the following By-laws and, for the purposes of section 63(2)(a) of the *Interpretation Act*, authorized Geoffrey Ernest Stolz, its Chairman, to sign them.

Dated this fourth day of February, 1983.

G.E. STOLZ
Chairman

JABIRU TOWN DEVELOPMENT (STALLHOLDERS) BY-LAWS

1. CITATION

These By-laws may be cited as the Jabiru Town Development (Stallholders) By-laws.

2. DEFINITIONS

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

"authorized officer" means an officer or employee of the Authority authorized for the purpose of these By-laws;

"permit" means a permit issued under by-law 6 to sell goods from a stall;

"public street" has the meaning ascribed to it in the *Traffic Act*;

"stall" means a temporary structure in or on which goods are offered for sale by retail, and includes a tent, vehicle or caravan.

"stallholder" means a person issued with a permit under by-law 6 to sell goods from a stall;

* Notified in the *Northern Territory Government Gazette* on 18 February, 1983.

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"town area of Jabiru" means the area administered by the Authority;

"Town Manager" means the person employed by the Authority as Town Manager of Jabiru, and includes a person authorized by the Authority to act in his place.

3. STALLHOLDERS TO OBTAIN PERMIT

A person shall not sell goods from a stall in the town area of Jabiru except in accordance with a permit and these By-laws.

4. APPLICATION FOR PERMIT

(1) A person may apply to the Town Manager for a permit and the application shall state -

- (a) the name and business address of the applicant;
- (b) the type of goods which the applicant intends to sell;
- (c) the proposed location of the stall; and
- (d) the period for which the permit is required.

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

- (a) by the fee prescribed by the Authority; and
- (b) in the case of the first application for a permit, by a certificate signed by 2 reputable inhabitants of the Territory certifying that the applicant is of good character and is a fit and proper person to hold a permit.

5. GRANT OR REFUSAL TO GRANT PERMIT

The Authority shall consider an application for a permit and may -

- (a) grant the application; or
- (b) refuse to grant the application.

6. ISSUE OF PERMIT

(1) Where the Authority grants a permit it shall issue the permit in accordance with the form in the Schedule.

(2) A permit under clause (1) shall be valid for the period, not exceeding 3 years, indicated in the permit.

(3) A permit under clause (1) may be subject to conditions in relation to -

- (a) the goods that may be sold from the stall;
 - (b) the days and hours during which goods may be sold;
 - (c) the siting of the stall; and
 - (d) the standards in relation to health or hygiene to be observed by the stallholder.
- (4) A permit is not transferable.

7. REVOCATION OF PERMIT

(1) Subject to clause (2), the Authority may revoke a permit where the stallholder -

- (a) has become bankrupt, applied to take the benefit of a law for the relief of bankrupt or insolvent debtors or has compounded with his creditors;
- (b) has been convicted of an indictable offence;
- (c) has contravened or failed to comply with a condition of his permit or these By-laws;
- (d) is conducting his business in such a manner as to cause a nuisance or annoyance to persons in the neighbourhood of the stall; or
- (e) has purported to assign or transfer his permit or is not personally carrying on the business for which the permit was granted.

(2) Where under clause (1), the Authority revokes a permit -

- (a) it shall serve on the stallholder a notice that the permit has been revoked and that the revocation takes effect after 14 days from the date of the notice; and
- (b) the stallholder shall return the permit, and his badge or card under by-law 8, to the Town Manager within 30 days of the date of the notice under paragraph (a).

8. BADGES OR CARDS

(1) The Authority shall issue to a stallholder a badge or card for which the stallholder shall pay the sum of \$2.

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(2) A stallholder shall display his badge or card whilst selling goods from his stall.

(3) A person shall not display a stallholder's badge or card unless he is the holder of a permit.

9. RULES OF CONDUCT

(1) A stallholder whilst offering goods for sale from his stall shall -

- (a) carry his permit and upon demand by an authorized officer or a member of the Police Force produce it for inspection by the authorized officer or the member;
- (b) have his name legibly and conspicuously displayed on his stall; and
- (c) at all times maintain his stall in good order and condition.

(2) A stallholder shall not -

- (a) conduct a stall between the hours of sunset and sunrise the next day, or on a Sunday, Christmas Day or Good Friday without obtaining the consent of the Authority;
- (b) place his stall within a distance of 200 metres of a shop or permanent place of business that has for sale any goods, wares or merchandise of the type offered for sale by the stallholder;
- (c) call his wares or cause or make an outcry, noise or disturbance likely to be a nuisance or cause annoyance to a person in that vicinity;
- (d) deposit or store a box or basket under his vehicle or upon an adjacent roadway or footpath, whilst conducting his stall;
- (e) obstruct the free passage of pedestrians or vehicles on a public street, whilst conducting his stall; or
- (f) act in an offensive manner, whilst conducting his stall.

10. PARKING

A stallholder shall not sell goods from a stall on private property unless there is adequate provision on the private property for the parking of his customers' vehicles.

11. CONDUCT OF STALL FOR CHARITY, &c.

Notwithstanding these By-laws, the Authority may grant to a person, without fee, a licence to conduct a stall in a public street or on land for the period specified in such licence where such stall is conducted solely for the purpose of raising money for a religious, sporting or charitable organization or on behalf of any other organization which, in the opinion of the Authority, has objects for the benefit of the community.

12. PENALTY

A person who contravenes or fails to comply with these By-laws or a condition of a permit granted to him is guilty of an offence.

Penalty: \$400 and a daily penalty of \$40 for each day during which the offence continues.
