



LOCAL GOVERNMENT ACT 1995

## **Shire of Toodyay**

# **Repeal Local Law 2014**



Gazette Date: 12 September 2014

**LOCAL GOVERNMENT ACT 1995**  
Shire of Toodyay  
**Repeal Local Law 2014**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Shire of Toodyay resolved on 26 August 2014 to make the following local law.

**1. Citation**

This local law is cited as the *Shire of Toodyay Repeal Local Law 2014*.

**2. Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**3. Repeal**

The *By-laws Relating to Stalls* as published in the *Government Gazette* on 11 March 1983 is repealed.

Dated: 26 August 2014

The Common Seal of the Shire of Toodyay was affixed by authority of a resolution of the Council in the presence of—

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Cr David Dow  
Shire President

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Mr Stan Scott  
Chief Executive Officer



LOCAL GOVERNMENT ACT, 1960 - 1982

# **The Municipality of the**

## **Shire of Toodyay**

### **By-Laws Relating to Stalls**



Gazette Date: 11/03/1983, page 854/6

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IN pursuance of the powers conferred upon it by the above-mentioned Act and all other powers enabling it, the Council of the above-mentioned Municipality hereby records having resolved on 19 October 1981, to make and submit for confirmation by the Governor the following By-laws: -

- 1 In these By-laws unless the context otherwise requires the following expressions shall have the meaning set out against them hereunder respectively-

**"Council"** means the Council of the Shire of Toodyay.

**"District"** means the municipal district of the Shire of Toodyay.

**"Clerk"** means the Shire Clerk or the person acting for the time being in that position.

**"Licence"** means a stall holders Licence issued pursuant to the By-laws.

**"Licensee"** means a person to whom a Licence is granted under these By-laws.

**"Stall"** means a moveable or temporarily fixed stall for the sale of goods, wares, merchandise or services.

**"Stall Holder"** means a person in charge of a stall.

**"Voluntary Organisation"** means a charitable benevolent religious, literary, cultural recreational sporting or other voluntary institution association club society or body whether incorporated or not whose members are not entitled nor permitted to receive any profit pecuniary or otherwise from the transactions thereof.

- 2 A person shall not set up or conduct a stall in on or near any street or way within the District unless he is the holder of a current licence issued to him by the Council in accordance with these By-laws.
- 3 A person who desires to obtain a licence to set up and conduct business at a stall shall make application in writing to Council in the form of Form 1 as set out in the First Schedule of these By-laws.
- 4 A licence shall:-
  - a. State the type of goods or services which are authorised to be sold at the stall;
  - b. Specify the size of the stall;

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- c. Specify the date and times the stall may be set up;
  - d. Specify the place in which the stall may be set up;
  - e. Specify the condition (if any) on which the licence is issued;
  - f. Be in the form of Form 2 as set out in the First Schedule of these By-laws.
- 5 Unless otherwise specified, a licence granted by the Council shall remain valid until the 31st day of December next after the issue thereof unless previously revoked.
- 6 A licence shall not be transferable.
- 7 A stall licence fee shall be as prescribed in the Second Schedule to these Bylaws and shall be paid by the Licensee prior to the issue to him of a licence.
- 8 The Council may revoke a licence on any of the following grounds:-
- a. That the stall holder has committed a breach of these By-laws;
  - b. That the stall holder has committed a breach of any condition on which the licence held by him was issued;
  - c. That the stall holder has engaged in dishonest practices in or on respect of the sale of goods at the stall '
  - d. That the stall holder is not conducting his business in a respectable or sober manner;
  - e. That the stall holder has transferred the licence issued to him or does not himself carry on the business.
- 9 No person shall set up or conduct a business at a stall :-
- a. Except at the place specified in the licence issued to him; or
  - b. In a street way footpath or other public place or within 20 metres thereof or at a distance nearer than 5 metres to another stall set up in the street way or footpath or other public place.
- 10 10. A stall holder shall not:-

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- a. Conduct business at a stall except between the hours specified in the licence;
  - b. Deposit any box basket or receptacle (except a receptacle for litter) outside his stall;
  - c. Make any noise or disturbance to the annoyance of neighbouring residents or passers-by;
  - d. Obstruct the free passage of pedestrians or vehicles on any footpath or roadway;
  - e. Act in an offensive manner.
- 11 A stall holder shall carry his licence with him and produce it upon demand to an Officer or employee of the Council.
- 12 A stall holder shall have his name legibly displayed on every stall operated by him.
- 13 A person who commits an offence against these By-laws shall be liable to a maximum penalty of \$200 and to a maximum daily penalty during the breach of \$20 per day.

**First Schedule.**

**Form 1**

**Shire of Toodyay.**

**APPLICATION FOR STALL HOLDER'S LICENCE.**

Full Name of Applicant:

Address:

Type of goods or services to be sold:

Size of stall:

Method of construction of stall:

Place in which stall is to be set up:

Licence required for: Date..... Time.....

The Applicant named above hereby applies for the issue to him of a stall holder's licence in respect of the stall mentioned above.

Dated the                                      day of                                      19



**Form 2**

**Shire of Toodyay**

Licence No.....

**STALL HOLDER'S LICENCE**

..... of .....  
is hereby licensed to be a stall holder within the district, as specified herein, of the Shire of Toodyay subject to the By-laws relating to Stalls from time to time in force in the said di strict.

Type of goods or services authorised to be sold:

Size of the stall:

Location of the stall:

Period of operation:

Special conditions:

Dated the                      day of    19

.....  
SHIRE CLERK

**Second Schedule.**

**FEEES**

	\$
1 Voluntary Organisations	Nil.
2 All Other	
a. Annual Licence	40.00
A licence issued after the first day of July in each year shall be 50% of the annual fee.	
b. Weekly Licence	5.00
c. Daily Licence	3.00

Dated the 1<sup>st</sup> day of February 1983

The Common Seal of the Shire of Toodyay was affixed hereunto in the presence of-

[L.S.]

G. L. LUDEMANN  
President

B. F. HARRIS  
Shire Clerk

JEFF CARR,  
Minister for Local Government

Approved by His Excellency the Governor in Executive Council this 8<sup>th</sup> day of March 1983.

R.D. DAVIES,  
Clerk of the Council