

REGISTER OF SUBORDINATE LOCAL LAWS
LOCAL GOVERNMENT ACT 1993 - SECTION 895

(This Register must contain the particulars prescribed by Section 34(1) of the Local Government Regulation 1994)

1. **LAW NAME:** Subordinate Local Law No. 20 - Commercial Use of Roads

PURPOSE AND GENERAL EFFECT: The objects of this Subordinate Local Law are to provide detailed information called upon by Local Law No. 20 - Commercial Use of Roads to-

- (a) Regulate soliciting of business on roads and associated public places; and
- (b) Regulate the use of roads and associated public places for conduct of business.

2. **LAW NAME ALLOWING THE MAKING:** Local Law No. 20 - Commercial Use of Roads

3. **DATE OF COUNCIL RESOLUTION:** 31 March 1999

4. **PUBLIC NOTICE PUBLISHED IN THE QUEENSLAND TIMES:** 8 May 1999

5. **DATE OF COMMENCEMENT OF SUBORDINATE LOCAL LAW:** 8 May 1999

IPSWICH CITY COUNCIL
Subordinate Local Law No. 20 (Commercial Use of Roads)

Citation

1. This subordinate local law may be cited as *Subordinate Local Law No. 20 (Commercial Use of Roads)*

Objects

2. The objects of this subordinate local law are to provide detailed information called upon by *Local Law No. 20 (Commercial Use of Roads)* to-
 - (a) regulate soliciting of business on roads and associated public places; and
 - (b) regulate the use of roads and associated public places for the conduct of business.

Local Law — section 3

3. For the purposes of section 3 of the Local Law, in the definition of “road” paragraph (b), the places under the local government’s control to be declared subject to this Local Law are:-
 - (a) Foote Lane, Ipswich, described as part of Lot 1 I 16266 Parish of Ipswich County of Stanley.

Local Law — section 4(3)(b)

4. For the purposes of section 4(3)(b) of the Local Law, an activity which is exempt from requiring a permit shall be:-
 - (1) (a) a maximum of 2 tables with associated chairs, or chairs or benches without a table, outside convenience, take-away and general stores; or
 - (b) tables and displays provided for the convenience of customers at newsagents and other premises for the purpose of completing or inspecting entry forms or coupons

or other forms where the tables and displays do not extend more 600mm onto the road from the property alignment.

- (2) Provided that an activity shall not be exempt from requiring a permit under the local law if:
 - (a) the activity or goods displayed, in the opinion of an authorised person or the Council, is likely to cause, obstruction, nuisance or danger to pedestrians, motorists, residents or businesses; or
 - (b) the activity would result in pedestrian access on the road of less than a minimum unobstructed envelope 1.8m wide and 2.1m high or other appropriate distance depending on the location or circumstances as determined by Council; or
 - (c) public liability insurance to the sum of \$5 000 000 against personal injury or property damage is not obtained; or
 - (d) where the activity is stationary, that activity is not associated with the adjoining premises or does not have the agreement of the owner or operator of the adjoining premises; or
 - (e) goods are placed or the activity is conducted within 1 metre of the kerb.

Local Law — section 6(2)

5. For the purposes of Section 6(2) of the Local Law, the criteria for the grant of a permit shall be:-

- (1)
 - (a) the activity or location does not present an unreasonable risk to the health or safety of motorists, pedestrians, or residents; and
 - (b) the activity or location does not present a possible nuisance or annoyance to the motorists, pedestrians or residents; and
 - (c) approval of the Department of Main Roads has been obtained if the permit is for a location on a State controlled road; and
 - (d) the activity or location is not near a commercial outlet (including a permit for a location or area issued under this subordinate local law) substantially selling the same products where the issue of a permit may unreasonably effect such commercial outlet; and
 - (e) the activity should not unduly affect the amenity of the area; and
 - (f) the location or activity is not near a school, kindergarten, child care centre, hospital, nursing home or other educational or residential institution or place where the presence of the activity could present a nuisance, danger or annoyance to the administrators, operators, residents or persons attending that institution or place; and
 - (g) the location or activity is not near a cemetery, crematorium or funeral premises where nuisance or annoyance to mourners may occur.
- (2) A permit shall not normally be issued for the sale of a vehicle or parts of a vehicle.
- (3) Permits for street markets and festivals should, in the opinion of Council, have an overall community benefit.

Local Law — section 7(3)

6. For the purposes of section 7(3) of the Local Law, the term of a permit shall be no greater than 12 months or may be of a shorter duration as requested by the applicant or determined by Council.

Local Law — section 8(3)

7. For the purposes of section 8(3) of the Local Law, the following shall be matters about which conditions:-

(1) Must be imposed in a permit:-

- (a) limiting the permit to a location, locations or area specified on the permit;
- (b) requiring production of the permit for inspection by an authorised person or police officer on demand;
- (c) requiring the permit holder to take all necessary precautions to protect the public from injury or loss, and requiring that all directions by an authorised person in that regard are to be carried out;
- (d) requiring the permit holder to indemnify the Council and take out public liability insurance for the sum of \$5,000,000.00 (\$10,000,000 for footpath dining) or such other sum as the Council may deem appropriate, against personal injury or property damage whilst acting under the authority of this permit;
- (e) requiring proof of public liability insurance referred to in Section 8(1)(d) hereof to be presented to Council prior to the exercise of the permit;
- (f) limiting the goods or services to be sold, displayed, offered or solicited to those generally described in the application for the permit;
- (g) requiring the permit holder to prevent the exercise of the permit from causing nuisance to motorists, pedestrians or residents;
- (h) requiring that the permit be subject to compliance with all other Local Laws and *Subordinate Local Laws*.

(2) Will ordinarily be imposed in a permit where appropriate:-

- (a) requiring the permit to be subject to the holding of current registration for the vehicle and licensing of the operator under the Food Hygiene Regulations 1989,
- (b) requiring that at all times the provisions of the Food Hygiene Regulations be complied with,
- (c) requiring the provision of adequate rubbish receptacles and that the area be kept clean at all times,
- (d) requiring all goods to be displayed and stored within the vehicle or stall,
- (e) limiting the permit to daylight hours only or other times as specified,
- (f) requiring a rental for the use of part of a road to be paid at intervals as directed by Council,
- (g) providing for the free flow of pedestrians on footways such that tables, chairs, goods or other items or structures must be kept clear of any exits or doorways to buildings, and must leave a minimum unobstructed envelope 1.5 m wide and 2.1 m high, or other appropriate distances depending on location or circumstances,
- (h) providing that no tables, chairs, structures or goods be placed on the footway within 1m of the kerb or another appropriate distance depending on location or circumstances.