



Subordinate Local Law No. 9.3 (Itinerant Vending) 1999

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Reprint No. 5

This law is a reprint copy that shows the law as made and amended by all amendments that commenced on or before the date of the reprint.

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Chief Executive Officer



Subordinate Local Law No. 9.3 (Itinerant Vending) 1999

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Logan City Council

Subordinate Local Law No. 9.3

(Itinerant Vending) 1999

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 9.3 (Itinerant Vending) 1999*.

2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 9 (Licensing) 1999*.

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 9 (Licensing) 1999* by ensuring that the operation of itinerant vending does not result in personal injury or property damage or detrimentally affect the area in which it is conducted.

4 Definitions—the dictionary

The dictionary in the Schedule (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

Part 2 Licensing

5 Definitions of terms in the local law

For the purposes of section 3(1) (Administrative definitions) of Schedule 1 (Prescribed activities) of *Local Law No. 9 (Licensing) 1999*—

sale has the meaning given in the Schedule (Dictionary) of this subordinate local law.

6 Application for a licence

For the purposes of section 6(1)(c)(iv) (Application for a licence) of *Local Law No. 9 (Licensing) 1999*, an application for the operation of itinerant vending must (unless otherwise required by the local government) be accompanied by—

- (a) the name, street address, telephone number, facsimile number and email address of the person to be undertaking the operation of itinerant vending; and

- (b) the trading name, street address, telephone number, facsimile number, email address, registered business name and Australian Company Name of the business under which the operation of the itinerant vending will be undertaken; and
- (c) a copy of the current registration certificate of any vehicle used in the operation of itinerant vending; and
- (d) details of the operation of itinerant vending including—
 - (i) the nature of the goods to be supplied; and
 - (ii) the times and places at which the goods will be supplied; and
 - (iii) the method of sale of goods to be supplied; and
 - (iv) all public liability insurance policies relating to the operation of the itinerant vending; and
 - (v) proposed term of the licence; and
- (e) a plan to scale or map of the operation of itinerant vending showing relevant areas in which the operation of itinerant vending is to be undertaken (including any roads or other premises); and
- (f) a cash bond as specified by the local government to secure compliance with the conditions of the licence.

7 Deciding application for a licence

For the purposes of Schedule 2 (Dictionary) and section 7(2)(f) (Deciding application for a licence) of *Local Law No. 9 (Licensing) 1999*, the local government must grant a licence for the operation of itinerant vending if satisfied that the operation of itinerant vending complies with the following assessment criteria—

- (a) the matters which are the subject of the conditions specified in section 8 (Conditions of a licence) of this subordinate local law which are relevant to the operation of itinerant vending can be adequately addressed by the imposition of those conditions.

8 Conditions of a licence

For the purposes of section 9(3) (Conditions of a licence) of *Local Law No. 9 (Licensing) 1999*, the local government may impose all or any of the following

conditions on a licence for the operation of itinerant vending¹—

- (a) The operation of the itinerant vending must not detrimentally affect the amenity of neighbouring premises.
- (b) The hours of operation of the itinerant vending must not detrimentally affect the amenity of neighbouring premises.
- (c) The operation of the itinerant vending must, unless otherwise varied by an authorised person, be limited to between the hours of—
 - (i) 8.00am to 8.00pm Monday to Saturday; and
 - (ii) 9.00am to 8.00pm Sunday; and
 - (iii) 10.00am to 6.00pm Public Holidays.
- (d) The operation of the itinerant vending must not—
 - (i) create a traffic problem; or
 - (ii) increase an existing traffic problem; or
 - (iii) detrimentally affect the efficiency of the existing road network.
- (e) The operation of the itinerant vending must not constitute a risk to road safety.
- (f) The operation of the itinerant vending including all vehicles, facilities or equipment must be maintained at all times—
 - (i) in a good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition.
- (g) The operation of the itinerant vending must not constitute a nuisance under *Local Law No. 10 (Public Health) 1999*.
- (h) An air compressor used as part of the operation of the itinerant vending must be fitted with inlet and exhaust silencers and enclosed in an effective acoustic enclosure.

¹ Section 8 (Conditions of a licence) of this subordinate local law sets out examples of conditions that may be imposed on a licence by a local government. These conditions are not mandatory, and the conditions imposed on a licence may vary depending on the specific circumstances of the operation of itinerant vending in each case.

- (i) All objects (including vehicles and machinery) which are dismantled as part of the operation of the itinerant vending on the premises of the person operating the itinerant vending must be dismantled undercover on a paved impervious surface which is unaffected by stormwater runoff.
- (j) A spillage of a waste, contaminant or other material must—
 - (i) be cleaned up immediately; and
 - (ii) not be cleaned up by hosing, sweeping or otherwise releasing such waste, contaminant or material to any stormwater system or waters.
- (k) No animal is allowed within the operation of the itinerant vending unless approved by an authorised person.
- (l) The itinerant vending (including all fixtures, fittings, equipment and facilities) must be maintained in a clean, tidy, sanitary and hygienic condition.
- (m) Water intended for use for domestic purposes as part of the operation of the itinerant vending must be from an approved water source.
- (n) The water to be used in the operation of the itinerant vending must be of an appropriate quality to be used for that purpose.
- (o) All hazardous materials must be stored and used in a safe manner as part of the operation of the itinerant vending.
- (p) Adequate storage must be provided for all hazardous materials stored or used as part of the operation of the itinerant vending.
- (q) All maintenance of the itinerant vending must be performed safely in accordance with all relevant laws.
- (r) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the itinerant vending must be provided in the manner and locations specified by the local government.
- (s) Waste containers that are provided as part of the operation of the itinerant vending must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (t) Waste containers that are provided as part of the operation of the itinerant vending must be designed and constructed to prevent access to pests and to be easily and effectively cleaned and disinfected.

- (u) All waste (including waste water) generated as part of the operation of the itinerant vending must be disposed of in a safe and sanitary manner.
- (v) All waste generated as part of the operation of the itinerant vending must be disposed of in a manner which maintains the operation of the itinerant vending and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (w) All waste water generated during or from the operation of the itinerant vending must be discharged safely to the sewerage system or an on-site sewerage facility.
- (x) Human wastes from the operation of itinerant vending must be disposed of at a dedicated sanitary facility, sewerage system or on-site sewerage system.
- (y) Waste from the operation of the itinerant vending must not be disposed of into waters or a watercourse.
- (z) The licence issued by the local government must be prominently and permanently displayed to enable it to be viewed by members of the public.
- (aa) The trading name and telephone number of the holder of the licence must be prominently and permanently displayed in letters and numbers not less than 75mm in height at locations specified by the local government to enable it to be viewed by members of the public.
- (ab) Any structure, vehicle, facility or equipment which is part of the operation of the itinerant vending the subject of the licence must not be changed in any respect without the prior notification to the local government and approval of an authorised person.
- (ac) The operation of the itinerant vending must be limited to the locations specified in the licence.
- (ad) The operation of any prescribed activities as part of the itinerant vending the subject of this licence must be the subject of separate licences under *Local Law No. 9 (Licensing) 1999*.

Part 3 Enforcement

9 Records to be kept

For the purposes of section 16(2)(b) (Inspection of a prescribed activity) of *Local Law No. 9 (Licensing) 1999*—

- (a) records must be kept by the person operating the itinerant vending; and

- (b) the records must contain details of—
 - (i) the persons engaged in the operation of itinerant vending; and
 - (ii) the goods available to be supplied; and
 - (iii) the disposal of wastes; and
 - (iv) any public liability insurance policies relating to the operation of itinerant vending; and
- (c) the records must be kept for a period of seven (7) years.

Schedule Dictionary

section 4

animal has the meaning given in the local government's animal management local laws.

approved water source means a potable water source approved by the local government and may include a nominated reticulated water delivery point and a recognised water source.

contaminant has the meaning given in the *Environmental Protection Act 1994*.

dangerous good has the meaning given to ***dangerous goods*** in the *Work Health and Safety Act 2011*.

domestic purposes means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

environment has the meaning given in the *Environmental Protection Act 1994*.

ground water means water occurring in a geological structure or formation under the surface of the ground.

hazardous material means a substance which—

- (a) because of its chemical, biochemical, microbiological or radiological properties, temperature or state of compression could in sufficient concentration cause—
 - (i) harm to human health and safety or personal injury; or
 - (ii) property damage; or
 - (iii) environmental harm or environmental nuisance; and
- (b) includes—
 - (i) a hazardous substance; and
 - (ii) a dangerous good; and
 - (iii) a scheduled poison.

hazardous substance has the meaning given in the *Coal Mining Safety and Health Regulation 2017*.

human waste means urine or faeces from a human being.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

pest includes vermin and insects.

potable water means water that is acceptable for human consumption.

recognised water source means a source of water recognised in writing by the local government as—

- (a) complying with the Australian Drinking Water Guidelines prepared by the National Health and Medical Research Council and the Agricultural Resources Management Council of Australia and New Zealand; or
- (b) being suitable for domestic purposes.

sale includes—

- (a) barter; or
- (b) exchange; or
- (c) offering or exposing for sale; or
- (d) receiving or having in possession for sale; or
- (e) sending, forwarding or delivering for sale.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994* but does not include a cesspit or cesspool.

scheduled poison has the meaning given in the *Standard for the Uniform Scheduling of Drugs and Poisons*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

stormwater system means—

- (a) a roadside gutter; or
- (b) a stormwater drain; or
- (c) surface water (being water other than ground water); or
- (d) any other land or structure that is used to convey or store stormwater.

surface waters means water other than ground water.

vermin has the meaning given in *Local Law No. 10 (Public Health) 1999*.

waste has the meaning given in the *Environmental Protection Act 1994*.

waste container means a waterproof container for the storage of waste that—

- (a) is vermin proof; and
- (b) can be readily cleaned; and
- (c) is constructed of durable material; and
- (d) is non-reactive with the intended contents; and
- (e) is leakproof; and
- (f) minimises the loss of material into the environment.

waste water means a liquid waste.

watercourse has the meaning given in the *Water Act 2000*.

waters includes—

- (a) surface waters (including water flowing in a watercourse); and
- (b) ground waters; and
- (c) the bed and banks of waters.

water source means the source from which water is obtained.

Endnotes

1 Index to Endnotes

- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of legislation
- 6 List of annotations

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the 24 May 2019.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation
amd	= amended
ch	= chapter
def	= definition
div	= division
hdg	= heading
ins	= inserted
om	= omitted
p	= page
pt	= part
renum	= renumbered
rep	= repealed
s	= section
sch	= schedule
sdiv	= subdivision

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this subordinate local law

Reprint No.	Amendments included	Reprint date
1	<i>Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2001</i>	12 September 2001
2	<i>Amending Subordinate Local Law No. 2 (Licensing Subordinate Local Laws) 2005</i>	29 June 2005
3	<i>Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2005</i>	17 March 2006
4	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2010</i>	14 January 2011
5	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2019</i>	24 May 2019

5 List of legislation

Original Local Law

Local Law No. 9 (Licensing) 1999
date of gazettal 7 May 1999
Reprinted as in force 14 January 2011
Reprint No. 6

Original Subordinate Local Laws

Subordinate Local Law No. 9.1 (Domestic Water Distribution) 1999
date of Council resolution 6 July 1999
Reprinted as in force 29 June 2005
Reprint No. 2
Subordinate Local Law No. 9.2 (Election Signs) 1999
date of Council resolution 6 July 1999

Reprinted as in force 14 January 2011

Reprint No. 5

Subordinate Local Law No. 9.3 (Itinerant Vending) 1999

date of Council resolution 6 July 1999

Reprinted as in force 14 January 2011

Reprint No. 4

Subordinate Local Law No. 9.4 (Stalls) 1999

date of Council resolution 6 July 1999

Reprinted as in force 29 June 2005

Reprint No. 2

Now repealed

Subordinate Local Law No. 9.4 (Heavy Vehicle Parking (Other than on a Road)) 2005

date of Council resolution 31 January 2006

Original as in force 17 March 2006

Subordinate Local Law No. 9.4 (Heavy Vehicle Parking on Residential Premises) 2010

date of Council resolution 24 August 2010

Original as in force 14 January 2011

Subordinate Local Law No. 9.5 (Dangerous Fencing) 1999

date of Council resolution 6 July 1999

Reprinted as in force 29 June 2005

Reprint No. 2

Subordinate Local Law No. 9.6 (Animal Slaughtering) 1999

date of Council resolution 6 July 1999

Reprinted as in force 29 June 2005

Reprint No. 2

Subordinate Local Law No. 9.7 (Animal Vending) 1999

date of Council resolution 6 July 1999

Reprinted as in force 29 June 2005

Reprint No. 2

Subordinate Local Law No. 9.8 (Events) 1999

date of Council resolution 6 July 1999

Reprinted as in force 14 January 2011

Reprint No. 4

Subordinate Local Law No. 9.9 (Markets) 1999

date of Council resolution 6 July 1999

Reprinted as in force 29 June 2005

Reprint No. 2

Subordinate Local Law No. 9.10 (Accommodation Premises) 1999

date of Council resolution 6 July 1999

Reprinted as in force 14 January 2011

Reprint No. 4

Subordinate Local Law No. 9.11 (Advertisement) 1999

date of Council resolution 6 July 1999

Reprinted as in force 14 January 2011

Reprint No. 5

Subordinate Local Law No. 9.12 (Home Business) 1999

date of Council resolution 6 July 1999

Reprinted as in force 19 October 2007

- Reprint No. 4
Subordinate Local Law No. 9.13 (Cemetery Undertaking) 1999
date of Council resolution 6 July 1999
Reprinted as in force 29 June 2005
Reprint No. 2
Subordinate Local Law No. 9.14 (Intensive Animal Husbandry) 1999
date of Council resolution 6 July 1999
Reprinted as in force 29 June 2005
Reprint No. 2
Subordinate Local Law No. 9.15 (Kennels and Cattery) 1999
date of Council resolution 6 July 1999
Reprinted as in force 14 January 2011
Reprint No. 4
Subordinate Local Law No. 9.16 (Mortuary Undertaking) 1999
date of Council resolution 6 July 1999
Reprinted as in force 29 June 2005
Reprint No. 2
Subordinate Local Law No. 9.17 (Relocatable Home Parks) 1999
date of Council resolution 6 July 1999
Reprinted as in force 14 January 2011
Reprint No. 4

Amending Subordinate Local Laws

- Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2001
date of public notice 12 September 2001
Amending Subordinate Local Law No. 5 (Subordinate Local Law No. 9.11 (Advertisement) 1999)
2001
date of public notice 19 December 2001
Amending Subordinate Local Law No. 2 (Subordinate Local Law No. 9.2 (Election Signs) 1999)
2003
date of public notice 17 December 2003
Amending Subordinate Local Law No. 2 (Licensing Subordinate Local Laws) 2005
date of public notice 29 June 2005
Amending Subordinate Local Law No. 3 (Subordinate Local Law No. 9.2 (Election Signs) 1999)
2005
date of public notice 14 September 2005
Amending Subordinate Local Law No. 1 (Miscellaneous Local Laws) 2007
date of public notice 19 October 2007
Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2010
date of public notice 14 January 2011
Amending Subordinate Local Law No. 1 (Miscellaneous Local Laws) 2019
date of public notice 24 May 2019

6 List of annotations

PREAMBLE

- om Amending Subordinate Local Law No. 2
(Licensing Subordinate Local Laws) 2005

- ins def “**surface waters**” Amending Subordinate Local Law No. 2 (Licensing Subordinate Local Laws) 2005 s 14(12)
- amd def “**vermin**” Amending Subordinate Local Law No. 2 (Licensing Subordinate Local Laws) 2005 s 2 sch
- amd def “**waste**” Amending Subordinate Local Law No. 2 (Licensing Subordinate Local Laws) 2005 s 14(8)
- amd def “**watercourse**” Amending Subordinate Local Law No. 2 (Licensing Subordinate Local Laws) 2005 s 14(9)
- amd def “**waters**” Amending Subordinate Local Law No. 2 (Licensing Subordinate Local Laws) 2005 s 14(10)
- amd hdg Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2005 s 111
- amd Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2005 s 111

PART 2—LICENSING

Definitions of terms in the local law

- s 5 amd def “**sale**” Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2001 s 73
- renum Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2001 s 75
- amd Amending Subordinate Local Law No. 2 (Licensing Subordinate Local Laws) 2005 s 2 sch
- amd Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2005 s 112
- amd Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2005 s 117

Application for a licence

- s 6 renum Amending Subordinate Local Law No. 3 (Miscellaneous Subordinate Local Laws) 2001 s 75
- amd Amending Subordinate Local Law No. 2 (Licensing Subordinate Local Laws) 2005 s 2 sch
- amd Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2005 s 113

amd Amending Subordinate Local Law No. 4
(Miscellaneous Subordinate Local Laws)
2005 s 117

Deciding application for a licence

s 7 amd/renum Amending Subordinate Local Law No. 3
(Miscellaneous Subordinate Local Laws)
2001 ss 73, 75

amd Amending Subordinate Local Law No. 2
(Licensing Subordinate Local Laws) 2005
s 2 sch

amd hdg Amending Subordinate Local Law No. 4
(Miscellaneous Subordinate Local Laws)
2005 s 114

amd Amending Subordinate Local Law No. 4
(Miscellaneous Subordinate Local Laws)
2005 s 114

Conditions of a licence

s 8 amd/renum Amending Subordinate Local Law No. 3
(Miscellaneous Subordinate Local Laws)
2001 ss 73, 75

amd Amending Subordinate Local Law No. 2
(Licensing Subordinate Local Laws) 2005
ss 15, 2 sch

amd Amending Subordinate Local Law No. 4
(Miscellaneous Subordinate Local Laws)
2005 s 115

amd Amending Subordinate Local Law No. 4
(Miscellaneous Subordinate Local Laws)
2005 s 117

amd Amending Subordinate Local Law No. 1
(Miscellaneous Subordinate Local Laws)
2010 s 27

PART 3—ENFORCEMENT

Records to be kept

s 9 renum Amending Subordinate Local Law No. 3
(Miscellaneous Subordinate Local Laws)
2001 s 75

amd Amending Subordinate Local Law No. 2
(Licensing Subordinate Local Laws) 2005
s 2 sch

amd Amending Subordinate Local Law No. 4
(Miscellaneous Subordinate Local Laws)
2005 s 117

SCHEDULE—DICTIONARY

ins Amending Subordinate Local Law No. 4
(Miscellaneous Subordinate Local Laws)
2005 s 116

amd def *animal* Amending Subordinate Local Law No. 1

- (Miscellaneous Subordinate Local Laws)
2010 s 28
amd def ***environment*** Amending Subordinate Local Law No. 1
(Miscellaneous Subordinate Local Laws)
2010 s 28
amd def ***hazardous substance*** Amending Subordinate Local Law No. 1
(Miscellaneous Subordinate Local Laws)
2010 s 28
amd def ***sanitary convenience*** Amending Subordinate Local Law No. 1
(Miscellaneous Subordinate Local Laws)
2010 s 28
amd def ***dangerous good*** Amending Subordinate Local Law No. 1
(Miscellaneous Subordinate Local Laws) 2019 s5
amd def ***environment*** Amending Subordinate Local Law No. 1
(Miscellaneous Subordinate Local Laws) 2019 s5
amd def ***hazardous substance*** Amending Subordinate Local Law No. 1
(Miscellaneous Subordinate Local Laws) 2019 s5