

BUNDORAN URBAN DISTRICT COUNCIL

CASUAL TRADING AREA BYE-LAWS

BUNDORAN URBAN DISTRICT COUNCIL in exercise of its powers under Section 6 of the Casual Trading Act, 1995 hereby make the following Bye-Laws in relation to the designation of Casual Trading Area (s) and control, regulation, supervision and administration of Casual Trading in the administrative area of BUNDORAN URBAN DISTRICT COUNCIL.

DEFINITIONS

1. In these Bye-Laws, the following definitions shall apply:-

“The Act” means the Casual Trading Act, 1995.

“The Council” means the Council of the Bundoran Urban District.

“Authorised Officer” means any person appointed by Bundoran Urban District Council under Section 10 of the Act to be an authorised officer.

“Casual Trader” means any person or his nominated agent, authorised to carry out casual trading pursuant to the Casual Trading Act, 1995 and these Bye-Laws.

“Casual Trading Area” means the land standing designated in these Bye-Laws made under section 6 of the Act as an area where casual trading may be carried on.

“Casual Trading” has the meaning assigned to it in Section 2 of the Act.

“Licence” means licence under Section 4 of the Casual Trading Act, 1995 and for the time being in force.

“Sell, Selling or Sale” shall include agreeing to offer for sale or to sell or displaying for sale or inviting an offer to buy.

“Stall” shall include any wheeled or moveable stall or box, barrow, cart, temporary structure, caravan or other vehicle or both or other stand or conveyance used for casual trading.

“Trading Bay or Space” means each individual area numbered on the Schedule Map attached to the Bye-Laws.

“Vehicle” means and includes every means of conveyance, whether mechanically propelled or not of persons, market produce or any goods or articles.

2. Designation of Land as Casual Trading Area

Casual Trading within the administrative district of the Council shall be confined to the casual trading area specified in the Schedule hereto and identified on the map annexed hereto hereinafter referred to as the Schedule Map.

3. Casual Trading shall only be carried on at the location designated for that purpose in these Bye-Laws or at a specified event or events at such other location or locations as may be approved by the Council in a licence issued pursuant to Section 4 (1) (a) (iii) of the Act.
4. Casual trading shall only take place in the casual trading area mentioned in 2 above between the hours of 10.00 a.m. to 6.00 p.m. each day
5. A person engaged in casual trading in the casual trading area
 - (a) Shall only engage in casual trading in the casual trading space specified in the casual trading licence granted by the Council and numbered on Schedule Map.
 - (b) Shall only trade in the goods as specified in the casual trading licence
 - (c) Shall not deposit, cause or permit any goods, produce or articles to be deposited on any land except inside the casual trading space specified in the casual trading licence.
 - (d) Shall not obstruct or cause to be obstructed the entrance to any premises in the vicinity of the casual trading area.
 - (e) Shall not obstruct or cause to be obstructed the entrance to any premises in the vicinity of the casual trading area.
 - (f) Shall not obstruct or impede or assist a person to obstruct or impede the Council or its servants or agents in the carrying out of any works or maintenance in any part of the casual trading area.
 - (g) Shall not cause or suffer:-
 - (i) any fish to be trimmed, gutted or cleaned at or about his stall, or
 - (ii) any fowl, or feather game to be plucked at or about his stall, or
 - (iii) any untrimmed vegetables or vegetables with clay, soil or dirt adhering to the roots thereof to be conveyed upon or exposed for sale on his stall
6. Food, prepared or unprepared, shall not be displayed stored or kept in any other manner except and in accordance with the Food Hygiene Regulations for the time being in force or any further Regulations that may be made in that regard.

7.
 - (a) A person shall not park a vehicle in the casual trading area during trading hours unless such vehicle is for the time being in use for the purpose of casual trading and is wholly parked within the area of the casual trading space.
 - (b) A person shall remove such vehicle from the casual trading space specified in the Casual Trading Licence and from the casual trading area on each day upon which casual trading is permitted by the casual trading licence not later than thirty minutes after the expiration of trading hours.
 - (c) A person shall not park a vehicle earlier than thirty minutes prior to the commencement of trading hours in the Casual Trading Area for the purpose of unloading goods or produce therefrom onto the casual trading space specified in the casual trading licence.
 - (d) A person shall not park a vehicle for a period exceeding thirty minutes from the commencement of parking in the casual trading area for the purpose of unloading goods or produce therefrom onto the casual trading space specified in the casual trading licence.
 - (e) A person shall not park a vehicle earlier than the expiration of trading hours in the casual trading area for the purpose of loading goods or produce thereon from the casual trading space specified in the casual trading licence.
 - (f) A person shall not park a vehicle for a period exceeding thirty minutes from the commencement of parking in the casual trading area for the purpose of loading goods or produce thereon from the casual trading space specified in the casual trading licence.
 - (g) There shall be no overnight parking.
8. A person engaged in casual trading shall not use or cause to be used for the purpose of casual trading any stall, the dimensions of which exceed the defined space of the trading bay
9. No stall shall be of such a weight or be so loaded as to be capable of transmitting a bearing pressure in excess of 0.1kg/mm.sq. to any of its supports to the surface on which it is placed.
10. No stall shall exceed 2.0 m in height
11. No broadcasting of speech or music from a mechanical amplification system shall take place from any stall or any vehicle and no loud playing of radios or music reproduction appliances shall take place at any stall.
12. The Council may appoint an authorised officer or officers for the purposes of managing and controlling the casual trading area.

13. A casual trader shall comply with all lawful requests and direction by an authorised officer or by a member of the Garda Siochana.
14. An authorised Officer appointed by the Council may:-
 - (a) Enter, inspect and examine any place where he has reasonable cause to believe that casual trading is being engaged in
 - (b) Require any person whom he has reasonable cause to believe to be engaged in casual trading:-
 - (i) to produce, if it is not being displayed, a casual trading licence authorising such trading and to permit the officer, or member of the Garda Siochana to examine the licence, and
 - (ii) if he fails, neglects or refuses to produce such a licence or, in a case in which it is not being displayed, to furnish to the officer his name and address and, if he is the servant or agent of another person, the name and address of the other person.
 - (c) Make such examination and inquiry as may be necessary to ascertain whether the provisions of the Act or of these Bye-Laws are being complied with,
 - (d) Require any person whom he has reasonable cause to believe to be engaging in casual trading in contravention of the Act to give such information as is in his power to give as to the ownership of any goods being sold in the course of such trading.
15.
 - (a) A person shall not obstruct or interfere with, or give false information to an Authorised Officer or member of the Garda Siochana in the performance of functions under these Bye-Laws.
 - (b) Each person entitled to trade shall conduct themselves in an orderly and proper manner. The Council reserve the right to revoke permission at any time for any reason whatsoever and no reason need be given to the stall holder.
16. A person carrying on casual trading in the casual trading area shall display by a notice in the prescribed form the number of the casual trading licence at the casual trading space specified in the casual trading licence.
 - (a) The notice displayed pursuant to these Bye-Laws shall be painted or inscribed or printed and affixed on a durable material, and
 - (b) Shall be so displayed in a conspicuous position at the casual trading space specified in the casual trading licence as to be clearly visible and easily legible to members of the public at such place.
 - (c) Form No. 1 set out in the schedule by these Bye-Laws shall be the prescribed form of the notice required to be displayed under this Bye-Law.

17. A casual trading licence shall only be used by the person to whom the licence was issued or by such agent of such person as is agreed in writing in the Council
18. A person carrying on casual trading in the casual trading area shall, keep the casual trading space, specified in the Casual Trading Licence in a clean and tidy condition and for that purpose shall:-
 - (a) cause the stall to be properly cleansed immediately before and after the sale of goods for the day and
 - (b) as often as is necessary and when directed by the Council or its servants or agents cause all refuse arising from the trade or business to be placed in a suitable and sufficient receptacle which may be provided by the Council for that purpose or if no such receptacle is provided by the Council in a suitable or sufficient receptacle to be provided by the person carrying on casual trading in close connection with such stall,
 - (c) as often as is necessary cause the contents of any receptacle provided for the reception of refuse to be promptly removed, without creating a nuisance or obstruction, to a place outside the casual trading area or to such place within the casual trading area as may be appointed by the Council.
19. The Council shall not be held responsible for any property or any damage to any property belonging to any person whatsoever and howsoever, caused deposited or left in any part of the Trading Area. The Council shall not be held responsible for any loss, damage or injury howsoever caused and by whomsoever caused in respect of any trader, their agents, employees or customers.
20. A person engaged in casual trading shall indemnify the Council against any claim whatsoever by any person for damages for personal injuries, loss or damage caused by any act or omission of the said person holding a licence or his servants or agents in and about the carrying on of casual trading.
21. A person carrying on casual trading at an event or events specified in a casual trading licence to which the public are admitted, whether subject to or free of charge or at or in the immediate vicinity of the place where and on the day on which the event takes places:-
 - (a) Shall display by a notice in the prescribed form at the place where the casual trading is carried on the number of Casual Trading Licence.

- (b) The notice displayed at the event or events pursuant to this Bye-Law,
 - (i) shall be painted or inscribed or printed and affixed on a durable material, and
 - (ii) shall be so displayed in a conspicuous position at the place where the casual trading is carried on as to be clearly visible and easily legible to members of the public at such place,
 - (c) Form No. 2 set out in the schedule to these Bye-Laws shall be the prescribed form of the notice required to be displayed under this Bye-Law
22. A person applying to the Council for a casual trading licence shall furnish to the Council, the information requested in the form prescribed, together with such further information as the Council may request for the purposes of the exercise of its powers and functions under Act and, if a person fails to comply with this Article the Council may refuse to grant the person the licence.
23. Applications for casual trading licence shall be made on the appropriate form not less than 30 days before the first day on which it is intended to engage in the casual trading to which the application relates and addressed to Town Clerk, Bundoran Urban District Council, Main Street, Bundoran.
- (a) An individual application shall be made for each licence
 - (b) The Council reserves the right to grant or refuse a casual trading licence.
 - (c) The fee for a casual licence shall be £1,000
 - (d) Individual trading spaces shall be allocated by the Council by such methods as it may, in its discretion decide. This shall not exclude allocation by lot.
 - (e) If trading spaces are not taken up for one month the Council may, at its discretion, decide to reallocate the space in question.
 - (f) Trading spaces shall not be exchanged without the prior consent of the Council in writing.
 - (g) The Council, its servant or agents may from day to day, permit any trading space which has already been allocated to be temporarily used by any other casual trader when not in actual use by the casual trader to whom it was allocated or where it has not been occupied by 11.00 a.m.
24. The allocation of a trading space by a licence shall not confer upon the trader any tenancy or right to occupy or transfer the said space.

25. The Council may revoke a casual trading licence if it has been or is being contravened or if the person to whom it was granted is convicted of an offence in relation to importation, possession or sale of goods committed while he was the holder of a casual trading licence or an offence under the Act.
26. A casual trading licence if not previously revoked, shall continue in force for such period not exceeding 12 months as may be specified in the licence and shall then expire.
27. A person who contravenes any of the Bye-Laws shall be guilty of an offence under Sub-Section (12) of Section 6 of the Act and shall be liable on summary conviction to a fine not exceeding £1,000.00 specified in Section 14 of the Act.

Schedule

Designated Areas Defined

Land situated at Tullan Strand Road North of the access to Tullan Strand Car Park measuring 4.0m x 20.0m "as more particularly described and delineated on the map thereof annexed to these Bye-laws and thereon coloured red and divided into 4 no, trading bays each measuring 3.7m by 3.7m as shown thereon and numbered so as to identify each trading bay for the purpose of these Bye-Laws.

FORM NO. 1

**Form of Notice required to be displayed at a
Casual Trading Space in the Casual Trading Area**

BUNDORAN URBAN DISTRICT COUNCIL

THE CASUAL TRADING ACT, 1995

Bundoran Urban District Council has granted a Casual Trading Licence under Section 4 of The Casual Trading Act, 1995 authorising casual trading at this Casual Trading Space.

The Number of the Casual Trading Licence is
(insert the number of the licence)

The Casual Trading Licence expires on
(insert the date upon which the
Casual Trading licence expires)

Signed: _____
Bundoran Urban District Council.

FORM NO. 2

Form of Notice required to be displayed at an event or events specified in a Casual Trading Licence to which the public are admitted, whether subject to or free of charge, or at or in the immediate vicinity of the place where and on the day on which the event takes place

BUNDORAN URBAN DISTRICT COUNCIL

THE CASUAL TRADING ACT, 1995

CASUAL TRADING AT AN EVENT OR EVENTS

Bundoran Urban District Council has granted a Casual Trading Licence under Section 4 of the Casual Trading Act, 1995 authorising casual trading at the event/events sets out as follows:-

Event(s): _____

(set out the event(s) and the location of such event(s))

Date of Event(s): _____

(set out the date(s) upon which casual trading is authorised under the Casual Trading Licence)

The number of the Casual Trading Licence is
(insert the number of the Licence)

Signed: _____
Bundoran Urban District Council.

These Bye-Laws shall be known as the **BUNDORAN URBAN DISTRICT COUNCIL CASUAL TRADING AREA BYE-LAWS, 1999** and shall come into operation on the 18th day of May 1999 .

Made and adopted under the Common Seal of Bundoran Urban District Council on this 18th day of May 1999 .

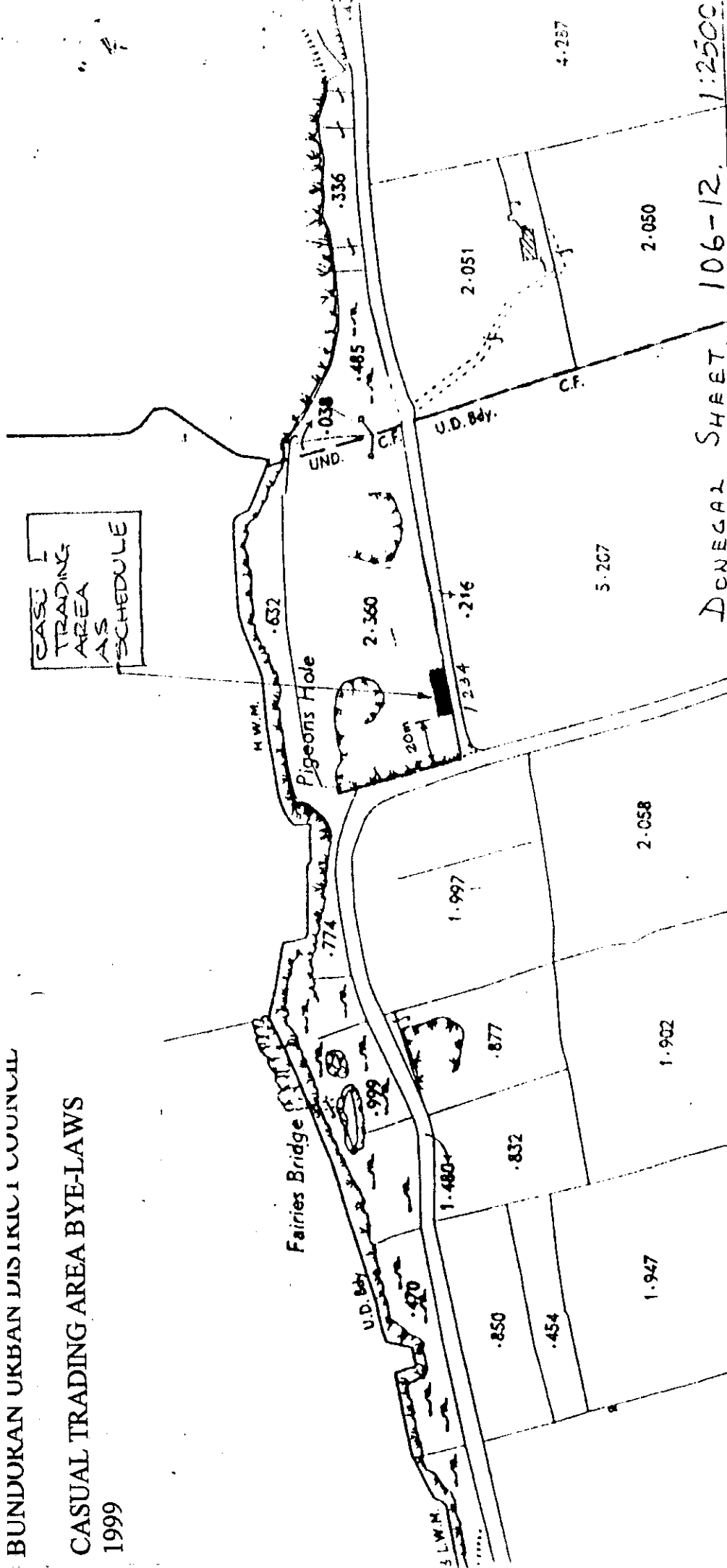
ASSISTANT COUNTY MANAGER

TOWN CLERK.

CHAIRMAN/NOMINATED MEMBER.

CASUAL TRADING AREA BYE-LAWS

1999



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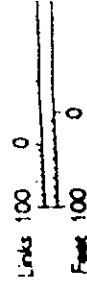
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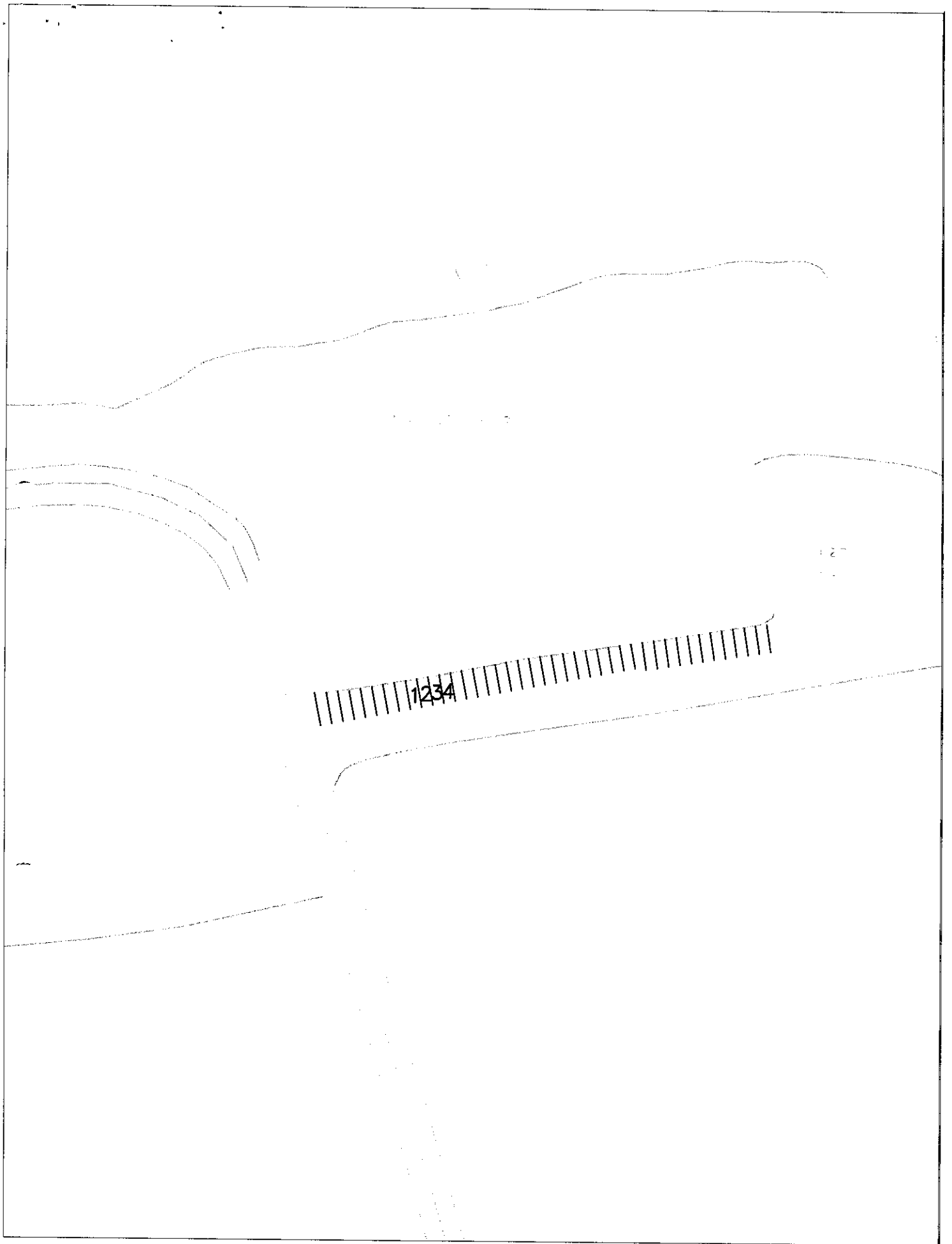
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referred to Irish Ordnance Survey Datum, which is a Low Water of Spring Tides observed in Dublin Bay on 8th April 1837, this Datum being 8.218 feet below Mean Sea Level. Altitudes indicated thus (B.M. 54.7) refer to Bench Marks on Buildings, Walls, etc., those marked thus (+52) to Surface Levels.

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CASUAL TRADING AREA BYE-LAWS 1999 AT TULLAN STRAND,
PARKING BAYS MARKED ON MAP, NO 1,2,3,4

SCALE 1:1000