

CASUAL TRADING ACT 1995

BYE-LAWS IN RELATION TO CONTROL, REGULATION, SUPERVISION, AND ADMINISTRATION OF CASUAL TRADING. (AS AMENDED)

BALLINA TOWN COUNCIL

THE COUNCIL OF THE TOWN OF BALLINA in pursuance of the powers conferred on it by section 6 of the Casual Trading Act, 1995, HEREBY MAKES the following Bye-Laws in respect of the area comprising THE TOWN OF BALLINA.

1. These Bye-Laws may be cited as the BALLINA TOWN COUNCIL Casual Trading Act 1995 Bye-Laws, 2008 (as amended).
2. These Bye-Laws shall come into operation on the 26TH September, 2008.
3. In these Bye-Laws save where the context otherwise applies:
 - “The Act” means the Casual Trading Act, 1995.
 - “Casual Trading” has the meaning given to it in Section 2 of the Act.
 - “Casual Trading Area” means those areas designated for casual trading in Bye-Law No. 2 hereof.
 - “Casual Trading Licence” means a licence granted by the Council pursuant to Section 4 of the Act.
 - “The Council” means BALLINA TOWN COUNCIL.
 - “Stall” shall, in addition to its ordinary meaning, include any wheeled or moveable stall or box, barrow, cart, caravan or other vehicle or booth or other stand or conveyance used for casual trading.
4. The Council pursuant to section 2(4) of the Act hereby adds the following classes of trading (as defined in section 2(2) of the act) which are excluded from requirements of the casual trading bye-laws in the Town of Ballina.
 - (A) selling of ice cream (with or without wafers, biscuits or cornets) and the selling of candy floss.
 - (B) selling of agricultural or horticultural produce (including cattle or sheep, turkeys, geese and Christmas trees) by the producer thereof his servants or agents.

5. Casual trading shall only be carried on at the locations designated for that purpose in the schedule to these Bye-Laws or for a specified event or events at such other locations as may be approved by Ballina Town Council in a licence issued pursuant to section 4 (I) (A) (iii) of the Casual Trading Act, 1995.
6. A person shall not engage in casual trading unless he/she holds a Casual Trading Licence from Ballina Town Council that is for the time-being in force and the casual trading is in accordance with the licence.
7. The Type of stall used must be approved by the Council.
8. (A) Trading shall take place at the time specified in the licence and shall generally be between the hours of 8.00 a.m. in the forenoon and 6.00 p.m. in the afternoon.

(B) In the case of mobile fast food traders, the hours of trading shall be as follows:-

October to March 10.30 am to 12.00 midnight;
April to September 10.30 am to 12.30 p.m.
9. Trading shall be confined to the allotted pitch at the designated casual area and no goods or articles shall overhang a stall or be deposited on the ground except in the allotted pitch.
10. A suitable receptacle for refuse must be provided by the licence holder and must be kept at all times of trading within the allotted pitch.
11. Litter must not be allowed to accumulate in the vicinity of the allotted pitch during casual trading hours and at the end of trading the allotted pitch must be cleaned up and all refuse removed and properly disposed of by the licence holder.
12. No goods other than those specified in the licence shall be sold.
12. Stalls and all other articles must be removed after the hours of trading specified in the licence.
13. The Council reserves the right to remove stalls found on the designated trading area after trading hours and/or goods or other articles left outside the allotted pitch at any time.
15. Stall traders involved in the sale of foodstuffs shall comply with the requirements of the Food Hygiene Regulations.

16. A person engaged in casual trading in a designated area shall display the casual licence number relating to the trading in such a position as to be clearly visible and easily legible to members of the public.
17. **An applicant for a casual trading licence in a designated area shall pay a licence fee of €1,600.00 per annum for trading on one day per week, Monday or in the case of a Bank Holiday the next working day.**
18. **An applicant for a casual trading licence to trade at a location specified in the licence for a seasonal or special event should pay a licence fee calculated as follows:**
 - A) **Where the trading involves sale of food which takes place from a vehicle (whether mechanically propelled or not) trailer, counter, booth, stand or conveyance, a sum of €40.00 per foot by length thereafter, per day.**
 - B) **In all other cases the sum of €66.00 per day.**
19. A person engaged in casual trading in a designated area shall not be permitted to use a loud speaker or public address system and shall refrain from causing any nuisance or disturbance.
20. A casual trading licence may be revoked at any time if any condition of the licence has been or is being contravened.
21. The Council shall appoint officers of the local authority or other persons to be authorised officers for the purpose of the act and licence holders will be required to co-operate in all respects with the authorised officers.
22. A person who contravenes any of the conditions of a licence shall be guilty of an offence.

SCHEDULE

MARKET SQUARE BALLINA



Made and adopted under the Common Seal of
Ballina Town Council this

25 day of September 2008.

Which seal was affixed hereto in the presence of:

P Mahon

DIRECTOR OF SERVICES

Brian Gordon

TOWN CLERK

[Signature]

NOMINATED MEMBER