

TOWN OF CROMWELL
TOWN COUNCIL
PUBLIC HEARING
May 13, 2015

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CROMWELL, CONN.

Gloria Brundage, Asst.
TOWN CLERK

The Town Council of the Town of Cromwell, Connecticut will hold a Public Hearing on the 13th, day of May at 6:45 p.m. in the Cromwell Town Hall, Room 224/5, located at 41 West Street, Cromwell, Connecticut.

At said public hearing, the Town Council will consider and may act on proposed amendments to:

Chapter 178 Peddling and Soliciting, §178-8, B. Fees, §178-12, C. Exemptions; registration of charitable organizations.

A copy of the proposed ordinance is available for public inspection at the Office of the Town Clerk, 41 West Street, Cromwell, Connecticut 06416 and will be posted online at www.cromwellct.com.

Dated at Cromwell, Connecticut this 6th day of May 2015.

Enzo Faienza
Enzo Faienza, Mayor (Re)
For the Town Council

Chapter 178. PEDDLING AND SOLICITING

[HISTORY: Adopted by the Board of Selectmen of the Town of Cromwell 9-9-1980.
Amendments noted where applicable.]

CHARTER REVISION

Effective with the general election held in November 2013, the Town changed to a Town Council/Town Manager form of government. According to Charter § 11.04, any references in Town ordinances to the "First Selectman" or to the "Board of Selectmen" shall now be deemed to refer to the "Town Manager" or the "Town Council," as appropriate.

GENERAL REFERENCES

Bazaars and raffles – See Ch. **88**.

Food establishments – See Ch. **137**.

Loitering – See Ch. **160**.

§ 178-1. License required.

[Amended BOS 2-14-1996]

- A. No person shall, within said Town, sell or offer for sale or solicit orders for any provisions, fruits or any articles of food or goods, wares or merchandise, except milk, newspapers and bakery goods, sold within said Town, nor shall any person solicit subscriptions for magazines, books, etc., unless he shall obtain a license to do so from the Chief of Police, which said license may contain such conditions as the Chief of Police may deem expedient and shall be revocable at his discretion, upon notice. This chapter shall not apply to occupants of stores or shops within the Town.
- B. This chapter shall not apply to the selling of food and the parking of cars by residents during the week of the PGA Golf Tournament. To be exempt, the activity must be operated by the property owner. Property owners who sell food need to obtain a health license from the Cromwell Public Health Coordinator. Compliance with Connecticut General Statutes § 12-409 (concerning sales and use taxes), as amended, is the responsibility of the property owner.

§ 178-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PEDDLER

Includes "hawker" and "huckster" and shall mean any person, as defined below, selling or bartering or carrying for sale or barter or exposing therefor any goods, wares or merchandise, either on foot, from any animal, vehicle or stationary location.

PERSON

Any individual or group of individuals associated in any form, whether principal or agent, unless specifically exempted by statute from the provisions hereof.

SOLICITOR or CANVASSER

Any person traveling by foot, animal or vehicle, or by means of telephone, taking or attempting to take orders for the sale of goods, wares or merchandise for future delivery or for services to be performed in the future, whether or not such solicited sales are by sample and whether or not deposits or advance payments are collected.

§ 178-3. Application procedure.

[Amended BOS 2-14-1996]

Said peddlers and solicitors shall make application for such a license in person at the office of the Chief of Police upon a required application form.

§ 178-4. Issuance of license.

[Amended BOS 2-14-1996]

- A. It shall be mandatory for any solicitor or canvasser and/or any peddler to apply for a license with the Chief of Police and to provide him with the following data in order to procure such a license:
- (1) Complete identification, including date and place of birth, residence and permanent address, physical description and prior criminal record, if any.
 - (2) Signature.
 - (3) Name of employer.
 - (4) Nature of the product of services in which he is interested.
 - (5) Purposes in obtaining the license.
 - (6) Organization he represents.
 - (7) The nature and extent of the proposed operation in the Town and the description and number of vehicles, if any, to be operated in connection with such operation.

- (8) Evidence of compliance with Connecticut General Statutes § 12-409 (concerning sales and use taxes), as amended.
- (9) Evidence of Health Code compliance, where applicable.

B. No license shall be issued to the following:

- (1) Any person, association or corporation any of whose members have been convicted of any crime involving moral turpitude, including but not limited to rape, sexual battery, corruption of a minor, child molestation, harassment or offenses relating to dangerous drugs, as defined by the Connecticut General Statutes.
- (2) Any person who has been determined to be mentally and/or physically impaired so as to render him or her incapable of holding a license.
- (3) Any applicant who has been convicted of any felony or misdemeanor involving the use of physical violence within five years of the date of application.
- (4) Any person who is on probation or parole at the time of application shall be reviewed by the Chief of Police to determine if a license shall be issued. The Chief of Police may require additional information or the personal appearance by the applicant, or both.
- (5) Any person on probation or parole for a felony who has completed less than two years of probation or parole, or to any person on probation or parole for a misdemeanor who has completed less than six months of said probation or parole.
- (6) Nothing in this section shall be construed as to limit the discretion of the Chief of Police to refuse to issue a license for these or other related issues.

§ 178-5. Permitted hours of operation.

[Amended BOS 2-14-1996]

Such licensee, with or without vehicles, shall be licensed to do business only between 8:00 a.m. and 9:00 p.m.

§ 178-6. Form of license; display required upon request.

Each licensee shall receive, with his license, identification bearing the name of the licensee, license number and the words "licensed peddler, Town of Cromwell" or "licensed solicitor, Town of Cromwell," as the case may be, and with the expiration date of the license. Such identification must be available for inspection while engaged in peddling or soliciting and must be shown to any inhabitant of the Town upon request.

No such identification shall be used by any person other than the licensee to whom the same was issued.

§ 178-7. Expiration of license; license not transferable.

Such licenses, unless sooner revoked, shall expire on the last day of December succeeding the date of the issue thereof and shall be a personal license to the licensee and shall not be transferable.

§ 178-8. Fees.

[Amended BOS 2-14-1996; BOS 5-10-2006]

[A.] Fees for peddlers and solicitors shall be computed and paid upon the issuance of any license and badge pursuant to the prescribed schedule:

- (1) Persons proposing to peddle or solicit on foot: minimum fee of \$50 for each calendar month or portion thereof; and licenses may be obtained for a longer period at \$50 per calendar month up to the period of one calendar year ending December 31, but in no event to exceed the maximum fee per year set forth in Connecticut General Statutes § 21-37.
- (2) Persons proposing to peddle or solicit from a wagon, motor vehicle, railroad car or other conveyance or peddling prepared food or beverage items at a town-sanctioned farmer's market: minimum fee of \$50 per calendar month or portion thereof; and licenses may be obtained for a longer period at \$50 per calendar month up to the period of one calendar year ending December 31, but in no event to exceed the maximum fee per year set forth in Connecticut General Statutes § 21-37.
- (3) Persons proposing to peddle crafts or other non-edible products at a town-sanctioned farmer's market shall pay an annual fee of \$40.

[B.] No fee shall be required of one selling products of the farm or orchard actually produced in Cromwell by the seller or anyone exempt by state law or by legal residents of the Town of Cromwell.]

[Note* Proposed Amendment deletes previous subsection B as unnecessary since farmers and gardeners are exempt from this ordinance per C.G.S. § 21-37 as noted in section 178-12.C of this ordinance]

§ 178-9. Regulation of operations.

Any person soliciting or peddling within the Town of Cromwell, whether or not required to register under the provisions of this chapter, shall conform to the following regulations:

- A. The solicitor or peddler shall conduct himself at all times in an orderly and lawful manner.
- C. The solicitor or peddler shall give a written receipt for all orders taken within the Town of Cromwell, which receipt shall be signed by the solicitor or peddler and shall set forth a brief description of the goods, wares or merchandise ordered, the total price thereof and the amount of the downpayment received by the solicitor or peddler from the purchaser, if any.
- D. No peddler or solicitor shall have any exclusive right to any location in the public streets, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public.
- E. It shall be the duty of any police officer of the Town of Cromwell to require any person seen peddling or soliciting and who is not known by such officer to be duly licensed to produce his peddler's or solicitor's license and to enforce the provisions of this chapter against any person found to be violating the same.
[Amended BOS 2-14-1996]

§ 178-10. Revocation of license; hearing procedure for citations.

[Amended BOS 2-14-1996]

- A. Licenses issued pursuant to this chapter may be revoked upon the issuance of a citation by the Chief of Police of the Town of Cromwell, after notice and hearing, for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application for license.
- F. Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or canvasser.
- G. Any violation of this chapter.
- H. Hearings concerning any violation of, or penalties imposed pursuant to, this chapter, including revocation of any license issued hereunder, shall be in accordance with Connecticut General Statutes § 7-152c, as the same may be amended from time to time. The Town Manager shall appoint not more than two persons to serve as hearing officers. Any such hearing officer shall not be a police officer or employee or person who issues citations. The compensation of the hearing officers shall be set by the Town Council. In addition to the requirements of Connecticut General Statutes § 7-152c, all hearings under this

chapter shall conform to the requirements for fundamental fairness, rules of evidence, and other procedures required by law for administrative hearing involving the imposing of fines or penalties, or the revocations of licenses.
[Amended TC 6-16-2014]

§ 178-11. Violations and penalties.

[Amended BOS 5-10-2006]

Any persons violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$99, and each such date of violation shall constitute a separate offense.

§ 178-12. Exemptions; registration of charitable organizations.

[Amended BOS 2-14-1996]

- A. This chapter shall not apply to salesmen selling goods to retail or wholesale stores for resale or to wholesalers selling and delivering their wares and goods to the merchants of the Town or to goods, merchandise or foodstuffs sold and delivered by the merchants of the Town or to vendors of newspapers or to the sale of goods by students of the schools of the Town, provided that such sales have been approved by the Board of Education.
- B. Charitable, philanthropic, ecclesiastical and civic organizations regularly organized and/or functioning in the Town shall be exempt from the provisions of this chapter, provided that each person before peddling or soliciting on behalf of the same shall register with the Chief of Police the name and address of the organization, the name and address of the persons intending to peddle or solicit and the purpose of the object therefor. The registration fee shall be \$5 for any such organization and may be waived for good cause. A copy of such registration shall be provided each registrant. Such registration shall serve as a means of identification.
- C. This chapter shall not apply to sales by farmers and gardeners of [or] the produce of their farms, gardens and greenhouses, including fruits, vegetables and flowers, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sales on approval, to conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation.

[Note* Proposed amendment corrects a typographical error. Statutory term is "of" not "or" and intent of statute is to permit farmers and gardeners to sell their produce without a license, not to exempt any sale of any item from someone who happens to be a farmer or a gardener.]

- D. Nothing in this chapter shall be construed to limit in any manner the Transportation Commissioner's statutory authority concerning state highways.
- E. Nothing in this chapter shall be construed as empowering the Town of Cromwell to prohibit, regulate, control or impose a fee on any person operating any business on any state highway or land abutting any state highway pursuant to a contract with the state.

§ 178-13. Required records.

[Amended BOS 2-14-1996]

It shall be the duty of the Chief of Police to keep records of all licenses granted under the provisions of this chapter in a book provided for that purpose, giving the number and date of each license, name, age and residence of the person so licensed, the amount of the license fee paid and also the date of revocation of any license and to keep a detailed account of all fees collected for such licenses and to turn said fees over immediately to the Treasurer of the Town.