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LEGAL NOTICE
TOWN OF CROMWELL

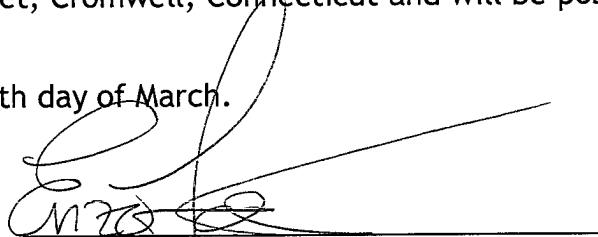
The Town Council of the Town of Cromwell, Connecticut will hold a Public Hearing on Wednesday March 16, 2016 at 6:30 p.m. in the Cromwell Town Hall Gym, located at 41 West Street, Cromwell, CT regarding amending the following:

- a. Chapter 60, Sewer Commission
- b. Chapter 82, Animals
- c. Chapter 137, Food Establishments
- d. Chapter 178, Peddling and Soliciting

Citizens may attend and offer comments on the proposed amendments.

Copies of the amendments, in their entirety, are available for public inspection at the office of the Town Clerk, 41 West Street, Cromwell, Connecticut and will be posted on-line at www.cromwellct.com.

Dated at Cromwell, Connecticut this 4th day of March.



Enzo Faienza, Mayor
For the Town Council

Chapter 60: Sewer Commission

[HISTORY: Adopted by Special Town Meeting of the Town of Cromwell 4-28-1965. 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

Water Pollution Control Authority – See Charter § 4.17(a)3.

Sewers – See Ch. **193**.

§ 60-1. Commission created; designated as Water Pollution Control Authority.

The Town of Cromwell hereby creates a Sewer Commission and designates said Commission as the Water Pollution Control Authority of the Town of Cromwell, with all of the powers, purposes and objectives set forth in Chapter **103** of the General Statutes of Connecticut, Revision of 1958, and amendments thereto.^[1]

[1] Editor's Note: See Charter § 4.17(a)3, which establishes a five-member Water Pollution Control Authority.

§ 60-2 Membership.

[Amended TC 6-16-2014]

Said Commission shall consist of five electors of the Town of Cromwell who shall be appointed by the Town Council and shall serve without compensation. Said five members shall serve for terms of five years, except that the members of the Commission first appointed shall be appointed for such terms that the term of one member shall expire at the end of each year for the next five years. Terms shall expire on June 30 in each year. Whenever a vacancy occurs, the Town Council shall appoint a successor to hold office for the unexpired portion of the term. A Commissioner shall continue in office until his successor is appointed.

§ 60-3 Election of officers; appointment of Clerk and other employees.

The Commission shall elect a Chairman from among its own members at the first meeting and annually thereafter at the first meeting held after the first day of July in each year. The Commission shall appoint a Clerk, who need not be a member of the Commission, an attorney and such other employees as it may deem necessary and

shall prescribe and define their duties. The Clerk shall keep a complete record of the proceedings of the Commission and, when ordered by the Commission, shall file the same with the Town Clerk. All such records shall be open for public inspection at reasonable hours. Meetings of the Commission may be called by the Chairman or any two members upon 24 hours' notice thereof.

§ 60-4 Records and reports.

[Amended TC 6-16-2014]

The Commission shall maintain proper accounting and financial records and shall make an annual report to the Town Council. The Commission shall prepare a budget of estimated revenues and expenditures for the ensuing fiscal year.

§ 60-5 Removal of members.

[Amended TC 6-16-2014]

A Commissioner may be removed for inefficiency or neglect of duty or misconduct in office by the Town Council after a hearing conforming to recognized standards of due process of law. A Commissioner shall be removed only after opportunity to be heard in person or by counsel before the Town Council, at least 10 days prior to which he shall have been given a copy of the charges against him. In the event of the removal of any Commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the Clerk of the Town of Cromwell.

Effective June 17, 2006

CHAPTER 82 ANIMALS

ARTICLE I

- 82-1 Definitions
- 82-2 Running at large prohibited: exceptions
- 82-3 Removal of feces required: exceptions
- 82-4 License tag and registration required; exceptions
- 82-5 Rabies vaccinations required for dog and cats kept in Cromwell
- 82-6 Annoyance by dog on a highway
- 82-7 Nuisance dog
- 82-8 Violation and penalties
- 82-9 Impoundment

82-1 As used in this article, the following terms shall have the meanings indicated:

ANIMAL: Any dog or livestock.

AT LARGE: Off the premises of the owner or keeper and not under the immediate control of the owner or keeper, either by leash, cord, chain or otherwise.

CAT: Any domesticated member of the feline species whether male, female, neutered male, or spayed female

DOG: Any member of the canine species whether male, female, neutered male, or spayed female.

KEEP: Possessing, controlling, exercising or allowing to run at large.

LIVESTOCK: any farm animal kept for any commercial or non-commercial purpose including but not limited to, horse, cattle, goat, sheep, chickens and lama.

OWNER: Any person possessing, keeping, harboring or having custody of a dog, cat or livestock.

VACCINATION: Any anti-rabies vaccination using a type of vaccination approved by the state.

VETERINARIAN: Any veterinarian licensed by the state.

VICIOUS ANIMAL: Any animal that attacks, bites or has a known propensity to attack human beings or other animals.

- 82-2 Running at large prohibited; exceptions.
No owner of any animal shall allow such animal to roam at large within the Town, provided that nothing in this article shall be construed to limit or prohibit the use of hunting dogs during the open hunting or training season or any animal while performing or being exhibited in a bench show or exhibition or any guide dog for the blind, or within the confines of the designated Town of Cromwell fenced-in dog park.

82-3 Removal of feces required; exceptions.

- A. It shall be unlawful for any person owning, keeping, or walking or in control of any dog to permit such animal to defecate upon any private property not owned by the owner or keeper, or any public property, unless such person shall remove all feces so deposited by such animal before leaving the immediate area.

- B. The provisions of this section shall not apply to any owner or keeper if such person is physically unable, by reason of age, infirmity or other disability, to remove said feces.

82-4 License tag and registration required; exceptions.

- A. License tags required. Each dog kept by the owner in the Town shall be licensed and registered if the dog is six months of age or over, on or before June 30 annually or when the dog reaches six months of age. Dog licenses shall be issued by the Town Clerk upon payment of a license fee as established by the Connecticut General Statutes. The owner shall state at the time application is made for such license, and upon printed forms provided for such purpose, the name and address, and the name, breed, color and sex of each dog owned and kept by the owner. The owner shall submit to the Town Clerk a rabies certificate signed by a veterinarian, or copy thereof, evidencing that the dog is current for its rabies vaccination pursuant to § 82-5.

- B. Exceptions. The provisions shall not apply to dogs whose owners are nonresidents, conditioned upon possession of a valid tag from any jurisdiction; nor to dogs brought into the Town for the purpose of participation in any dog show; nor to Seeing Eye dogs properly trained to assist a blind person when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

82-5 Rabies Vaccine Required For Dogs and Cats.

- A. Any owner of a dog or cat three months of age or over shall have such dog or cat vaccinated against rabies. Any animal vaccinated prior to one year of age or receiving a primary rabies vaccine at any age shall be considered protected for only one year and shall be given a booster vaccine one year after initial vaccination and shall be vaccinated at least every three years thereafter. Those animals revaccinated after one year of age shall be given a booster vaccine at least every three years thereafter.

- B. Proof of such vaccination shall be a certificate issued by a veterinarian and provided to the Animal Control Officer upon request.

82-6 Annoyance by Animal on Highway.

No owner shall allow an animal to go out on any highway, road or street and obstruct, growl, snap, bite or otherwise annoy any person or domesticated animal lawfully using such highway, or chase or interfere with any motor vehicle so using such highway, road or street.

82-7 Nuisance Dog.

No owner shall own or harbor a dog or dogs which are a nuisance by reason of vicious disposition or excessive barking or other disturbance.

82-8 Violations and Penalties.

Any violation of this Article shall be punishable by a fine of not more than \$75.00. If such fine is not paid within seven (7) days, a penalty in an amount equal to the fine shall immediately become due and payable in addition to the original fine.

82-9 Impoundment.

If an animal is found at large in violation of this Article, it shall be impounded by the Animal Control Officer.

Chapter 137. FOOD ESTABLISHMENTS

[HISTORY: Adopted by the Board of Selectmen of the Town of Cromwell 9-9-1980; amended in its entirety 12-10-1980. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 76.
Civil emergencies — See Ch. 110.
Health standards — See Ch. 146.
Peddling and soliciting — See Ch. 178.
Sanitation — See Ch. 189.
Zoning — See Ch. 236.

§ 137-1. Definitions.

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

CERTIFIED AGENT

One who has been certified by the State of Connecticut as a food service establishment inspector.

FARMER'S MARKET

As defined in Chapter 178: A Town sanctioned and approved, non-profit, formally organized and regularly scheduled event for the sale of local food produce and products in a common marketplace which is certified and operated under the general guidelines and auspices of the State Department of Agriculture.

FOOD

Any raw, cooked or processed edible substance, beverage or ingredient, including ice, used or intended for use, in whole or in part, for human consumption.

FOOD CLASSES

As defined by the State of Connecticut Public Health Code and Regulations:

Class I is a food service establishment with commercially packaged foods and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included except that commercially packaged pre cooked foods may be heated and served in the original package within four (4) hours.

Class II is a food service establishment using cold or ready to eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours, and commercially precooked hot dogs, kielbasa and soup may be heated if transferred directly out of the original package and served within four (4) hours.

Class III is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation.

Class IV is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public.

Class IV is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public

FOOD ESTABLISHMENT

Any vehicle or place where food or beverage intended for human consumption is manufactured, prepared, stored, offered for sale, sold, served or given to the public or nonmembers, including Farmer's Markets. For purposes of clarification, nothing in this chapter shall include any religious ceremony, functions at private homes or affairs in establishments which cater exclusively to members and their guests.

FOOD VENDING MACHINE

A device automatically operated to supply food without the direct supervision of a human being.

HEALTH OFFICER

The Director of Health for the Town of Cromwell or the Registered Sanitarian, who is his authorized agent, who shall enforce this chapter.

ITINERANT FOOD ESTABLISHMENTS

Commercial food vendors preparing and selling food from a truck, trailer, tent or other movable venue, including itinerant vendors participating in a Farmer's Market.

§ 137-2. License required; conditions of license; posting required.

It shall be unlawful for any person to operate a food establishment within the Town of Cromwell without possessing a valid license or a written determination from the Director of Health that no license is required. Only a person who complies with the requirements of the Public Health Code of the State of Connecticut shall be entitled to receive and retain such a license. Licenses shall not be transferred from one person to another person or from one location to another. Unless a different timeline is provided for in the license, all licenses shall expire on June 30 of each year. The owner or proprietor of a food establishment or a food vending machine shall keep a valid license posted in a conspicuous public location visible to the patrons of the establishment, protected against defacement or damage at all times.

§ 137-3. Exemptions.

Residents of the Town of Cromwell offering fresh fruits and vegetables grown on and sold from their own property shall be exempt from this chapter.

§ 137-4. Application procedure; fees.

- A. Any person desiring to operate a food establishment (including participation in a Farmer's Market) shall make application to the Director of Health. Such application shall be made at the time of submission of an application to any other Town agency if such an application is

required for the planned activity or use or at least 5 days prior to the intended opening or change of ownership of such an establishment. The application shall be on a form provided by the Department of Health and it shall be within the Director's discretion to determine whether a license and/or Plan Review fee is required.

- B. Plan Review Fee. There shall be a non-refundable application fee of \$100.00 payable at the time of application, unless exempt. Proposed Food Establishments that are exempt from a Plan Review fee include:
 - (1) Farms and gardeners of the Town of Cromwell selling home-grown produce, homemade prepared foods and samples at a Farmer's Market
 - (2) Cromwell licensed food establishments intending to participate in a Farmer's Market
 - (3) Charitable, philanthropic, ecclesiastical and civic organizations regularly organized and/or functioning in the Town

- C. Such application form shall require, at a minimum:
 - (1) The name, post office address and telephone number of the owner, owners or partners who shall be considered the applicant. The same information must be provided for the manager, who shall be responsible for the day-to-day operation of the establishment.
 - (2) The location, type of proposed food operation that is intended and relevant plans for the construction and operation of the establishment.
 - (3) The signature of the applicant and the application fee, if applicable.
 - (4) Any other information deemed required by the Director of Health.

§ 137-5. License procedure; fees; renewal.

It shall be within the discretion of the Director of Health to determine whether a license is required and the appropriate licensing fee in accordance with the following License Fee Schedule.

- A. License fee schedule. License fees shall be paid as follows:
 - 1. Food establishment fees per class, including itinerant vendors:
 - a. Class I: \$100.
 - b. Class II: \$125.
 - c. Class III: \$150.
 - d. Class IV: \$200.

 - e. Temporary license, seven days or less: \$50.

 - f. For all food vending machines owned by one vendor at one location: \$10.

 - g. Food service plan review for new or extensive remodeling: \$50.

- h. Public schools, nonprofit charitable and religious organizations and civic groups: No fee.
 - i. Local produce sold directly from a commercial garden or farm: No fee
 - j. Farms with a valid food establishment license issued by another health district or municipality: No fee.
 - k. Food Establishments already holding a valid food establishment license from the Town of Cromwell: No fee.
 - l. Itinerant Food Establishments:
 - a. An amount equal to the fee for that food establishment class.
 - b. If the Itinerant Food Establishment is participating in a Farmer's Market: \$50 per market or \$100 for a calendar year season for food prepared to be consumed on site of the Farmer's Market; \$30 per market or \$60 for a calendar year season for food establishments selling pre-packaged foods not to be consumed on site of the Farmer's Market (e.g., pies, frozen meats, etc.).
2. Where there has been a failure to file the required application within the five-day period specified and the establishment has commenced and/or continued to operate without the required approval or license, there shall be a penalty which shall be added to and collected with, all the other fees required. The penalty shall be 50% of the fees required, if any, or \$10 whichever is greater, for every seven calendar days or part thereof during which the establishment shall have operated without an appropriate approval or license from the Health Director. This penalty shall be doubled for every additional week or part thereof during which operation of the establishment unlawfully continues. The imposition or payment of this penalty shall not be deemed to excuse the operation of a food establishment without the required approval or license or to prevent the imposition of any other penalty prescribed by this chapter or other provision of law.
 3. Renewal of license. The holder of a valid food establishment license may submit an application, amended with the current date if necessary, 30 days prior to the expiration of the current license. The license holder has the obligation to initiate the renewal request.
 4. Duties of Health Officer in issuing license. After submission of a completed application and after investigation, the Health Officer shall determine whether a license is required and issue that license if the food establishment conforms to the requirements of this chapter and the regulations of the appropriate state agencies that are incorporated into this chapter. If the Health Officer finds that the establishment is incomplete or fails to meet these requirements or if the establishment does not comply with other municipal codes or regulations, the license may, at the discretion of the Health Officer, be either denied without prejudice, or action may be suspended for a stated period not to exceed 30 days for such compliance to be accomplished.

§ 137-6. Inspection; procedure upon discovery of violations.

- A. The Health Officer or his certified agent shall inspect and reinspect each food establishment within the Town of Cromwell as is necessary for the enforcement of this chapter.
- B. After proper identification, the Health Officer or his certified agent shall be permitted to enter at any reasonable time any food establishment, licensed or not, for the purpose of determining compliance with this chapter. Inspections necessary after business hours shall be allowed upon reasonable notice to the license holder or manager.
- C. The Health Officer or his certified agent shall be permitted to examine all areas of the food establishment and its surroundings and all employment and business records of the establishment to obtain pertinent information pertaining to the equipment, food and supplies purchased, received and used as well as the health and hygiene of the persons employed.
- D. The Health Officer or his certified agent may condemn, upon immediate notice, foods, foodstuffs and other related substances which have been subjected to fire, smoke, flooding, loss of refrigeration or other gross mistreatment. The Health Officer or his certified agent shall make an itemized list of such destroyed items to be kept as a record, a copy of which shall be made available to the license holder upon request.
- E. The Health Officer or his certified agent may, without prior written notice, obtain a sample and/or place a hold order upon any food, foodstuff or substance which he has determined or has probable cause to believe unwholesome, deteriorated, adulterated or otherwise potentially unsafe for consumption or use.
- F. The Health Officer or his certified agent will confirm such action with written notice to the license holder by means of an inspection report or notice of violation.
- G. Under a hold order such foods or other substances shall be suitably stored to maintain the conditions as originally found so long as adequate safeguards can be maintained against the removal or misuse of the items in question. No foodstuffs or the containers thereof shall be relabeled, repacked, reprocessed, altered or disposed of or used without the written permission of the Health Officer.

§ 137-7. Notice of violation; reinspection.

- A. Whenever the Health Officer or his certified agent makes an inspection and finds a violation of the Public Health Code or of this chapter, he shall make notice of such violation by means of an inspection report or other written notice. In any such notice of violation, there shall be stated:
 - (1) The specific violation.
 - (2) A definite and reasonable time for its correction, considering the duration of the operation of the food establishment, the hazard to the public and the complexity of the correction.
 - (3) The consequence of failure to correct the violation.

- (4) A statement that an opportunity for an administrative hearing before the Department of Public Health can be requested to contest the notice of the violation or hold order if such a written request is submitted by the license holder to the Department of Public Health within three business days of the first knowledge of the notice, either written or oral.
- B. Whenever a reinspection is made subsequent to an initial inspection which resulted in the issuance of a notice of violation and the investigator finds that the violation(s) has not been corrected, an inspection fee of \$75 shall be paid and collected for each such reinspection required.

[Amended 12-4-2008]

- C. The imposition of this fee or its payment shall not be deemed to excuse any violation found pursuant to this chapter or to prevent the imposition of any penalty prescribed by this chapter or other provision of law.

§ 137-8. Suspension of license.

- A. A license may be temporarily suspended by the Health Officer upon violation by the food establishment or its operators of any requirement of this chapter, for any condition that is deemed by the Health Officer to be an imminent health hazard, for serious or repeated violations or for interference with the Health Officer or his certified agent in the performance of his duties.
- B. Notice of suspension of a license must be given orally but must be followed within 18 hours by written notice or confirmation. Said written notice must contain the reasons for the action and shall direct the operators of the establishment to immediately discontinue all food service operations. Said notice shall also inform the license holder of his right to a hearing before the Commissioner of Health if written request for such hearing is submitted to the Department of Public Health within three days of the notice of suspension.
- C. Any person whose license has been suspended may make written request for a reinspection. Such request must contain a signed statement that the cited violations have been corrected. A reinspection shall be made within five days of receipt of such a request, and if the violations have been corrected, the license will be reinstated.
- D. Upon receipt of an order of suspension, the license holder shall post a copy of said order upon the inner surface of a glass panel facing outwards onto the public entry to the establishment so that the public may have notice of the suspension of the license to operate. Failure to post said copy or to remove the same shall be an assumption of full liability for any cause of action, public or private, based upon defiance of said order, and the license holder and those having notice of said order shall hold the Town of Cromwell blameless.

§ 137-9. Revocation of license.

- A. A food establishment license may be revoked by the Director of Health for refusal to comply with an order of suspension or the regulations of the

Public Health Code or for repeated violations which demonstrate an inability to provide wholesome and hygienic foods to the public. A license can only be revoked after an opportunity for a hearing has been provided before the Department of Public Health. Notice of a revocation of a license shall provide at least 12 working days before the date of delivery of the notice and the date of its effect. Said notice will be in writing and signed by the Director of Health.

- B. In accordance with Connecticut General Statutes, § 12-146a, a food establishment license may be denied or revoked by the Director of Health for any premises for which personal property taxes due on such property, used in a business enterprise located on the premises for which such license for food establishment is sought, are delinquent, as follows:

[Added 1-10-1996]

- (1) Such taxes remain unpaid, in whole or in part, for one year past the date upon which such taxes were due; and
- (2) The total unpaid taxes, for the current and any prior tax period(s) combined, exceed 50% of the current annual taxes due for such business personal property used by the business seeking such license for food establishment.

- C. All other procedures for revocation shall be as described in § 137-8, except that any person aggrieved by the denial or revocation pursuant to the preceding Subsection B may appeal such decision as provided in this Subsection C. Hearings concerning any denial or revocation of any food establishment license 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. No such hearing officer shall 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 hearings involving the denial or revocation of licenses.

[Amended 1-10-1996]

- D. Except for a revocation pursuant to Subsection B above, a license holder or establishment that has had its license revoked shall not be eligible for consideration of a new application for a food establishment license until 30 days have elapsed after the correction of all defects and violations noted in prior inspection reports and notices of violations.

[Amended 1-10-1996]

§ 137-10. Communications; appeals.

- A. All communications to the license holder shall be properly delivered and served when a copy of the inspection report or other notice has been left with the operator of the establishment or in the door if the establishment is closed or has been personally delivered or mailed by certified mail to the license holder as specified by name and address on the current license

application. The term "operator" shall include the senior employee on the premises at the time of delivery.

- B. Any person aggrieved by a regulation or by an action of the Health Officer shall have the right to a review by the superior of that party. If such a review is not forthcoming or is unsatisfactory, the aggrieved party can petition for an appeal before the Commissioner of Health.

§ 137-10. Standards; limitation on appeals.

- A. The Director of Health is authorized to establish requirements for food establishments and vending machines beyond those requirements currently in effect as the regulations of the Connecticut Department of Health and the Department of Consumer Protection, which are herein incorporated into this chapter.
- B. The right to appeal is limited to 20 days after the enactment of the regulation.

§ 137-11. Submission of plans of new or renovated structures.

- A. When food establishments are hereafter constructed, renovated or remodeled or when existing structures are to be converted for use as a food establishment or when a change is to be made in the menu requiring a change in equipment or operation of an existing food establishment, such intentions shall require the submission of detailed plans to the Health Officer prior to the obtaining of any other required permits and prior to the start of alterations.
- B. Such plans shall show the layout, construction materials, arrangement of work and storage areas, the location, size and type of fixed equipment and facilities. The menu, service expectations and any other information necessary to evaluate the proposed construction or alteration may be required for submission and evaluation.

§ 137-12. Violations and penalties.

Any person who shall violate any provision of this chapter shall, in addition to any other penalties or fees provided herein, be subject to a fine of not less than \$50 nor more than \$200 and/or imprisonment for up to 30 days for each day that an offense continues between the date of notice of violation and the date of correction, as known by reinspection or the date of disposition by a court of competent jurisdiction.

§ 137-13. Suspension of provisions.

During emergencies and disasters the provisions of this chapter may be waived.

§ 137-14. Failure of Town to act on applications for temporary licenses.

If an application for a temporary license is submitted and not acted upon within 10 days, then the intended opening and operation of such establishment shall not be delayed by the Town.

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. Exceptions

[Amended BOS 2-14-1996]

- A. No person shall sell or offer for sale or solicit orders within the Town for any provisions, fruits or any articles of food or goods, wares or merchandise 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.
- B. Exceptions.
 - 1. This chapter shall not apply to occupants of stores or shops within the Town.
 - 2. This chapter shall not apply to milk and newspapers, or to businesses already licensed to operate within the Town unless there is a significant change in the type of merchandise being offered for sale.
 - 3. 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 will need to obtain a 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.

4. No license under this chapter shall be required for those participating in a certified Farmer's Market provided they are already hold a peddler's license from the Town or are otherwise exempt from such license as set forth herein and the person is also included on the Market Manager's approved application form as set forth in section 178-3.

§ 178-2 Definitions.

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

PEDDLER

Includes "hawker" and "huckster" and "vendor" 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 company, corporation, 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.

FARMER'S MARKET

A Town sanctioned and approved, non-profit, formally organized and regularly scheduled event for the sale of local food produce and products in a common marketplace which is certified and operated under the general guidelines and auspices of the State Department of Agriculture.

MARKET MANAGER

The person responsible for organizing and applying for an approved Farmer's Market.

§ 178-3. Application procedure.

[Amended BOS 2-14-1996]

A. Application to Peddle or Solicit

All peddlers and solicitors shall make application to the Chief of Police prior to any peddling or solicitation. The application shall be on a form approved by the Chief of Police. Each applicant shall disclose, at a minimum, the following:

- (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 and Chapter 137 Code compliance, where applicable.

B. Application for Farmers' Market

Each Market Manager shall make application to the Chief of Police prior to each Farmers' Market verifying compliance with State certification for Farmers' Markets and providing a list of all proposed peddlers. It shall be the responsibility of the Market Manager to ensure that each peddler has an approved application and/or license from the Chief of Police at least 5 days in advance of each Farmers' Market. If the Chief of Police approves the application it shall be deemed a Town-sanctioned Farmer's Market for purposes of this chapter.

1. All Farmer's Markets shall be deemed a temporary seasonal use.
2. All Farmer's Markets are subject to regulation by the Chief of Police as to location, parking and hours of operation.
3. All Farmer's Market food vendors are required to comply with the Public Health Code and Chapter 137 of the Town Code.
4. The approved application with the list of approved vendors shall be posted and available for public viewing at each Farmer's Market.

§ 178-4. Issuance of license.

[Amended BOS 2-14-1996]

- A. It shall be within the Chief of Police's discretion to determine whether a particular applicant is exempt from a required license. If the Chief of police determines that a license is required for the proposed peddler or solicitor, all license provisions of this chapter will apply.
- 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. License Fees.

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

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: 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) At a Town–sanctioned Farmer’s Market the following fees will apply:
 - a. No fee if selling: (1) farm or orchard products as defined by state law; (2) food prepared by and served from a Cromwell licensed food establishment; (3) products sold by a person already licensed in the Town of Cromwell for such peddling or soliciting; (4) farms serving prepared food samples; or (5) goods or merchandise offered by a registered charitable organization as set forth in section 178-12.
 - b. All other peddlers and solicitors shall pay a fee of \$50 per month or \$200 per season for food items, \$25 per season for crafts or non-edible merchandise.

§ 178-9. Regulation of operations.

Any person soliciting or peddling within the Town of Cromwell, whether or not required to be licensed, approved or registered 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.
- B. 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.
- C. No peddler or solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location without a permit from the Planning and Zoning Commission, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public.
- D. 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.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or canvasser.
 - (3) Any violation of this chapter.
- B. 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. Any violation of the provisions governing Farmer's Markets by the Market Manager and/or its vendors is the joint and severable responsibility of the Market Manager and the offending vendor and may result, in addition to the imposition of penalties, in additional sanctions including at the Chief of Police's discretion, a prohibition on approval of any future applications for a Farmer's Market and/or a particular vendor.

§ 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 (but excluding Farmer's Markets) 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. Unless in conjunction with a Farmer's Market, this chapter shall not apply to sales by farmers and gardeners of 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.
- 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 applications and 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.