

TOWN OF CROMWELL
TOWN COUNCIL
SPECIAL MEETING
MONDAY MARCH 28, 2016
6:30 PM TOWN HALL ROOM 224/5

A. CALL TO ORDER

B. APPROVAL OF AGENDA

C. RESIGNATIONS

1. Board of Education
 - a. Phil Gagnon
 - b. Gaia McDermott

D. APPOINTMENTS

1. Board of Education
 - a. Celina Kelleher (to fill vacant position-Phil Gagnon)

E. UNFINISHED BUSINESS

1. Discussion and action to review and amend Ordinances.
 - a. Chapter 60, Sewer
 1. Change filing date deadline to September 1st (previous date was June 30th)
 - b. Chapter 137, Food Establishments -tabled
 - c. Chapter 178, Peddling and Soliciting -tabled

F. NEW BUSINESS

1. Discussion and action to review and amend Ordinances.
 - a. Chapter 179, Farmer's Market
2. Authorize Mayor to set time and date of Public Hearing for all proposed Ordinance Changes.

G. ADJOURN

RECEIVED FOR FILING
3-23 2016 at 3:03 PM.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Lou Louisey
TOWN CLERK

3.16.16

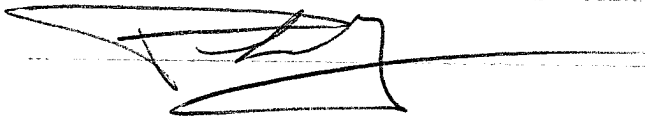
Jean Ahlgvist
Town Clerk
41 West Street
Cromwell CT

Dear Mrs Ahlgvist,

As of today I am resigning my seat as Cromwell
Board of Education member.

Sincerely,

Philip L. Crago

A handwritten signature in black ink, appearing to be "Philip L. Crago", written over a horizontal line.

Vacancy/Appointment In Elective Office

To: Secretary of the State
30 Trinity Street
P.O. Box 150470
Hartford, CT 06115-0470
Attn: Legislation & Elections Administration Division

Vacancy In Elective Office	Appointment To Fill Vacancy In Elective Office
On <u>March 16, 2016</u> , the office of <u>Board of Education</u> was vacated due to the <u>Letter of Resignation</u> (manner in which vacancy occurred) of the incumbent, <u>Philip L. Gagnon</u> (name) <u>Republican</u> (party) who was <u>elected</u> /appointed for a term from: <u>November 2015</u> to: <u>November 2019</u>	On _____, pursuant to the provisions of _____ (specific section of Connecticut General Statutes or local law under which vacancy was filled) _____ (name) _____ (address) _____ (party) was appointed by _____ (appointing authority) to fill the vacancy in the office of _____ vacated by _____ (name of person who vacated office) on _____ (date) to serve until _____ (date appointment expires) being the date of <input type="checkbox"/> the next regular municipal election. <input type="checkbox"/> the expiration of the term
Date of Filing <u>March 16, 2016</u> City- <u>Cromwell</u> Town of <u>Cromwell</u> Borough <u>Cromwell</u>	Mayor <u>John P. Culquicci</u> Town Clerk _____ Warden _____ (signature)

Gaia McDermott
28 Valley Run Drive
Cromwell, CT 06416

March 22, 2016

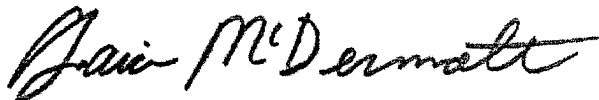
Town Clerk – Joan Ahlquist
Town Hall
41 West Street
Cromwell, CT 06416

Dear Town Clerk Joan Ahlquist,

It is with regret that I announce my resignation from the Cromwell Board of Education effective March 22, 2016. Due to a number of constraints, I have not been able to devote the necessary time and attention to the Cromwell Board of Education.

I have thoroughly appreciated and enjoyed the opportunity to serve with all the board members to further student academic and social success. I am proud that we have such outstanding members of the Board here in the great town of Cromwell and feel very honored to have been able to serve by their side.

Sincerest regards,



Gaia McDermott

RECEIVED FOR FILING
3-23 2016 at 8:25 M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.



TOWN CLERK

Matus, Re

From: Enzo Faienza [e.faienza@gmail.com]
Sent: Wednesday, March 23, 2016 1:43 PM
To: Matus, Re
Subject: Fwd: Next steps

Hi Re,

This was Celina's letter to me, which I forwarded to Allan. Can we also put this letter with Monday's packet. Thank you again :)

E

Sent from Enzo's iPhone

Begin forwarded message:

From: Celina Kelleher <celina.kelleher@yahoo.com>
Date: March 16, 2016 at 5:31:41 PM EDT
To: Mike Camilleri <mjcamilleri13@gmail.com>
Cc: Enzo Faienza <e.faienza@gmail.com>
Subject: Re: Next steps
Reply-To: Celina Kelleher <celina.kelleher@yahoo.com>

Good Afternoon Mayor Faienza -

I'm writing to express my interest in becoming a member of the Cromwell Board of Education. As you may know, I love being involved in helping better our schools and am thrilled to be considered for this position.

Over the past year, I have served as the ECS/WIS PTO President, which has been a great experience for me. It has been a privilege having the opportunity to make a difference in ECS and WIS and help support our children's learning experience. We began the year as an entirely new board and have come a long way toward building our committees and continuing the events our school community has come to count on and enjoy.

In the past, I also played a part in gaining support for the additional school resource officer, which Mike Camilleri, Phil Gagnon and yourself facilitated two years ago. I appreciate your continued backing of the increased security measures for our schools. As a parent I'm sure you understand that is of the utmost importance.

If appointed, I would be honored to have the opportunity to continue to serve our community as a member of the Cromwell Board of Education.

Sincerely,

Celina Kelleher

Chapter 60. SEWER COMMISSION

[HISTORY: Adopted by Special Town Meeting of the Town of Cromwell 4-28-1965. Amendments noted where applicable.]

GENERAL REFERENCES

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, which may exercise all the powers set forth in Chapter 103 of the General Statutes of Connecticut, and amendments thereto, in meeting its purposes and objectives, subject to the provisions of and in conformance with, this ordinance and the Town Charter.

§ 60-2. Membership.

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.

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 be assigned a Clerk by the Director of the Department of Public Works, subject to Town Manager approval. The Clerk shall keep a complete record of the proceedings of the Commission and shall file the same with the Town Clerk.

§ 60-4. Commission Meetings and Records.

The Commission shall be subject to the Connecticut Freedom of Information Act and shall keep its records and hold its meetings in accordance therewith. Special meetings of the Commission may be called by the Chairman or any two members upon providing 24 hours' advance public notice thereof.

§ 60-5. Utilizing Town Employees

Consistent with the Commission's budgeted appropriations and at the Commission's request, the Director of the Department of Public Works has the discretion to assign one or more Town employees to assist the Commission. All employees so assigned shall be employees of the Town, approved by the Town Manager and shall take their direction and supervision from the Director of Public Works or his or her designee. As described in Section 60-7, the Commission shall pay the Town a fee reflecting the costs associated

with utilizing Town employees for this purpose.

§ 60-6. Purchasing of Goods and Services and Land Acquisitions

The Commission shall follow all rules, policies and procedures of the Town for purchasing and/or acquiring any and all goods and services.

All proposals of the Commission to purchase, sell, transfer and/or condemn real property must be submitted to and approved by the Town Council in advance. The Town Council may, in its discretion, require a public meeting before approving of any such land acquisition.

§ 60-7. Reimbursement for Town Services and Personnel Costs

The Commission shall properly appropriate and reimburse the Town from the Sewer Usage Fund for all Town costs attributable to Sewer Commission operations and Town employees who may be assigned to assist the Commission as described in Section 60-5 above, with such costs determined and allocated by the Director of Finance with the approval of the Town Manager.

§ 60-8. Financial Records and Reports.

The Commission shall maintain proper accounting and financial records and shall provide an annual fiscal report to the Town Council on or before September 1 of each year for inclusion in the Town's annual financial report. The Commission shall also prepare a budget of estimated revenues and expenditures for the ensuing fiscal year which shall be subject to review and comment by the Director of Finance and to approval by special town meeting in accordance with the Town Charter.

§ 60-9. Removal of members.

A Commissioner may be removed for inefficiency or neglect of duty or misconduct in office by the Town Council, including but not limited to violating the terms of this ordinance. 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.

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.
Farmers' Markets — See Ch. 179

§ 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.

FARMERS' MARKET

As defined in Chapter 179: An 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 Farmers' 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.

§ 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 Farmers' 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 Farmers' Market
 - (2) Cromwell licensed food establishments intending to participate in a Farmers' 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: An amount equal to the fee for that food establishment class.
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 entity 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.

Farmers' Markets – See Ch. 179

§ 178-1. License required. Exceptions

- 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 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 licensed merchants of 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. 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.
5. This chapter shall not apply 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.

§ 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.

FARMERS' MARKET

An 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 Chapter 179 and the general guidelines, rules and regulations of the State of Connecticut Department of Agriculture.

§ 178-3. Application procedure.

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.

§ 178-4. Issuance of license.

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.

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.

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.

§ 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 down payment 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.

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

- 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.

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.

- A. No license under this chapter shall be required for charitable, philanthropic, ecclesiastical and civic organizations regularly organized and/or functioning in the Town shall be exempt from the application and fee 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.
- B. No license under this chapter shall be required for those participating in an approved Farmers' Market as set forth in Chapter 179.
- C. Nothing in this chapter shall be construed to limit in any manner the Transportation Commissioner's statutory authority concerning state highways.
- D. 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 registrations, 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.

Chapter 179: FARMERS MARKETS

GENERAL REFERENCES

Bazaars and raffles – See Ch. 88.

Food establishments – See Ch. 137.

Loitering – See Ch. 160.

Peddling and Soliciting – See Ch. 179

§ 179-1. Farmers' Markets.

The Town of Cromwell recognizes the community benefits from a properly certified and approved Farmers' Market as well as the need to protect the health, safety and general welfare of the Town's residents. This ordinance is intended to balance those interests by creating the following rules, procedures and special exceptions for an approved Farmers' Market.

§ 179-2. Definitions.

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

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.

FARMERS' MARKET

An 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, rules and regulations of the State Department of Agriculture.

MARKET MANAGER

The person responsible for organizing and applying for an approved and certified Farmers' Market.

VENDOR

Includes "peddler" and "solicitor" and "canvasser" as defined in Chapter 178 and shall also include any person (as defined above) selling or bartering or carrying for sale or barter or offering therefor any goods, wares, merchandise or services.

§ 179-3. Permit Required; General Rules for Approval.

- A. It shall be unlawful for any person to host a Farmers' Market in the Town of Cromwell unless it has been approved in accordance with this chapter and has received a permit from the Chief of Police.
- B. In addition to the other requirements under this chapter, an approved Farmers' Market must meet all of the following criteria, terms and conditions.
 - 1. The Farmers' Market must be non-profit and certified and operated under the general guidelines, rules and regulations of the State Department of Agriculture for Certified Farmers' Markets.
 - 2. The Farmers' Market must have a responsible Market Manager as defined herein.
 - 3. The Farmers' Market must be organized principally for the purpose of offering for sale Connecticut grown farm products as defined by the Department of Agriculture and state law.
 - 4. All Farmers' Markets must have made application and received a permit from the Chief of Police in accordance with sections 179-4 and 179-5 below.
 - 5. All Farmers' Markets must comply with all other Town ordinances and zoning regulations and obtain any necessary zoning permits.
 - 6. All Farmers' Markets must be approved by the Chief of Police as to location, parking and hours of operation.
 - 7. Any proposed use of Town property for a Farmers' Market also must be approved by the Town Council for both location and hours of operation.
 - 8. All Farmers' Markets shall be deemed a seasonal use subject to annual approval in accordance herewith.

§ 179-4. Permit application procedure.

- A. The Market Manager shall make application to the Chief of Police at least ten (10) days prior to each Farmers' Market season verifying compliance with State certification for Farmers' Markets and providing a list and relevant information for all proposed vendors on a form provided by the Chief of Police.

- B. The Market Manager shall disclose to the Chief of Police as part of the application for his or herself and each vendor, at a minimum, the following:
- (1) Vendor's complete identification, including date and place of birth, residence and permanent address, physical description and prior criminal record, if any.
 - (2) Name of all persons who will be vending for each listed vendor at the Farmers' Market.
 - (3) Nature of the product or services to be offered.
 - (4) Name of any organization being represented.
 - (5) The description and number of vehicles, if any, to be operated in connection with such vending.
 - (6) Evidence of compliance with Connecticut General Statutes § 12-409 (concerning sales and use taxes), as amended.
 - (7) Evidence of Health Code and Chapter 137 Code compliance, where applicable.
 - (8) Proof of insurance by the Market Manager in an amount satisfactory to the Town Council and with the Town of Cromwell named as an additional insured for Farmers' Markets being conducted on Town property.
- C. The Market Manager shall be responsible for updating the vendor list as necessary and no less than twenty-four (24) hours prior to each actual Farmer's Market event to account for new vendors. It shall be the responsibility of the Market Manager to ensure that each vendor is listed on an approved application form from the Chief of Police.

§ 179-5. Issuance of Permit.

- A. It shall be within the Chief of Police's discretion to determine whether a particular application meets the requirements of this Chapter. The Chief of Police also has the discretion to deny authorization for any particular vendor or person associated with such vendor to participate in the Farmers' Market based upon 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 convicted of any felony or misdemeanor involving the use of physical violence within five years of the date of application.
 - (3) Any person who is on probation or parole at the time of application shall be reviewed by the Chief of Police and may require additional information.
 - (4) 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.
 - (5) Prior violation of this ordinance or other rules or regulations governing the operation of the Farmers' Market
 - (6) Nothing in this section shall be construed as to limit the discretion of the Chief of Police to refuse participation by any person for these or other related issues.
- B. The permit along with the list of approved vendors, as may be amended, shall be posted and available for public viewing at each Farmers' Market event.
- C. All vendors on an approved list in conjunction with a Farmers' Market shall be exempt from complying with Chapter 178 only during the hours of and at the location of that approved Farmers' Market event but shall be otherwise responsible for complying with this chapter and all other applicable state and local laws.

§ 179-6. Expiration of Permit; permit not transferable.

Each permit, unless sooner revoked, shall be deemed seasonal and shall expire on the last day of December succeeding the date of the issuance thereof and shall be personal to the Market Manager who made application and shall not be transferable.

§ 179-7. Revocation of Permit; Exclusion of particular vendors.

- A. Permits issued pursuant to this chapter may be revoked by the Chief of Police of the Town of Cromwell, after notice and a hearing before the Town Council, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license.
 - (2) Failure to abide by all applicable state and local laws.
 - (3) Any violation of this chapter.
- B. Any violation of this Chapter or of any other ordinance of the Town 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 any applicable penalties, in the imposition of other sanctions. Other sanctions may include, at the Chief of Police's discretion, a prohibition on approval of any future applications on behalf of that Market Manager for a Farmers' Market and/or denying future participation by a particular vendor.

§ 179-8. Required records.

It shall be the duty of the Chief of Police to keep records of all applications and permits granted under the provisions of this chapter in a book provided for that purpose, giving the number and date of each permit, list of vendors and market manager(s).