

Sections 11-1 to 11-20. Reserved

ARTICLE II. Peddlers, Hawkers, Hucksters, Itinerant Vendors, Solicitors, Canvassers, Salesmen, and Special Event Hawkers, Hucksters and Peddlers.

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Section 11-20 Purpose:

The purpose of this article is to provide for the health, safety and welfare of the residents of the town by regulating, through licensing, the activities of hawkers, peddlers, itinerant vendors, canvassers, solicitors and salesmen.

Section 11-21 Definitions:

The following word, terms, and phrases, when used in this article, shall have the meaning attributed to them in this section, except where the context clearly indicates a different meaning:

- a. *Person* is defined as any individual or group of individuals associated in any form, whether principal or agent, unless specifically exempted by statute from the provision hereof.
- b. *Canvasser* or *solicitor* is defined as any person, whether resident of the town or not, going from any place of residence to any place of residence within the town, or by means of telephone, taking or attempting to take donations, or orders for the sale of goods, wares, memberships, 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.
- c. *Peddler* (including “*Hawker*” and “*Huckster*”) means any person as defined above, who goes from any place of residence to any place of residence within the town, selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares, merchandise, including articles of food, either on foot or from any animal or from any vehicle.
- d. *Itinerant vender* is defined as any person who engages in a temporary or transient business in this state either in one (1) locality or in traveling from place to place selling goods, wares,

merchandise, or conducting any "close-out sale" as that term is defined in C.G.S. § 21-35a, and who for the purpose of carrying out such business or sale hires, leases or occupies any building or structure for the exhibition and sale of such goods, wares and merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours at least nine (9) months in each year.

- e. *Salesman* is any person who shall sell or expose for sale or solicit orders for any articles of food, or any goods, wares, merchandise, materials or services, or solicits for any contracts within the town, to or from anyone on the premises of any place of residence, and shall include canvassers, solicitors, hawkers, hucksters, peddlers, and itinerant vendors, as above defined. In accordance with section 11-91, this article shall not apply to persons selling to stores, institutions, business, industrial or commercial establishments, and municipal agencies.
- f. Special Event hawker, huckster, or peddler means any person who intends to sell or barter any goods at a Special Event within the Town of Southington, Connecticut.
- g. Special Event shall mean any Town of Southington approved functions in which a defined section of the Town is subject of the given event. Examples of special events include but not limited to the following:
 - 1. Italian Festival
 - 2. Memorial Day Parade
 - 3. Apple Harvest Festival
 - 4. Apple Harvest Festival Parade.

Cross reference—Rules of construction and definitions generally, § 1-2.

Section: 11-22. - License Required:

11-22.1 No person, hawker, huckster, peddler, itinerant vendor, canvasser, solicitor, salesman, or Special Event hawker, huckster, peddler as defined in section 11-22 of this article, except as provided in section 11-30 of this article, shall within the town , sell, or offer for sale, or solicit orders for any provisions, fruits, or any articles of food or goods, wares or merchandise, except milk, newspapers and bakery goods, sold within the town, for shall any hawker, huckster, peddler, itinerant vendor, canvasser, solicitor, or salesman, solicit contributions, memberships or subscriptions for magazines, books, etc. unless they shall obtain a license to do so from the Chief of Police, which license may contain such conditions as the Chief of Police may deem expedient and shall be revocable at his/her discretion upon notice. This article shall not apply to occupants of stores or shops within the town.

11-22.2 Annual License does not allow for participation is a Special Event unless a Special Event permit is obtained as defined in section 11-21(f) of this ordinance.

11-22.3 The Chief of Police shall have the authority to approve up to six (6) Special Event hawker, huckster, or peddler permits as defined in section 11-21(f) of this ordinance.

*Cross reference – Streets and sidewalks, Ch 17.

State law references-Itinerant vendors, C.G.S. 21-27_21-35; hawkers and peddlers, C.G.S. 21-36_21-38 (Comp. Ords. 1972, p.82 §2)

Section: 11-23. - Application for License:

Applicants for license under section 11-22 of this article must file with the town police chief a sworn application in writing, in duplicate, on a form to be furnished by the police chief, which shall give the following information:

1. Name and description of the applicant.
2. Permanent home address and full local address of the applicant.
3. A detailed description of the nature of the business and goods to be sold.
4. If employed, the name and address of the employer.
5. The length of time for which the applicant wishes to engage in business.
6. The place where the products proposed are to be sold, or orders to be taken for the sale thereof, are manufactured or produced.
7. Where such goods or products are located at the time such application is filed, and the proposed method of delivery.
8. Make, model or registration number of motor vehicle, if any, to be used.
9. Whether, when, and where the applicant has ever been convicted for any crime other than an infraction or misdemeanor involving a motor vehicle.
10. Whether, when, and where, in what court, and by whom he/she or any present or former employer, partner, principal or contract associate has ever been sued in a civil action alleging fraud or misrepresentation in connection with or as a result of the applicant's activities in soliciting for any contract or in selling, exposing or offering for sale or soliciting orders for any articles of food or any goods, wares, merchandise, materials or services.
11. A nonrefundable application fee of twenty dollars (\$20.00) in cash, money order or cashier's check. (Comp. Ords. 1972, p.82, §1; Ord. of 7-23-79(1))

Sec. 11-24. - Additional Information Required for Itinerant Vendor License:

Each applicant for an itinerant vendor's license must also file a copy of his state license and a certificate of zoning compliance with the Chief of Police. The town clerk shall issue an itinerant vendor's license upon receipt of a recommendation from the Chief of Police.

11-24.1 In accordance with C.G.S. § 21-30, a bona fide resident veteran who has resided within the state for a period of two (2) years preceding the date of application for such license and who served in time of war, as defined by C.G.S. § 27-103, shall be licensed without payment of a fee as defined in section 11-23 of this article. An application fee shall be submitted in accordance with section 11-23 of this article. The town may defer issuance of a license to a bona fide veteran for a period not to exceed seven (7) days for the purpose of investigation. Each such veteran shall produce his service discharge or a copy thereof, certified by the town clerk from the records of the town where such discharge is recorded, for inspection, together with a certificate from the town clerk that the applicant is a resident of the state.

Sec. 11-25. - Licensing Investigation:

Upon receipt of an application for license, the Chief of Police shall cause to be undertaken and completed within a period of thirty (30) days, such investigation of the applicant's business and moral character, and of the statements made in the application as he deems necessary for the public good; and if as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the police chief shall endorse his disapproval on the application and his reasons for the same, and notify the applicant thereof. A license shall be refused by the Chief of Police if the applicant has made any false statement or representation in any application or registration form required by this

article, has been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this article, or if judgment shall at any time have been entered against him in a civil action alleging fraud or misrepresentation in connection with or as a result of the business activities of said applicant. There shall be no refund of the application fee when a license is refused.

Sec. 11-26. - Issuance of license.

11-25.1 If, as a result of such investigation, the character and business responsibilities of the applicant are found to be satisfactory, the police chief shall endorse his approval on the application. The license shall show the signature of the issuing officer, the name and address of the licensee, a description of goods to be sold, the manner of sale, the date of issuance, the date of expiration, the amount of fee paid, and identifying description of any vehicle used in the delivery of the licensed services.

11-25.2 The Chief of Police shall approve no more than six (6) Special Event hawker, huckster, or peddler licenses as defined in section 11-21(f) of this ordinance.

11-25.3 Such licenses with or without vehicles, shall be licensed to do business only between the hours of 8:00am and 6:00pm, provided that, ice cream vendors may operate between 8:00am and 10:00pm from June 1st to September 15th of each year and must refrain from using bells, horns, or any other device to attract attention after 8:00pm.

(Comp. Ords. 1972, p. 83 §3)

Sec. 11-27. - License Fee:

The fee for a license issued in accordance with section 11-22 of this article shall be fifty dollars (\$50.00) annually. The licensing fee shall be paid in the form of cash, money order or cashier's check prior to the issuance of a license, and shall be in addition to any application fee charged pursuant to subsection 11-23(11) of this article.

11-27.1 A fee for a license issued for a Special Event as defined in section 11-21(f) shall be three hundred dollars (\$300.00). This fee is applicable to the one specified Special Event and is non refundable and non transferable to another Special Event. The licensing fee shall be paid in the form of cash, money order or cashier's check prior to the issuance of a license, and shall be in addition to any application fee charged pursuant to subsection 11-23(11) of this article. ****added \$300.00 fee*****

Sec. 11-28. – Badge:

Each licensee shall receive with his license a photo-badge bearing the name of the licensee, license number, and the words, “Licensed Peddler, Town of Southington”, or “Licensed Solicitor Town of Southington” as the case may be and with the expiration date of the license.

11-28.1 Such badge shall be worn conspicuously, on any outer garment of the licensee while engaged in peddling or soliciting and his license must be shown to any inhabitant of the town upon request.

11-28.3 No such badge shall be worn or used by any person other than the licensee to whom the license was issued.

11-28.4 A fee of ten dollars (\$10.00) shall be paid for each badge. The badge fee shall be paid in the form of cash, money order or cashier's check prior to the issuance of a badge, and shall be in addition to

any application fee charged pursuant to subsection 11-23(11) of this article and licensing fee charged pursuant to subsection 11-27 of this article.

Sec. 11-29. – Expiration, Transferability of License:

The license unless revoked, shall expire on the last of June succeeding the date of issuance thereof and shall be a personal license to the licensee and shall not be transferable.

11-29.1 No person whose license has expired shall engage in any of the activities named in section 11-22 of this article until he/she shall have made application with the police chief, obtained a new license, and paid the same fee as in the case of the original license.

11-29. 2 The expiration date above is not applicable to the Special Event license as defined under subsection 11-21(f) which is valid for only the specific Special Event it was issued for.

Sec. 11-30. – Regulations:

Each person to whom a license has been issued pursuant to this article shall, while engaged in the town in the activities for which he has a license shall:

- (a) Conduct himself at all times in a quiet, orderly and lawful manner.
- (b) Enter within any home only upon being expressly invited to do so by an occupant thereof.
- (c) Leave any premises immediately upon the request of any occupant of the same.
- (d) Deliver as agreed or represented and within a reasonable time, all foods, goods, wares, merchandise and materials, and perform in like manner all services or contracts for which he has been paid in whole or in part, except as provided in subsection (e).
- (e) Refund promptly any payments made to him if he shall find that it is not reasonably possible for him to comply with subsection (d) unless said refund shall be refused by the other party.
- (f) No licensee shall shout, blow a horn, ring a bell, shine a laser device on another person or use any sound/light device for the purpose of attracting attention in a manner which creates a public nuisance.
- (g) No licensee shall have no exclusive right to any location on public streets or public property, shall not be permitted any stationary location therein and shall not be permitted to operate in a congested area or any area where that operation might impede or inconvenience the public.
- (h) It shall be the duty of any police officer of the town to request any person seen engaging in any of the activities prescribed in section 11-22 hereof, and who is not known by such officer to have a valid license, to show his license. It shall be the duty of any such officer to enforce the provisions of this article against any person found to be in violation hereof. Hawkers, peddlers, itinerant vendors, canvassers, solicitors, and salesmen are required to exhibit their licenses at the request of any citizen. Operations conducted within or from a vehicle shall have the license displayed on or within the vehicle so as to be clearly visible to customers.

(i) The solicitor or peddler shall give a written receipt for all orders taken within the town, which receipt shall be signed by the solicitor or peddler and shall set forth a brief description of the goods, wares, memberships or merchandise ordered, the total purchase price thereof and the amount of the down payment received by the solicitor or peddler from the purchaser, if any, and a donation taken, the amount thereof.

Sec. 11-31. - Revocation of License:

A license issued under the provisions of this article shall be revoked by Town of Southington police officer for any of the following causes:

11-31.1 Fraud, misrepresentation or false statement contained in the application for license or any other registration form required by this article.

11-31.2 Fraud, misrepresentation or false statement made by the license holder in the course of carrying on the business of peddler, hawker, solicitor, canvasser or salesman.

11.31.3 Any violation of this article.

11.31.4 Conviction of any crime or misdemeanor involving moral turpitude.

If a license granted under this article is revoked, the fees associated with the license shall not be refunded or rebated.

Sec. 11-32. – Exemptions:

This article shall not apply to:

- a. Persons less than sixteen (16) years of age.
- b. Persons selling only to stores, institutions, business, industrial or commercial establishments, and municipal agencies.
- c. Charitable, philanthropic, religious and civic organizations and their representatives shall be exempt from all the provisions of this article except sections 11-26(b) and 11-27(a) and 11-27(b) provided that each person before 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 persons intending to solicit and the purpose or object thereof. The application fee shall be one dollar (\$1.00) for any such organization and may be waived for good cause. A copy of the application shall be provided each registrant. Such application shall serve as a means of identification.
- d. Farmers and gardeners selling the product of their farms and gardens, but only to the extent of such sales.
- e. The sale, distribution of, groceries, newspapers, fuel oil or bottled gas.
- f. The activities of any representative of any public utility subject to regulation by the state.
- g. Persons exempted by statute or applicable judicial decision from such regulation.
- h. Persons canvassing, soliciting or selling exclusively by telephone.

11-32.1 Person(s) who has, and has had for the preceding twelve (12) months, a regular place of business within the town and any person employed by soliciting for any person, firm, or corporation that has, and has had for the preceding twelve (12) months a regular place of business within the town shall not be required to file an application before soliciting orders, but all other provisions of this article shall apply to such persons.

11-32.2 All local residents shall be completely exempt from all provisions of this article with exception of ice cream vendors, regardless of residency ice cream vendors are subject to all provisions.

Sec. 11-33. – Violations:

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as provided in section 1-10 of this Code. Each day of engaging in the activities described in section 11-78 without a license, as required by this article, shall be considered a separate offense.

State Law reference— Authority to regulate peddlers, G.S. § 7-148(c)(6)(H)(iv). (Back)

Sec. 11-34. – Records:

It shall be the duty of the Chief of Police to keep records of all licenses issued under the provisions of this article in a book or file kept for that purpose. Said records shall contain, as to each holder of a license, all application forms signed by him with a notation on each as to whether a license was issued or refused as a result of its being filed, the date of issuance, or refusal, the reason for refusal, or the fee paid as the case may be, a summary of each complaint concerning the activities of the holder, and the date of any revocation of licenses granted such holder together with a statement of the reasons there for. The Chief of Police or authorized agent shall keep a detailed account of all receipts from applicants and shall turn such fees over to the town treasurer monthly.

Section 11-35 Enforcement:

The Chief of Police or his designee shall have primary responsibility for the enforcement of this section. The Chief of Police is authorized to take any and all actions reasonable and necessary to enforce this section.

Section 11-36 Constitutionality:

If any article, section, sentence or part of a sentence in this ordinance is found to be unconstitutional, it is the intent of the drafter to strike only the unconstitutional provision(s) and for the remainder of the ordinance to remain in effect.

Section 11-37 Penalty:

Any person violating any of the provisions of this article shall be fined in accordance with Section 11-1 as of 09/12/2013 a maximum payable fine of \$250.00 per violation.