

**124. AN AMENDMENT TO ORDINANCE 124 “AN ORDINANCE REGULATING PEDDLERS, STREET VENDORS, ITINERANT VENDORS AND SOLICITORS IN THE CITY OF GROTON”**

**(JANUARY 3, 2000 AND FEBRUARY 7, 2000)(AS AMENDED INITIALLY APPROVED MARCH 6, 2017; FINALLY APPROVED APRIL 3, 2017)**

**BE IT ORDAINED** by the Mayor and Council of the City of Groton:

**Section 1. Definitions**

a. The term "Peddler" as used in this Ordinance, shall mean any person, whether acting as principal or agent, who shall go from place to place, house to house, or from street to street, on foot or by vehicle, carrying any goods, wares, food, services or merchandise for the purpose of selling same to members of the public, or taking orders for the later delivery thereof. This term shall not be construed to hinder, forbid or prevent any person from obtaining, within the City of Groton, orders from merchants residing in the City of Groton for goods, wares, food, or merchandise purchased for the purpose of being resold by such merchants.

b. The term "Street Vendor" as used in this Ordinance, shall mean any persons, whether acting as principal or agent, who shall establish a temporary, movable and transient stand for the purpose of selling or offering to sell to members of the public goods, wares, food or merchandise, which stand is not connected to, and not under the full control of, an adjacent permanent business owned by such person or his or her principal.

c. The term "Itinerant Vendor" shall mean any person, whether acting as principal or agent, who engages in a Temporary or Transient Business, either in one location or traveling from place to place, selling goods, wares, or merchandise, and who, for the purpose of carrying on such business, hires, leases, or occupies any space, building or structure in the City for the exhibition and sale of such goods, wares or merchandise.

d. The term "Temporary or Transient Business" shall mean any exhibition and sale of goods, wares, or merchandise which is carried on in any tent, booth, building, or other structure, unless such place shall be open for business during usual business hours for a period of at least nine months in each year.

e. The term “Solicitor” shall mean any person who shall pass from house to house or from one address to another for the purpose of canvassing or soliciting goods, money or other articles or things.

**Section 2. Exemptions**

a. The following classes of persons and businesses shall be exempt from the provisions of this Ordinance:

(1) farmers and gardeners offering for sale the product of their farms and gardens;

(2) vendors of Connecticut-made or produced goods, wares, food or merchandise offering products for sale at a farmers’ market approved by the City;

(3) sales of milk and milk products not including ice cream or other frozen milk products;

- (4) sales made to dealers and business establishments by commercial travelers or selling agents;
  - (5) sales made to regularly established customers at their place of residence;
  - (6) sales made by charitable or civic organizations during the continuance of any fund raising activity, garage sales, tag sales, auctions and similar activities conducted by private persons, provided none of such activities shall exceed three (3) consecutive days nor more than three (3) times a year;
  - (7) sales made by minors who are residents of the City of Groton;
  - (8) bona fide sales of goods, wares, or merchandise by sample for future delivery;
  - (9) sales or fundraising made by non-profit organizations;
  - (10) sales of goods, wares, food or merchandise during any sale, annual fair, bazaar or auction held on the grounds of any church corporation, governmental entity or any organization which is exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code or any subsequent corresponding Internal Revenue Code of the United States as from time to time amended;
  - (11) garage and/or tag sales and similar activities conducted by private residents on private premises devoted to residential use, provided none of such activities shall exceed three (3) consecutive days nor more than three (3) times a year.
- b. No Street Vendor, Itinerant Vendor or Solicitor shall be relieved or exempted from the provisions or requirements of this Ordinance by reason of associating temporarily with any local dealer, auctioneer, trader, merchant, or by conducting any Temporary or Transient Business, in connection with or in the name of any local dealer, auctioneer, trader or merchant.
  - c. In lieu of license and permit requirements herein, a special temporary permit may be issued by the Chief of Police or designee to vendors of toys, flags, popcorn, novelties, balloons, and food stuffs at parades, bazaars and special functions located within the City of Groton. The permit application form shall be the same as provided in Section 8 hereof, except that the permit fee shall be twenty-five dollars (\$25.00), plus an additional fee of ten dollars (\$10.00) for each employee or agent of such vendor. Each permit shall be limited to the route of the parade, the location of the bazaar or special function. Such permit shall expire upon the end of the parade, bazaar or special function. Nothing in this subsection shall require a person already holding a valid applicable permit to obtain a special permit in addition to the existing permit.
  - d. No Street Vendor shall be relieved of the requirement to be licensed and approved by the Ledge Light Health District or other entity acting as the City Health District.

- e. Nothing herein shall require full-time students, who are residents of the City of Groton, to pay a permit or license fee for sale of newspapers, magazines or periodicals. All other provisions of this Ordinance shall apply to full-time students engaged in such activities, including, but not limited to, the requirements to obtain permits and licenses.

**Section 3. Licenses**

- a. No person, other than those exempted in Section 2, shall engage in the business of peddling, vending or soliciting, unless they have first obtained a license to do so issued by the Chief of Police or designee.
- b. Such license shall be issued in the name of the peddler, vendor or solicitor only, and shall not be transferable.
- c. No permit under this Ordinance shall be issued involving the sale or distribution of food or consumption products without the applicant having first obtained a permit from Ledge Light Health District.

**Section 4. License Application**

- a. The following information is required for a license application:
  - (1) name and address;
  - (2) age, weight, height, color of hair and eyes;
  - (3) a brief description of the nature of the products to be sold and the trade name, if any, under which such business will operate;
  - (4) if this applicant is to be employed by or associated with another licensee, permittee or applicant therefor, the name of such other licensee, permittee or applicant;
  - (5) the applicant's finger prints, if required by the Chief of Police or designee;
  - (6) a statement as to whether or not the applicant has been convicted of any crime, including misdemeanors and motor vehicle violations, the nature of the offense, if any, and the punishment or penalty assessed therefor;
  - (7) the name of any municipality or state for which the applicant has previously sought a license or permit as a Peddler, Street Vendor, or Solicitor, and the dates of such application;
  - (8) a fee as set forth in Section 6 hereof, except in the case of a licensee who is also a permittee, in which case the fee shall be as set forth in Section 8 hereof;
  - (9) the registration number and the name of the owner of any motor vehicle which will be used in connection with the applicant's business, and;

(10) a description of the route to be served, or the table vehicles from which sales will be made, or the temporary or transient business location where sales will be made, and in the case of itinerant vendors, the specific five day period when sales will be made.

b. Each person applying for a license shall have their photograph taken by the Police Department of the City of Groton for inclusion on the license.

#### **Section 5. License Identification**

Upon receipt of such application, the Chief of Police or designee, shall, within twenty-one days, investigate the applicant's background to the extent necessary to protect the public good. Upon completion of such investigation the Chief of Police or designee shall:

- (1) Endorse on any application found unsatisfactory disapproval and the reason therefore, and return same to the applicant by mailing to the address listed on the application; or
- (2) Endorse on any application approval, execute a license and notify the applicant by mail that the prescribed license can be obtained upon payment of the required fee. A copy of this Ordinance shall be given to all licensees at the time the license is issued.

#### **Section 6. License Fee**

a. The license fee for all Peddlers, Street Vendors, Itinerant Vendors and Solicitors, except permittees, shall be twenty-five dollars (\$25.00). Licenses for all Peddlers, Street Vendors, and Solicitors, other than Itinerant Vendors, shall be issued for each year. All licenses, except for Itinerant Vendors, shall expire one year from date of issue. The fee shall not be refundable or prorated regardless of whether or not the licensee conducts their business for an entire year. Licenses for Itinerant Vendors shall be only for five days duration, and may only be renewed for an additional five days upon payment of additional license fee and filing of an additional application. No license fee shall be required of veterans honorably discharged from the service of the Armed Forces of the United States of America.

b. The license fee may be changed from time to time by resolution of the City Council.

#### **Section 7. Permits**

a. Unless employed by a person who has obtained a permit, no licensee shall engage in activity as a Peddler, Street Vendor, Itinerant Vendor or Solicitor without having first obtained a permit to do so from the Chief of Police or designee.

b. Said permits will be issued for either:

- (1) in the case of Peddlers, a particular sales route for a particular product;
- (2) in the case of Street Vendors and Itinerant Vendors, for a particular product, table, vehicle, or transient or temporary location, and in the case of Itinerant Vendors, for a specific five day period; or
- (3) in the case of a Solicitor, for a particular purpose.

**Section 8. Permit Application**

- a. The initial permit application for a particular route, table, vehicle, or location shall constitute the permit application for said route, table, vehicle, location, which permit shall be issued in the name of the initial permittee. In addition to the requirements of the permit application, the permit application must include:
  - (1) a permit fee as prescribed below or as amended from time to time by resolution of the Council;
  - (2) a list of the names and addresses of all licensees to be employed by the permittee, which list shall be updated for each new licensee employed; and
  - (3) conclusive proof of the possession of a State of Connecticut Sales and Use Tax Permit and, where applicable, a State of Connecticut Vendor's Permit.
  
- b. Permit Fees shall be as follows or as amended from time to time by City Council resolution:  
Annual permit which allows for daily use – \$200  
Seasonal permit for weekend use – \$100
  
- c. The fee for an initial annual permit shall be prorated from time of application until expiration on June 30.
  
- d. In the case of a Peddler or Itinerant Vendor:
  - (1) a bond running to the City of Groton in the sum of one thousand dollars (\$1,000.00) executed by the permittee as principal with two sureties upon whom service of process may be made in the State of Connecticut, said bond to be in a form approved by the City Attorney, conditioned that said permittee shall comply fully with all of the provisions of ordinances of the City of Groton and statutes of the State and shall pay all judgements rendered. Said bond shall be held by the City of Groton for a period of three months beyond the expiration of the permit or the surrender of the same to the City of Groton; and
  - (2) an instrument nominating and appointing the City Clerk the true and lawful agent of the permittee with full power and authority to acknowledge service of notice of process for and on behalf of the permittee for all business transacted pursuant to the permit or for the performance of the conditions of the bond or for any breach thereof.

## **Section 9. Renewals of Permits**

- a. Annual permits other than permits for Itinerant Vendors, shall be issued on July 1 of each year providing that the renewal application is submitted by June 1. Annual permits, except permits for Itinerant Vendors, shall expire on June 30 of each year. Seasonal permits for weekend use are available for a period not to exceed four months. Permits for Itinerant Vendors shall only be for five days duration upon payment of an additional permit fee and the filing of an additional application.
- b. Permits may be renewed upon the payment of the appropriate fee to the Chief of Police or designee. New permit stickers shall be issued for each renewal period.

## **Section 10. License Identification**

Each licensee shall be issued a license identification which shall bear the words "Licensed Peddler and Vendor", the number of the license, its year of issuance, a photograph of the licensee, and the number of the permit under which the licensee is working. New license identifications shall be issued for each year of the permit under which it was issued. Licenses for itinerant vendors shall further indicate the five-day period when sales can be made.

## **Section 11. Permit Sticker**

Each permittee shall be issued a permit sticker which shall bear the words "Peddling and Vending Permit", the permit number, the date of issue, the name of the permittee, if applicable, the registration of the motor vehicle to which the permit attaches and for Itinerant Vendors, the five day period during when such sales can be made.

## **Section 12. Display of License Identification and Permit Sticker**

- a. Each licensee shall be required to wear license identifications in a visible position on the left-hand upper body whenever engaged in peddling or vending and shall make said license identifications available for inspection at the request of any citizen.
- b. Each permittee shall be required to affix the permit sticker to the exterior of the vehicle, cart, stand, carrying case, or supporting structure utilized in peddling or vending in a location clearly visible to the public, and shall make said permit sticker available for inspection at the request of any citizen.

## **Section 13. Provisional License or Permit**

In the case of seasonal vendors or peddlers or in any other case where good cause exists, the Chief of Police or designee, may, at the time an applicant files their application, issue a provisional license or permit to such a person which will remain in effect during the time the application is being processed.

**Section 14. Substitute Licensee**

In the event a licensee becomes ill or is otherwise unexpectedly unable to engage in the business for which they had been licensed, they may appoint a substitute to carry on their business, provided they have notified the Chief of Police or designee of such appointment and the reason(s). Any violations of this Ordinance by such substitute shall be grounds for revocation of the licensee's business. If the licensee remains disabled for a period of seven consecutive days, the substitute licensee may continue to vend or peddle only if they apply for a permanent license and received a provisional license in their own name.

**Section 15. Food Sales**

a. Street Vendors engaged in the sale of food products for human consumption from licensed motor vehicles or other vehicles specifically designed for the exclusive purpose of dispensing food, shall be approved by Ledge Light Health District (or the City's designated Health District), and shall engage in such sale only upon a public street.

b. No Street Vendor or Itinerant Vendor operating on or within fifty feet of Eastern Point Road from Thames Street to Chester Avenue, Poquonnock Road from Chicago Avenue to Thames Street or Forest Street, Mumford Avenue or Chester Street shall heat or cook food for sale and consumption on a grill detached from a vehicle.

**Section 16. Refuse Disposal**

All Street Vendors shall make adequate provisions for collection and disposal of all used containers, wrappings and other disposables, including garbage. All Street Vendors engaged in food sales shall be responsible for keeping the area within twenty-five feet of their vehicle, or table, clean, neat and free of litter, including garbage.

**Section 17. Location for Vending and Peddling**

a. Street Vendors shall only sell goods, wares, food, or merchandise, as applicable, in the following areas:

- (1) On public streets other than in an area zoned for residential use;
- (2) On City-owned public property other than public streets as part of an event permitted by the Department of Parks and Recreation and conforming to all applicable rules, regulations and requirements, including insurance requirements, governing the use of such property and with the approval of the authorized event organizer; and
- (3) On the grounds of any church corporation, governmental entity or any corporation which is exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code, as from time to time amended, during any sale, fair, auction or bazaar held by or sponsored by said church organization, governmental entity, or tax exempt corporation.

b. Licensed, permitted Peddlers and may in person enter upon private property for the purpose of selling goods, wares, food or merchandise as defined in Section 1 (a) of this Ordinance.

c. Licensed, permitted Solicitors may in person enter upon private property for the purpose of canvassing or soliciting goods, money or other articles or things.

**Section 18. Noise Regulations**

No Peddler, Street Vendor, or Itinerant Vendor shall create a disturbance by the continued use of horns, sirens, bells or any other sound producing device, but such Peddler, Street Vendor or Itinerant Vendor may, during daylight hours, make a signal reasonably loud enough to attract the attention of customers in the immediate vicinity provided such signal shall not be enhanced by amplifying equipment.

**Section 19. Revocation**

The Chief of Police or designee may revoke the license or permit of any person for any of the following reasons:

- (1) violations of any provisions of this Ordinance;
- (2) fraud, misrepresentation or false statement contained in the application for a license or permit;
- (3) fraud, misrepresentation or false statement made in the course of carrying on the licensee's or permittee's business;
- (4) conviction of any felony or any misdemeanor involving moral turpitude;
- (5) violation of any laws or regulations pertaining to the operation of motor vehicles, including parking thereof, labor, taxation, workmen's compensation, insurance, health and sanitation, littering, weights and measures, consumer protection, trespassing or disturbance of the peace or public safety, provided such violations occur during or related to the licensee's or permittee's business operations.

**Section 20. Permit Revocation**

Revocation of the license of a person employed by or associated with a permittee may be grounds for revoking the permit of such employer or associate.

**Section 21. Appeal**

Any person aggrieved by the action of the Chief of Police or designee of denying their application or revoking their license permit shall have the right of appeal to the Mayor and Council of the City of Groton or their delegates. After notice of the appeal has been filed with the City Clerk, the Mayor and Council, or their delegates, shall schedule a hearing within fourteen (14) days from such filing. Notice of time and place of the hearing shall be mailed to the appellant at the address appearing on the application. At the conclusion of the hearing, the Mayor and Council, or their delegates shall render a decision denying or granting the appeal or modifying the action taken by the Chief of Police or designee. This decision shall be final. A decision to grant the appeal in whole or in part shall require a majority vote of those present and voting. The City Clerk shall mail the disposition of the appeal by certified mail to the appellant within ten days of the Mayor and Council's decision.

**Section 22. Penalty**

In addition to any penalties herein provided any person who shall violate any of the provisions of this Ordinance other than Section 6 shall be fined not more than one hundred dollars (\$100.00) for each such offense.

**Section 23. Effect on Prior Ordinances**

Ordinance No. 59 entitled "An Ordinance Regulating Peddlers and Street Vendors and Itinerant Vendors" and amendment dated March 4, 1985 is hereby repealed.

**Section 24. Effective Date**

This Ordinance "An Ordinance Regulating Peddlers, Street Vendors, Itinerant Vendors and Solicitors in the City of Groton" shall become effective upon final approval.

**WHEREAS**, this Ordinance was established in order to update the current Connecticut General Statutes and regulations regarding peddlers, street vendors, itinerant vendors and solicitors in the City of Groton; and

**WHEREAS**, this Ordinance will repeal Ordinance No. 59 entitled "An Ordinance Regulating Peddlers and Street Vendors and Itinerant Vendors" and amendment to Ordinance No. 59 dated March 4, 1985; and

**WHEREAS**, at the Mayor and Council meeting held on January 3, 2000, the Mayor and Council initially approved this Ordinance; and

**WHEREAS**, the initial approval of this Ordinance was published in *The Day*, a newspaper having circulation in the City of Groton on January 6, 2000 and January 15, 2000; and

**WHEREAS**, this Ordinance was finally approved at the Mayor and Council meeting on February 7, 2000; and

**WHEREAS**, the final approval of this Ordinance was published in *The Day*, a newspaper having circulation in the City of Groton on February 10, 2000; and

**WHEREAS**, the amendment to this Ordinance was published in *The Day*, a newspaper having general circulation in the City of Groton on March 9, 2017 and March 10, 2017;

**WHEREAS**, the amendment will become effective upon approval;

**THEREFORE, BE IT RESOLVED** that the Mayor and Council finally approve an amendment to Ordinance 124 “An Ordinance Regulating Peddlers, Street Vendors, Itinerant Vendors and Solicitors in the City of Groton”.

Initially approved: January 3, 2000

Finally approved: February 7, 2000

Initially Approved as Amended: March 6, 2017

Finally Approved as Amended: April 3, 2017

  
Marian K. Galbraith, Mayor

  
Debra Patrick, City Clerk