

ORDINANCE #59 REPEALED BY ORDINANCE #124

59. AN ORDINANCE REGULATING PEDDLERS AND STREET VENDORS AND ITINERANT VENDORS

(FEBRUARY 7, 1983, AMENDED MARCH 4, 1985)

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 or merchandise for the purpose of selling same to members of the public and which are to be delivered at the time of sale.

(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 available at such business is not connected to, and 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 (9) months in each year.

Section 2. Exemptions

(a) The following classes of persons and businesses shall be exempt from the provisions of this ordinance:

- (i) farmers and gardeners offering for sale the product of their farms and gardens;
- (ii) sales of milk and milk products not including ice cream or other frozen milk products);
- (iii) sales made by minors who are residents of the City of Groton of newspapers, magazines and periodicals;
- (iv) sales made to dealers and business establishments by commercial travelers or selling agents;
- (v) sales made to regularly established customers at their place of residence;
- (vi) 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;

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- (vii) sales made by minors who are residents of the City of Groton acting in their capacity as bootblacks;
- (viii) sales made by minors who are residents of the City of Groton and who are sponsored by a religious, civic, charitable or educational organization having a place of business in New London County;
- (ix) bona fide sales of goods, wares, or merchandise by sample for future delivery;

(b) No street vendor or itinerant vendor shall be relieved or exempted from the provisions or requirements of this ordinance by reason of associating temporarily with any local dealer, auctioneer, trader, or 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 permit shall be issued by the Chief of Police to vendors of toys, flags, popcorn, novelties, balloons, food stuffs, and similar bazaars located within the City. 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), no license fee need be paid for employees or agents of the permittee, no bond need be posted, and no appointment of the City Clerk as agent for service of process need be made. Each permit shall be limited to route of the parade, or the location of the bazaar, or special function. Such permit shall expire upon the ending of the parade, circus, 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) 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. However, as to said full-time students engaged in such activities, all other provisions of this ordinance shall apply, including, but not limited to, the requirements to obtain permits and licenses.

Section 3. Licenses

(a) No person shall engage in the business of peddling or vending, unless he or she shall have first obtained a license to do so issued by the Chief of Police.

(b) Such license shall be issued in the name of the peddler or vendor only and shall not be transferable.

Section 4. License Application

- (i) name and address;
- (ii) age, weight, height, color of hair and eyes;

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- (iii) a brief description of the nature of the products to be sold and the trade name, if any, under which such business will operate;
 - (iv) if this applicant is to be employed by or associated with another licensee, permittee or applicant therefor, the name of such other persons;
 - (v) the applicant's finger prints, if required by the Chief of Police;
 - (vi) 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;
 - (vii) 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;
 - (viii) 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;
 - (ix) 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;
 - (x) 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 (5) day period when sales will be made;
- (b) Each person applying for a license shall have his 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 shall within twenty-one (21) days investigate the applicant's background to the extent necessary to protect the public good. Upon completion of such investigation he shall:

- (a) Endorse on any application found unsatisfactory his disapproval and the reasons therefor and return same to the applicant by mailing to his or her address listed thereon; or
- (b) Endorse on any application his approval, execute a license and notify the applicant by mail that he or she can obtain same upon payment of the prescribed license fee. A copy of this ordinance shall be given to all licensees at the time the license is issued.

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Section 6. License Fee

The license fee for all peddlers and vendors, except permittees, shall be twenty-five dollars (\$25.00). Licenses for all peddlers and vendors, other than itinerant vendors, shall be issued for each year or portion thereof. All licenses, except for itinerant vendors, shall expire on December 31st of each year and the fee shall not be refundable or pro-rated regardless of whether or not the licensee conducts his or her business for an entire year. Licenses for itinerant vendors shall be for only five (5) days duration, and may only be renewed for an additional five (5) days upon payment of additional license fee and filing of an additional application. The foregoing notwithstanding, no license fee shall be required of veterans honorably discharged from the service of the armed forces of the United States of America.

Section 7. Permits

- (a) Unless employed by a person who has obtained a permit, no licensee shall sell door to door, from a particular table, or vehicle, or from a transient or temporary location, without having first obtained a permit to do so from the Chief of Police.
- (b) Said permits will be issued for either:
 - (i) in the case of peddlers, a particular sales route for a particular product, or
 - (ii) in the case of vendors, for a particular table, vehicle, or transient or temporary location, and in the case of itinerant vendors, for a specific five (5) day period.
- (c) Said permits shall not be transferable to any other route, table, vehicle, or location.

Section 8. Permit Application

The initial license 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 licensee. In addition to the requirements of the license application, the permit application must include:

- (a) A permit fee of two hundred fifty dollars (\$250.00);
- (b) 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
- (c) Conclusive proof of the possession of a State of Connecticut Sales and Use Tax Permit (where applicable) and a State of Connecticut Vendor's Permit;
- (d) In the case of a peddler or itinerant vendor:

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- (i) 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 (2) 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 and statutes of the State and shall pay all judgements rendered. Said bond shall be held by the City for a period of three (3) months beyond the expiration of the permit or the surrender of the same to the City; and
- (ii) 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) Permits, other than permits for itinerant vendors, shall be issued for each year or portion thereof. All permits, except permits for itinerant vendors, shall expire on December 31st, of each year and the fee shall not be refundable or prorated regardless of whether or not the permittee conducts his or her business for the entire year. Permits for itinerant vendors shall only be for five (5) 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 a two hundred fifty dollars (\$250.00) fee to the Chief of Police. 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 calendar year. 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 number of permit, its year of issuance, 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

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(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 may, at the time an applicant files his or her application, issue a provisional license or permit to such a person which shall 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 he or she had been licensed, he or she may appoint a substitute to carry on his or her business, provided he or she shall have notified the Chief of Police of such appointment and the reasons therefor. 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 (7) consecutive days, the substitute licensee may continue to vend or peddle only if he or she applies for a permanent license and received a provisional license in his or her own name.

Section 15. Food Sales

Peddlers engaged in the sale of products for human consumption shall do so only from licensed motor vehicles or other vehicles specifically designed for the exclusive purpose of dispensing food and shall not display food or beverages outside of such vehicles in any manner.

Section 16. Refuse Disposal

All peddlers and vendors shall make adequate provision for collection and disposal of all used containers, wrappings, and other disposables, including garbage. Further, all street vendors engaged in food sales shall be responsible for keeping the area within twenty-five feet (25') of their vehicle, or table, clean, neat and free of litter, including garbage.

Section 17. Location for Vending and Peddling

Vending and peddling shall be conducted only in the public streets of the City of Groton except that peddlers may in person enter upon private property for the purpose of obtaining sales of goods and merchandise immediately available for purchase. Vendors shall not conduct their business in areas zoned for residential use.

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Section 18. Noise Regulations

No peddler or vendor shall create a disturbance by the continued use of horns, sirens, bells or any other sound producing devise but such peddlers and/or vendors 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 may revoke the license or permit of any person for any of the following reasons:

- (a) Violation of any provision of this Ordinance;
- (b) Fraud, misrepresentation or false statement contained in the application for a license or permit;
- (c) Fraud, misrepresentation or false statement made in the course of carrying on the licensee's or permittee's business;
- (d) Conviction on any felony or any misdemeanor involving moral turpitude;
- (e) 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 of denying his or her application or revoking his or her license permit shall have a right of appeal to the Mayor and Council of the City of Groton, or their delegates. After notice of the appeal shall have 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 appealant at the address appearing on his or her application. At the conclusion of the hearing, the Mayor and Council, or their delegates, shall render decision denying or granting the appeal or modifying the action taken by the Chief of Police which decision shall be final and conclusive. A decision to grant the appeal in whole or in part shall require a majority vote of those present and voting.

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Section 22. Penalty

In addition to any penalties herein provided, any person who shall violate any of the provisions of this ordinance shall be fined not more than One Hundred Dollars (\$100.00) for each such offense.

Section 23. Effect on Prior Ordinances

Ordinance No. 56 entitled "An Ordinance Regulating Peddlers and Street Vendors", effective January 23, 1978, is repealed. All parts of the ordinance entitled "An Ordinance Requiring License for Peddlers and Solicitors" effective April 27, 1925, which are inconsistent with this ordinance are also repealed.

Section 24. Effective Date

This Ordinance shall become effective on February 8, 1983. Licenses expiring on December 31, 1982, shall continue in full force and effect until action has been taken by the Chief of Police on the new applications for permits or licenses.

STATEMENT OF PURPOSE

To regulate the businesses of peddling and vending for the protection of consumers; to finance the cost of refuse collection due to the activities of vendors and peddlers; to regulate the business of peddling and street vending in order to alleviate congestion; to discourage undue noise and littering; and to promote the public health and welfare.

Initially approved: January 3, 1983
Finally approved: February 7, 1983

(SEE ATTACHED AMENDMENT)

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WHEREAS, the preparation of food on open grills has become a fire hazard in the vicinity of Electric Boat, and

WHEREAS, food preparation in the open cannot be temperature controlled and may be unhealthy; and

WHEREAS, the Sanitarian, Food Chief and Director of Health have all recommended that open food preparation in the vicinity of Electric Boat is prohibited,

NOW, THEREFORE BE IT ORDAINED by Mayor and Council of the City of Groton that final approval to the ordinance regulating peddlers, street vendors, and itinerant vendors, dated December 13, 1982 to be amended as follows:

“Section 15. Food Sales

- (a) Peddlers engaged in the sale of products for human consumption shall do so only from licensed motor vehicles or other vehicles specifically designed for the exclusive purpose of dispensing food and shall not display food or beverages outside of such vehicles in any manner,
- (b) No peddler, street vendor, or itinerant vendor operating on or within fifty feet (50’) 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.

In all other respects the ordinance regulating peddlers, street vendors, or itinerant vendors shall remain in full force and effect.

Initially amended: February 4, 1985

Finally amended: March 4, 1985