



ORDINANCE ON PEDDLING AND SOLICITING

19-1 Purpose

The purpose of this Ordinance is to promote greater public safety and welfare in the town.

19-2 Definitions

a) "Hawker" or "Peddler"- Any person, whether principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter, or exposing therefore, any goods, wares or merchandise, either on foot or from any vehicle.

b) "Solicitor"- Any person, whether principal or agent, who goes from town to town or from place to place in the same town for the purpose of 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, either on foot or from any vehicle.

19-3 Permit required

No person, except as hereinafter stated, shall hawk, peddle, vend, sell, offer for sale or solicit, upon any public streets or upon any state highway, except limited access highways, or from house to house, within the Town of Wilton or on any land abutting such streets or highways, any goods, wares, periodical subscriptions, or any other merchandise or services without a written permit issued by the Wilton Police Department upon the filing of an application as hereafter provided.

19-4 Exceptions

a) The permit requirement of Section 19-3 shall not apply to sales by farmers and gardeners of the produce of their farms, gardens and greenhouses, including fruit, 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.

b) The permit requirement of Section **19-3** shall not apply to individuals or groups who are duly authorized to act for and on behalf of, any recognized charitable, civic or religious organization.

19-5 Authority to issue written permit; duration; fee

The Wilton Police Department is authorized to issue a written permit as required by section **19-3** to any proper person or entity, which permits shall be issued at a rate of twenty-five (\$25.00) dollars per year and shall be valid for one (1) year. Permits issued to business entities shall authorize said entities to be represented by one named person only. If additional personal representatives are sought, additional written permits will be required for each such additional representative and additional fees shall be collected accordingly. Permits issued shall be signed by the chief of the Wilton Police Department, shall contain a photo as provided for in **section 19-6**, shall state the expiration date for such permit and shall contain such other information consistent with the purpose of this chapter as the Wilton Police Department may require. Said permit shall be valid only between 9:00 A.M. and dusk and may specify the area or areas within the town for which permit shall be valid.

19-6 Application for permit, procedure, requirements

(a) Every person or entity seeking a written permit under this chapter shall submit to the Wilton Police Department a written application on such form as may be required by the Wilton Police Department. Said application may require reasonable personal information for identification purposes. Said application shall include two photographs of the applicant or its representative should the applicant be an entity. The Wilton Police Department shall be responsible for taking the photographs. Said application shall also request such other further reasonable information, including information regarding previous felony or misdemeanor convictions involving crimes of moral turpitude, as shall not be prohibited by law. A criminal record check shall be completed by the Wilton Police Department. Said application shall also request a statement as to the goods and services to be covered by the requested permit, and the written permit issued will be limited accordingly. Failure to supply the information requested shall be a sufficient basis for the Wilton Police Department to refuse to issue said permit. In the case of entities, a separate application, permit and fee will be required for each proposed entity representative, and each application shall be signed by both the representative and the entity which he or she represents. A permit may be suspended by the Wilton Police Department, after notice and hearing, if any of the terms and conditions of its issuance are violated or if personal information comes to the attention of the Wilton Police Department through a police check or otherwise, of such a nature as would have caused the Wilton Police Department to withhold issuance in the first instance. Applications must be acted upon by the Wilton Police Department within a period of thirty (30) days from initial submission thereto.

(b) Applications for permits for operations intended to be substantially permanent and/or stationary shall be accompanied by a written consent from the property owner and any businesses located on or immediately adjacent to the proposed location. Such a location will also require either approval or waiver from the town planner stating that the proposed operation is either consistent with or not governed by Wilton zoning. In no event shall a substantially

permanent or stationary operation be approved if located in a residential zone. For the purposes of this section, substantially permanent or stationary shall be defined as an operation that is fixed and immobile for periods in excess of two (2) consecutive hours of any given day. Any town ordinances which may restrict hours of operation for retail sales, deliveries, etc., shall apply without the necessity of being noted on the written permits. The Wilton Health Department may also require that the proposed operation be serviced or adequate provision be made for running water and toilet facilities. The applicant shall also disclose the nature of the operation and all vehicular and business property to the Wilton tax assessor for treatment consistent with local taxation.

(c) Any permit issued pursuant to this ordinance shall be conspicuously displayed on a lanyard supplied by the Wilton Police Department at all times while the permittee is engaged in the activities regulated by this Ordinance.

(d) No permit shall be issued to any person who has not obtained a permit to engage in or transact business as a seller within the state in accordance with Connecticut General Statutes section 12-409.

(e) No permit fee shall be required from any resident of Connecticut who has resided within Connecticut for a period of two years next preceding the date of application for such permit, who is (1) a veteran who served in time of war, as defined in Connecticut General Statutes section 27-103, (2) a hawker or peddler as defined in Connecticut General Statutes section 21-36, and (3) a principal pursuant to Connecticut General Statutes section 21-36.

19-7 Denial of Permit

(a) The Wilton Chief of Police may, upon review of the application, refuse to issue a permit to the applicant for any of the following reasons:

(1) The location and time of the activities described in the application would endanger the safety and welfare of the applicant or its customers;

(2) An investigation reveals that the applicant falsified information on the application;

(3) The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property;

(4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;

(5) There is no proof as to the authority of the applicant to serve as an agent to the principal; or

(6) The applicant has been denied a permit under this Ordinance within the immediate past year, unless the applicant can and does show to the satisfaction of the Wilton Chief of Police that the reasons for such earlier denial no longer exist.

(b) The Wilton Chief of Police's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

19-8 Permit Revocation

Any permit issued under this Ordinance may be revoked or suspended by the Wilton Chief of Police or his authorized representative, after notice and hearing, for any of the following reasons:

(a) Fraud, misrepresentation or false statement contained in the application for a permit;

(b) Fraud, misrepresentation or false statement made by the permittee in the course of conducting the activities for which the permit was granted;

(c) Conducting activities regulated by this Ordinance in a manner contrary to the provisions contained in the permit;

(d) Conviction for any crime involving moral turpitude; or

(e) Conducting activities regulated by this Ordinance in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

19-9 Notice and Hearing

Notice of a hearing for revocation of a permit issued under this Ordinance shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

19-10 Appeals

(a) Any person aggrieved by the action or decision of the Wilton Chief of Police to deny, suspend or revoke a permit applied for under the provisions of this Ordinance shall have the right to appeal such action or decision to the Town of Wilton Hearing Officer within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to the person's last known address.

(b) An appeal shall be taken by filing with the Wilton Chief of Police a written statement setting forth the grounds for the appeal.

(c) The Wilton Chief of Police shall transmit the written statement to the Town of Wilton Hearing Officer within ten (10) days of its receipt and the Town of Wilton Hearing Officer shall set a time and place for a hearing on appeal.

(d) A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.

(e) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for in the mailing of the notice of action or decision.

(f) The decision of the Town of Wilton Hearing Officer on the appeal shall be final and binding on all parties concerned.

19-11 Insurance

As a condition to permit issuance, the Town of Wilton may require proof of insurance, either vehicular, property, casualty, or liability as may be reasonable and customary for the nature of the proposed operation and in amounts consistent with the intensity and nature of the operation.

19-12 Penalty

Any person who engages in the activities set forth by subsection **19-3** without a valid written permit shall be fined the sum of ninety (\$90.00) dollars. An infractions ticket shall be issued as authorized by the State of Connecticut for violation of a municipal ordinance and payment or a plea of not guilty sent to the State of Connecticut Centralized Infractions Bureau.