

**AN ORDINANCE LICENSING AND REGULATING
PEDDLERS, VENDORS AND SOLICITORS
IN THE TOWN OF PLAINVILLE**

SECTION 1. It shall be unlawful for any person to engage in the business of peddler, itinerant vendor, solicitor or canvasser as defined in Section 2 of this ordinance within the corporate limits of the Town of Plainville without first obtaining a license as prescribed herein.

SEC. 2. (a.) The word "person" as used in this ordinance shall mean any individual or group of individuals associated in any form, whether principal or agent, unless specifically exempted by statute from the provisions hereof.

(b.) The word "peddler", as used herein, shall include "hawker" and "huckster", and shall mean any person as defined above, who shall go from house to house in the Town of Plainville selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares or merchandise, either on foot, or from any animal or vehicle.

(c.) The word "canvasser" or "solicitor" shall mean any person, traveling by foot, animal or vehicle from house to house in the Town of Plainville, 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

(d.) The words "vendor" or "itinerant vendor" shall mean any person, whether principal or agent, who engages in a temporary or transient business in the Town of Plainville, either in one locality or in traveling from place to place, selling goods, wares, merchandise or foodstuffs.

SEC. 3. Applicants for a license hereunder must file with the Chief of Police of the Town of Plainville, an annual license fee of twenty five dollars, together with a sworn written application in duplicate on a prepared form requiring the following information and material :

(a.) Name and description of the applicant.

(b.) Address (legal and local) .

(c.) Brief description of the nature of the business and the goods offered for sale, and as to farm products, whether produced or grown by the applicant.

(d.) Name and address of, and legal relationship to employer, if any.

(e.) License number and other identification of any vehicle to be used.

(f.) The names of at least two reputable citizens of Connecticut who will certify as to the applicant's good character and business responsibility, or in lieu of such reference, any other evidence sufficient to establish such character and responsibility.

SEC. 4. (a.) No person making application for a license to peddle or vend foodstuffs shall be issued such license until he has provided to the Chief of Police of the Town of Plainville a certificate signed by the Director of Health of the Town of Plainville. Said certificate shall state that the Director of Health has approved the methods and equipment utilized by the applicant as being in accordance with Section 19-13-B48 of the Public Health Code of the State of Connecticut, and any other applicable section therein. Prior to issuance of said certificate, the applicant shall be required to furnish to the Director of Health a statement of health, signed by a physician, on the applicant and on any of the applicant's personnel engaged in the handling of foodstuffs, together with the results of any medical tests which the Director of Health may deem to be desirable to prevent the spread of disease within the Town of Plainville.

(b.) The certificate required by Section 4(a) of this ordinance shall be valid for a period of 14 days from date of issue, and must be renewed thereafter. Said certificate may be revoked by the Director of Health for failure to comply with any applicable provision of the Public Health Code of the State of Connecticut. Expiration or revocation of said certificate shall be cause for immediate revocation of the license issued under Section 2 of this ordinance.

(c.) No fee shall be required for such certificate issued by the Director of Health.

(d.) The Director of Health may waive the requirement for such certificate at his discretion; such waiver shall be provided by him, in writing, to the Chief of Police of the Town of Plainville.

(e.) Persons exempt from licensing under Sections 14 or 15 of this ordinance, or by State law, shall be exempt from the requirements of Section 4 of this ordinance.

SEC. 5. (a.) Upon receipt of application required by Section 3 of this ordinance, the Chief of Police of the Town of Plainville shall make such investigation as in his judgement is required to establish the fitness of the applicant in the interest of the public welfare.

(b.) If the applicant's fitness is found unsatisfactory, the Chief of Police of the Town of Plainville shall endorse on such application the reasons for disapproval and notify the applicant that no license will be issued.

(c.) If the applicant's fitness is found satisfactory, the Chief of Police of the Town of Plainville shall approve the application and issue a license to the applicant upon payment of the prescribed license fee. Such license shall contain the signature of the issuing officer, the name and address of the applicant, a description of the nature of the goods to be sold, the amount of fee paid, the date of issuance and expiration date of the license, and identifying description of any vehicle used in such peddling. Each licensee shall receive with his permit a badge bearing the name of the licensee and the words "Licensed Peddler, Town of Plainville" or "Licensed Solicitor, Town of Plainville", as the case may be, together with expiration date of the license.

(d.) No municipal license issued under this ordinance shall be valid unless the holder thereof also holds a valid State license, if such State license shall be required under the provisions of Chapter 407 of the Connecticut General Statutes.

SEC. 6. Such badge shall be worn conspicuously on any outer garment of the licensee while engaged in peddling, vending or soliciting and his license must be shown to any inhabitant of the town upon request.

SEC. 7. No such badge or license shall be worn or used by any person other than the licensee to whom the same was issued.

SEC. 8. Any person soliciting, vending or peddling within the Town of Plainville, whether or not required to register under the provisions of this ordinance, shall conform to the following regulations:

(a.) The solicitor, vendor or peddler shall conduct himself at all times in an orderly and lawful manner.

(b.) The solicitor, vendor or peddler shall give a written receipt for all orders taken within the Town of Plainville, which receipt shall be signed by the solicitor, vendor or

peddler, and shall set forth a brief description of the goods, wares or merchandise ordered, the total purchase price thereof, and the amount of the down payment received by the solicitor, vendor or peddler from the purchaser, if any.

SEC. 9. No peddler, vendor or solicitor nor any person in his behalf shall shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loudspeaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of said city or upon any private premises in the said city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

SEC. 10. No peddler, vendor or solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public.

SEC. 11. It shall be the duty of any police officer of the Town of Plainville to require any person seen peddling, vending or soliciting, and who is not known by such officer to be duly licensed, to produce his peddler's, vendor's or solicitor's license and to enforce the provisions of this ordinance against any person found to be violating the same.

SEC. 12. (a.) Permits and licenses issued under the provisions of this ordinance may be revoked by the Council after notice of 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 peddler, vendor or solicitor.
- (3.) Any violation of this ordinance.
- (4.) Conviction of any crime or misdemeanor involving moral turpitude.
- (5.) Conducting the business of peddling, vending or soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b.) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing.

SEC. 13. Any person violating any of the provisions of this ordinance shall upon conviction thereof, be punished by a fine not to exceed fifty dollars.

SEC. 14. This ordinance shall not apply to sales by farmers and gardeners of the produce of their farms and gardens, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, newspapers, meats and bakery goods, to sales on approval or to conditional sale of merchandise, or to any other sales exempt by State statute.

SEC. 15. This ordinance shall not apply to salesmen selling goods to retail or wholesale stores for resale. Any person who has, and has had for the preceding twelve months, a regular place of business within the Town of Plainville, and any person employed by or soliciting for any person, firm or corporation that has, and has had for the preceding twelve months, a regular place of business within the Town of Plainville, shall not be required to register before soliciting orders, but all other provisions of this ordinance shall apply to such persons.

SEC. 16. Charitable, philanthropic, ecclesiastical and civic organizations shall be exempt from the provisions of this ordinance, provided that each person before peddling, vending or soliciting on behalf of the same shall register with the Council the name and address of the organization, the name and address of persons intending to peddle, vend or solicit and the purpose or object therefor. The registration fee shall be \$1.00 for any such organization and may be waived, for good cause. A copy of such registration shall be provided each registrant. Such registration shall not require approval or licensing, but shall serve as a means of identity.

SEC. 17. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance but they shall remain in effect.

Approved May 31, 1955 T.M.R., III, 125-128

Ordinance amended August 4, 1969, June 21, 1971 and
April 5, 1976.