

TOWN OF CHESHIRE TOWN COUNCIL
NOTICE OF ADOPTED ORDINANCE AMENDMENT TO SECTION 13-32 “REGULATION
OF HAWKERS, PEDDLERS, AND SOLICITORS”

The Town Council of the Town of Cheshire at their meeting on Tuesday, June 14, 2022 adopted the amendments to Section 13-32 “Regulation of Hawkers, Peddlers, and Solicitors” now titled “Regulation of Peddlers and Solicitors” as follows:

Sec. 13-32. - Regulation of peddlers and solicitors.

Purpose. This section is enacted to protect against criminal activity including fraud and burglary, to minimize the unwelcome disturbance of citizens and the disruption of privacy and to otherwise preserve the public health, safety and welfare by regulating, controlling and licensing solicitors and peddlers.

- (a) *Definitions.* The following definitions shall apply to this section:

peddler, as used in this section, means any person, whether principal or agent, who goes from town to town or place to place in the Town of Cheshire selling, bartering, exposing for sale or barter, or carrying for sale or barter, either privately or publicly, any goods, wares or merchandise, either on foot or from any animal or vehicle. This definition shall not apply to those who sell or barter at a private residence at the invitation of the owner or occupant of said residence in conformity with the zoning laws of the Town of Cheshire.

peddling includes all activities ordinarily performed by a peddler as indicated above.

Person, as used in this section, means a natural person or any firm, corporation, association, club, society or other organization.

Soliciting includes all activities ordinarily performed by a solicitor as indicated below.

Solicitor, as used in this section, means any person who goes upon the premises of any private residence in the town, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares or other personal property of any nature for future delivery, where payment in full is required at the time of solicitation or for services to be performed in the future. This definition also includes any person who, without invitation, goes upon private property to request contributions of funds or anything of value, or sell goods or services for political, charitable, religious or other noncommercial purposes.

- (b) *Exemptions from section.* This section shall not apply to the sales of goods or services to stores, corporations, firms, associations, clubs, societies, or other organizations, or to goods or merchandise sold and delivered by merchants whose place of business is located in the town, or to the sale of goods by students of the public or private schools of the town, providing such sales have been approved by the board of education or other appropriate authority, or to the sale of newspapers from vending machines. This section shall also not apply to sales by farmers and gardeners of the produce of their farms, gardens or greenhouses; or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats, and bakery goods; or 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 or to any sale of goods, wares, or merchandise on the grounds of any incorporated agricultural society during the continuance of any fair held by such society; or to any general sale, fair, auction or bazaar held or sponsored by an ecclesiastical society, church corporation, nonprofit corporation or civic or fraternal organization located in the town. Persons exempted by the statutes and the laws of the State of Connecticut, or persons in possession of valid licenses issued by the State of Connecticut covering the activities which would otherwise be regulated by this section. In addition, activities which come within constitutional protected free speech and/or political

advocacy are exempt from this section. However, rights under those activities may be governed and/or restricted by other laws, such as those prohibiting trespass on private property.

(c) *License required.* No person eighteen (18) years of age or older shall engage in peddling or soliciting as defined in subsection (a) above within the town without first having obtained a license from the chief of police. No person shall be granted a license unless they have maintained a current State of Connecticut sales tax permit, obtained a certificate from the zoning enforcement officer that such operation shall not be in violation of the zoning laws of the town, met all of the requirements of this section, and have completed and signed an application as shall be provided by the chief of police and paid all fees as herein set forth. No license shall be granted if to do so would violate any other laws or regulations of the town or the state.

(d) *Application.* Every person subject to the provisions of this section shall file with the chief of police, or his designee, an application in writing on a form to be furnished by the police department, which shall provide the following information:

- (1) Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, article of incorporation (for sponsors), or other legally recognized form of identification;
- (2) A brief description of the business or activity to be conducted;
- (3) The hours and location for which the right to peddle or solicit is desired;
- (4) If employed, the name, address and telephone number of the employer; or if acting as an agent, name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
- (5) A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;
- (6) Proof of any license or permit which, under state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this section; and
- (7) Two (2) photographs of the applicant which shall have been taken within sixty (60) days immediately prior to the date of the filing of the application. The photographs shall measure two inches by three inches (2" × 3") (standard wallet size) and show the head and shoulders of the applicant in a clear and distinguishing manner.

(e) *Fees.* At the time the application is filed with the chief of police, the applicant shall pay a fee to cover the cost to the town of processing the application and investigating the fact stated therein. The permit fee shall be one hundred dollars (\$100.00) for each solicitor or peddler. All licenses shall be valid for one year from the date of issuance. A permit fee shall not be required for any resident of Connecticut who has resided within Connecticut for a period of two years next preceding the date of the application for such permit, who is (1) a veteran who served in time of war, as defined in General Statutes section 27-103, (2) a peddler as defined in General Statutes section 21-36, and (3) a principal pursuant to General Statutes section 21-36.

(f) *Records.* It shall be the duty of the chief of police to keep a record of all licenses granted under the provisions of this section, giving the number and date of all licenses, the name, age and residence of the persons licensed, the amount of the license fee paid and also the dates of revocation of any licenses revoked as hereafter provided. Records shall be maintained for a period of two (2) years from the expiration of the permit.

(g) *Application review and permit issuance.*

(1) Upon receipt of an application, the chief of police, or his designee, shall review the application as deemed necessary to ensure, based upon objective considerations, the protection of the public health, safety and general welfare.

(2)

If the chief finds the application to be satisfactory, the chief shall endorse his approval on the application and shall, upon payment of the prescribed fee, deliver the required permit to the applicant.

(3)

The permit shall show the name, address and photograph of the permittee, the kind of goods, wares or merchandise to be sold, bartered or delivered, the scope of the solicitation, the date of issuance, and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued. At the same time the permit is issued, each permittee shall be issued a badge, which shall be worn by the permittee in such a way as to be conspicuous at all times while the permittee is soliciting or peddling in the town. In addition, a vehicle plate shall be issued to each permittee, which shall be conspicuously displayed in or on the permittee's vehicle at all time while the permittee is soliciting or peddling in the town.

(h) *Denial of permit.*

(1) Upon the chief's review of the application, the chief, or his designee, may refuse to issue a permit to the applicant under this section for any of the following reasons:

- a. The location and time of the solicitation or peddling would endanger the safety and welfare of the solicitors peddlers or their customers;
- b. An investigation reveals that the applicant falsified information on the application;
- c. 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, such conviction being entered within the five (5) years preceding the date of application;
- d. The applicant is a person against whom a judgement based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;
- e. There is no proof as to the authority of the applicant to serve as an agent to the principal; or
- f. The applicant has been denied a permit under this section within the immediate past year, unless the applicant can and does show to the satisfaction of the chief that the reasons for such earlier denial no longer exist.

(2) The reasons for the 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.

(i) *Permit exhibition.* Every person required to obtain a permit under the provisions of this section shall exhibit the permit when requested to do so by any prospective customer or police officer.

(j) *Entry upon signed premises unlawful.* It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor to enter upon any residential premises in the town where there has been posted on the premises, or at the entry of the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import.

(k) *Hours of solicitation.* No permittee, or other persons, while conducting the activities of a peddler or solicitor shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 7:00 p.m. and 9:00 a.m.

(1) *Permit revocation.* Any permit issued under this section may be revoked or suspended by the chief for any of the following reasons:

(1) Fraud, misrepresentation or false statement contained in the application for permit.

(2) Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities.

(3) Conducting solicitation or peddling activities contrary to the provisions contained in the permit.

(4) Conviction of any crime involving moral turpitude.

(5) Conducting solicitation or peddling activities 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.

(m) *Notice and hearing.* Upon denial, revocation, or suspension of a permit, the chief of police shall cause notice of his action or decision to be sent to the applicant or permit holder. Notice of action or decision issued under this section shall be provided in writing and shall set forth specifically the grounds for the denial, revocation, or suspension and the date by which the applicant or permit holder must respond to appeal. Notice shall be mailed, postage prepaid, certified mail, return receipt requested, to the permittee or at the last known address of the permittee.

(n) *Appeals.*

(1) Any person aggrieved by the action or decision of the chief of police to deny, suspend or revoke a permit applied for under the provisions of this section shall have the right to appeal such action to the appeals office within fifteen (15) days after the notice of action or decision has been mailed to the person's address as shown on the permit application form or to his last known address.

(2) The appeals officer shall be any person designated as such by the town manager and shall not be a member or employee of the police department.

(3) An appeal shall be taken by filing with the chief a written statement setting forth the grounds for the appeal.

(4) The chief shall transmit the written statement to the appeals officer within ten (10) days of its receipt and the appeals officer shall set a time and place for a hearing on the appeal.

(5) A hearing shall be set no later than twenty (20) days from the receipt of the appellant's written statement.

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

(7) A person wishing to contest the denial, revocation, or suspension of his permit shall appear at the hearing and may present evidence on his behalf. If such person fails to appear, the appeals officer may affirm the decision of the chief of police to deny, suspend or revoke the permit upon a finding of proper notice.

(8) A designated town official, other than the appeals officer, may present evidence on behalf of the town.

(9) The appeals officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. Any oral or documentary evidence may be received, but the appeals officer shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. The appeals officer shall announce his decision at the end of the hearing.

(10) The decision of the appeals officer on the appeal shall be final and binding on all parties concerned.

(o) *Claims of exemption.* Any person claiming to be legally exempt from the regulations set forth in this section, or from the payment of a permit fee, shall cite to the chief in writing prior to commencement of the activity claimed to be exempt the statute or other legal authority under which exemption is claimed and shall present to the chief proof of qualification for such exemption.

(p) *Violations and penalty.* Every person who violates any provision of this section shall be subject to revocation of his license and shall be guilty of an infraction and be fined not more than one hundred dollars (\$100.00) for each offense.

(q) *Other sections.* The provisions of this section shall not affect, amend, or modify the provisions of [Section 11-20](#) of this Code.

(r) *Severability.* The provisions of this section are declared to be severable. If any section, sentence, clause, or phrase of the section shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not effect the validity of the remaining sections, sentences, clauses, and phrases of this section, but they shall remain in effect, it being the legislative intent that this section shall remain in effect notwithstanding the validity of any part.

(s) *Nonprofit groups.*

(1) Any nonprofit religious, charitable, educational, political, civic or veterans' organization, society, association or club desiring to sell any item or merchandise as defined herein for a religious, charitable, patriotic, educational, civil or philanthropic purpose shall be exempt from the application and license provisions hereof, provided there is a filed, sworn application, in writing, with the Police Department, either by the individual if done on an individual basis, or by the duly authorized person in charge thereof if being done on a group basis by numerous individuals as agents or employees, who shall give the following information:

(a) Name of the individual or organization and the purpose of the cause for which the permit is sought.

(b) Names and addresses of the individual officers and directors or trustees of the organization and the addresses of such organization.

(c) The length of time anticipated to conduct the activity.

(d) Submission of proof of nonprofit status under state regulations and Internal Revenue Service regulations.

(2) Upon submission of the information required in (1) above, and upon being satisfied that such person is a bona fide representative of such an organization or that such organization, as aforesaid, is bona fide, and that the agents or representatives who shall conduct the transactions are approved representatives, the Police Department shall issue a license, without charge to such organization, association or corporation, to operate in the Town. Such organization shall supply its agents, representatives or employees with a badge or ribbon containing the names of such organization, which shall be worn and conspicuously displayed on the front of the clothing of such agent, representative or employee.

This amendment becomes effective July 5, 2022.

Dated at Cheshire, Connecticut, this 15th day of June, 2022.

By: _____
Tim Slocum
Town Council Chairman