

**TOWN OF HARWINTON  
SPECIAL TOWN MEETING  
Tuesday, January 21, 2014, 7:00 p.m.**

**ORDINANCE REGULATING  
PEDDLERS, HAWKERS, CANVASSERS, SOLICITORS AND VENDORS**

Section 1.	Definitions.	Section 10.	Expiration and renewal of license.
Section 2.	Exemptions and exclusions.	Section 11.	Use of streets.
Section 3.	License required.	Section 12.	Use of Town property.
Section 4.	License application and accompanying documents.	Section 13.	Use of private property.
Section 5.	Investigation; issuance or denial of license.	Section 14.	Records.
Section 6.	Certain acts prohibited.	Section 15.	Penalties for offenses.
		Section 16.	Compliance with statutory requirements.
Section 7.	Suspension and revocation of license.		
Section 8.	Duty of police to enforce.	Section 17.	Prior licenses.
Section 9.	Application fee; exemption for veterans.	Section 18.	Repeal of Ordinance #13.
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**Section I. Definitions.**

As used in this Ordinance, the following terms shall have the meaning indicated:

**APPLICANT** – Refers to peddlers, hawkers, canvassers, solicitors and/or vendors.

**CANVASSEER or SOLICITOR** – Any person, whether principal or agent, who goes from place to place in the Town of Harwinton, from house to house, or from street to street obtaining or attempting to obtain orders for the sale of any goods or services, which goods or services shall be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether the individual is collecting advance payments or not. Also, any person who, for himself or herself or for any other person, hires, occupies, or uses any place within the Town for the sole purpose of exhibiting samples and taking orders for future delivery.

**NONPROFIT** – Any organization qualified as tax exempt by the Internal Revenue Service and/or the State of Connecticut.

**PEDDLER - HAWKER**, – Any person, whether principal or agent, who goes from place to place in the Town of Harwinton, selling, bartering, vending or peddling, or carrying for sale or barter, or exposing therefor, any goods, wares, or merchandise either on foot or from any animal or vehicle.

**PERSON**- An individual, partnership, corporation, company, association, club, organization and/or group.

**TOWN** – The Town of Harwinton.

**VENDOR** – Any person, whether principal or agent, who shall engage in a temporary or transient business in the Town of Harwinton selling goods, wares and/or merchandise and who, for the purpose of

carrying on such activities and/or business, shall hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares and/or merchandise.

**LICENSED ACTIVITY** – Any business or activity carried on by any person who is a peddler, hawker, canvasser, solicitor or vendor.

## **Section 2. Exemptions and exclusions.**

The following persons and activities shall be exempt from licensing under the regulations provided by this Ordinance:

- A. Salespersons selling goods to authorized retail and/or wholesale establishments.
- B. Sales by farmers and gardeners of the produce from their farms, gardens and greenhouses or the sale, distribution and delivery of milk, teas, coffee, spices, groceries, meats and bakery goods.
- C. Sales on approval or conditional sales of merchandise, or the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation as provided in Section 21-37 of the Connecticut General Statutes.
- D. Persons exempted by Chapters 407 or Chapter 408 of the Connecticut General Statutes or persons who act for and on behalf of any recognized nonprofit organization or political, charitable, civic, social service, volunteer fire or ambulance, religious or church group, or school-sponsored organizations of the Town of Harwinton or Regional School District No. 10.
- E. Sales at any event conducted by the Town of Harwinton or Regional School District No. 10 or at the Harwinton Fair sponsored by the Harwinton Agricultural Society.
- F. Newspaper carriers and/or vendors of newspapers.

## **Section 3. License required.**

Unless specifically exempted herein, it shall be unlawful for any individual to engage in any licensed activity as defined in this Ordinance within the corporate limits of the Town of Harwinton without first obtaining a license as provided herein.

## **Section 4. License application and accompanying documents.**

- A. All applications shall be requested at the First Selectman's office during normal Town Hall business hours. Applicants for a license must file with the First Selectman or his/her designated agent, a sworn application in writing, in duplicate, on a form which shall contain the following information:
  - (1) Name and mailing and street address, along with a description of the applicant and/or principal.
  - (2) A brief description of the nature of the business, including services to be rendered, the goods to be sold, or solicitations to be made.
  - (3) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
  - (4) The length of time for which the request to conduct business is desired.  
If a vehicle is to be used, a description of said vehicle, license number and other means of identification, if requested.
  - (5) Upon request, an accurate photograph or digital image of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, clearly showing the face, head and shoulders of the applicant.

- B. All applications shall be sworn to by all persons required to sign the same. Applications shall be signed by the applicant, if an individual, by all partners, if a partnership, and by the president, if a corporation.
- C. Before any license shall be duly issued, the applicant shall file a bond in the sum of \$500 or, in lieu thereof, an irrevocable letter of credit from a Connecticut bank in favor of the Town of Harwinton. The bond shall be a surety bond executed by a surety company authorized to enter into such bonds in the State of Connecticut. This bond applies to canvassers and solicitors as defined herein.
- D. All said bonds shall be approved by the First Selectman or his/her designated agent and further conditioned that the applicant shall comply fully with all of the provisions of this Ordinance and all other ordinances of the Town of Harwinton and statutes and regulations of the State of Connecticut.
- E. The First Selectman and his/her designated agent shall have the authority, as vested by this chapter, to waive the requirements under Subsections A (6) and C for good cause shown.

**Section 5. Investigation; issuance or denial of license.**

- A. Investigation. Upon receipt of a completed application which meets the requirements of Section 4, the First Selectman or his/her designated agent may cause investigation into the business conduct of the applicant as deemed necessary for the protection of the public health, safety or welfare. Upon a finding, that the facts stated in the application are true and complete, and in the absence of any ground for denial set forth in Subsection (C) of this Section, the First Selectman or his/her designated agent shall issue a dated and signed license to be valid subject to revocation as hereinafter provided. Application for a license shall constitute authorization to conduct a state or federal law enforcement background check.
- B. Issuance. The license shall include if applicable, the full name of the applicant and the applicant's employer, a picture of the applicant and a statement that the issuance of such a license does not constitute an endorsement by the Town of Harwinton of the applicant or the applicant's employer, or the product or service of the applicant or the applicant's employer. Such license shall be carried on the applicant, and shall be worn by the licensee in a conspicuous manner on the front of the licensee's outer garment at all times when the licensee is conducting a licensed activity, and shall be exhibited to any individual requesting to see the same at any time while said applicant is engaged in the business and/or activity authorized by such license or at any time at the request of the State Police, any municipal police officer, or any member of the Board of Selectmen. The license shall bear the words either "licensed peddler", "licensed vendor" or "licensed solicitor". No license issued under the provisions of this Ordinance shall be used by any person other than the one to whom it was issued.
- C. Denial. The First Selectman or his/her designated agent may deny an application for a license for any of the following reasons:
  - (1) The applicant has violated any of the required or prohibited practices as set forth in this Ordinance.
  - (2) An applicant's or his employer's previous license has been revoked for any reason.
  - (3) The applicant or his employer's failure to act in the past or refusal to act in the future in accordance with the provisions of this Ordinance.
  - (4) The applicant's or his employer's failure to obtain and exhibit upon request other licenses required by the State of Connecticut.
  - (5) The applicant's or his employer's failure to provide the required information for the above application.
  - (6) The applicant has misrepresented any information on the application.

**Section 6. Certain acts prohibited.**

**A. No license holder shall:**

- (1) State or imply that having a license constitutes an endorsement by the Town of Harwinton.
- (2) Use any false or deceptive inducements.
- (3) Fail to conduct business in an orderly manner or fail to comply with the provisions of this Ordinance.
- (4) Fail to exhibit the license at all times.
- (5) Transfer said license to any other person, firm, corporation or organization.
- (6) Engage in a licensed activity with residents at their homes, i.e. door to door, other than between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday and 9:00 a.m. to 12:00 noon on Saturdays.

**Section 7. Suspension and revocation of license.**

**A. Any license issued under the provisions of this Ordinance may be suspended and/or revoked, after notice and hearing by the First Selectman or his/her designee, for violation of this Ordinance or any other ordinance of the Town, or for any other violation of the General Statutes of the State of Connecticut or for any of the following reasons:**

- (1) Upon receipt by the First Selectman or his/her designated agent of a complaint verified by a reliable person or persons concerning false advertising or misrepresentation by such licensee during the course of conducting specified business and/or activity.
- (2) Upon a finding that the license should not have been issued because of any material fact unknown to the Town of Harwinton at the time of issuance of the license.
- (3) Fraud or false statements made either in the application for license or in the conduct of the license holder's business and/or activity.
- (4) Engaging in any act or activity prohibited by this Ordinance.
- (5) Conducting specified business activities 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. Every suspension or revocation of a license shall be in writing and state the reason for such suspension or revocation and be dated. A notice in writing shall immediately be sent by the First Selectman or his/her designated agent by certified mail to the licensee and at the addresses shown on the application. Such suspension or revocation shall be effective as to the time of sending such notice; provided, however, that the person whose license has been suspended or revoked may, within ten (10) days after sending of such notice, appeal to the Board of Selectmen for reinstatement by a request in writing for such relief directed to the First Selectman or his designated agent. The Board of Selectmen shall give the individual so appealing a hearing within fourteen (14) days after receipt of such request. Failure to hold such hearing within the fourteen-day period shall cause an automatic reinstatement of said license.**

**Section 8. Duty of police to enforce.**

It shall be the duty of any State Police officer or municipal police officer serving the Town of Harwinton to require any person seen peddling or vending, and who is not known by such police officer to be duly licensed, to produce a valid license and to enforce the provisions of this Ordinance against any person found to violate the same.

**Section 9. Application fee; exemption for veterans.**

- A. At the time of filing an application for a license as required by this Ordinance, the applicant shall pay a nonrefundable application fee of \$150, payable to the Town of Harwinton to cover the cost of investigation and processing of said application.
- B. Any resident of the State of Connecticut who has resided within the state for two (2) years preceding the date of application for a license and who is a veteran with an honorable discharge who served in time of war as defined in the Connecticut General Statutes shall be exempt from said application fee required under this Section.

**Section 10. Expiration and renewal of license.**

- A. All licenses shall be issued or renewed for one (1) year to expire at 12:00 midnight on June 30 of the next succeeding year at the full license fee set forth in the Fee Schedule.
- B. If a license is not renewed within one year of expiration, the applicant will be required to submit a new application and comply with all the requirements of such new application, including an application fee as set forth in Section 9.

**Section 11. Use of streets.**

- A. Unless otherwise permitted by state statutes or ordinances of the Town of Harwinton, no applicant shall:
  - (1) Have an exclusive right to any location on or any area abutting and/or adjoining any public or private street.
  - (2) Be permitted a stationary location on any public or private street.
  - (3) Be permitted to operate on any street where the business and/or activity might impact, impede or inconvenience the public or impair the public safety and/or transit.
- B. The term "public and/or private street(s)" shall include all areas within the Town's street rights-of-way or street lines, whether public or private, or within the street line or right-of-way of any state highway. For the purpose of this section, the judgment of any municipal police officer or state trooper, exercised in good faith, shall be deemed conclusive as to whether the public is impeded or inconvenienced or the public safety impaired.
- C. An applicant holding a valid license under this chapter shall be presumed to have a stationary location if:
  - (1) Such individual remains in the general location while not in the act of selling; or
  - (2) Such individual is in one general location for more than two hours per day.

**Section 12. Use of Town property.**

Unless otherwise permitted by state statute or ordinance of the Town of Harwinton, no applicant shall have use of any Town property other than as permitted by this Ordinance to conduct business. Any person who acts for on behalf of any nonprofit organization, political, charitable, civic or social organization, or volunteer fire or ambulance, religious, service or school-sponsored organization or any person who transacts business at an event conducted by such organization or by the Town or Regional School District No. 10, shall be exempt from the prohibition of this section, provided that such person receives the prior authorization of the First Selectman or his/her designated agent or the Chairperson of the Harwinton Recreation Commission.

### **Section 13. Use of Private Property.**

No license shall be issued for conducting business and/or activity on private property without the written consent of the property owner affected and the certification of the Town of Harwinton Zoning Enforcement Officer that the use complies with all applicable zoning regulations of the Town of Harwinton.

### **Section 14. Records.**

A complete listing of all individuals and/or applicants issued licenses shall be made available by the First Selectman or his/her designated agent to the Town Clerk in order that residents may obtain information concerning the individual and/or activity to whom or for which such license has been granted.

### **Section 15. Penalties for offenses.**

Any person found to be violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100 per transaction. Each transaction or sale shall be deemed a separate offense.

### **Section 16. Compliance with statutory requirements.**

Prior to being eligible for issuance of the license required by this Ordinance, all applicants must have fulfilled all of the requirements of the state statutes and hold in possession all applicable state licenses.

### **Section 17. Prior licenses.**

Licenses in effect on the effective date of this Ordinance shall continue to be controlled by the ordinance in effect at the time of issuance, but upon expiration such licenses shall be renewed subject to the conditions of this Ordinance.

### **Section 18. Repeal of Ordinance # 13.**

Ordinance # 13 concerning the licensing of peddlers, adopted August 2, 1960, is repealed as of the effective date of this Ordinance.

### **Section 19. Severability.**

The provisions of this Ordinance are severable and if any portion of this Ordinance shall be held to be invalid or unconstitutional for any reason, such determination shall not affect the remainder of this Ordinance.

### **Section 20. Authority and effective date.**

This Ordinance is adopted pursuant to Connecticut General Statutes Section 7-148 (c)(6) (C), 7(B), 7(H) and Chapters 407, 408 and this Ordinance shall take effect fifteen (15) days after publication of a summary of its provision in accordance with Connecticut General Statutes, Section 7-157(b).

New

**TOWN OF HARWINTON  
PEDDLERS/HAWKERS, CANVASSERS/SOLICITORS, VENDORS  
FEE SCHEDULE**

1. Application Fee  
Nonrefundable: \$150.00
2. Peddlers/Hawkers  
1 year renewable \$200.00
3. Canvassers/Solicitors  
1 year renewable \$250.00  
Bond of \$500 required
4. Vendors  
1 year renewable \$150.00
5. Bond  
Discretionary requirement \$500.00
6. Temporary Vendor's Weekend Permit

Temporary weekend permit for vendors issued by the First Selectman or his/her designated agent. All other requirements of this Ordinance shall apply. Only one temporary permit may be issued the same Applicant during any calendar year. \$25.00

ADOPTED BY TOWN MEETING HELD: January 21, 2014.  
PUBLISHED IN THE: Republican-American ON January 24, 2014.  
EFFECTIVE DATE: February 7, 2014.  
HARWINTON TOWN RECORDS: VOLUME 8, PAGES 95 - 101.