

**An Ordinance Amending Chapter 16 of the East Haven Code regarding Peddlers, Solicitors, and Itinerant Vendors**

**WHEREAS**, Chapter 16 of the East Haven Code presently address the topic of peddlers, solicitors, and itinerant vendors;

**AND WHEREAS**, the Town wishes to update and amend all of the regulations contained therein

**NOW THEREFORE, BE IT ORDAINED** that Chapter 16 and all sections contained therein, including the respective titles of said sections, are hereby repealed in their entirety and the following shall be deemed to replace the same:

**Chapter 16. PEDDLERS, SOLICITORS, AND ITINERANT VENDORS**

**Article I. GENERALLY**

**Sec. 16-1. Purpose.**

The purpose of this article is to guard against criminal activity, including but not limited to fraud and burglary, minimize the unwelcome disturbance of citizens and the disruption of privacy, and otherwise preserve the public health, safety and welfare by regulating, licensing, and controlling the operation of solicitors, peddlers and itinerant vendors.

**Sec. 16-2. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where this article explicitly prescribes a different meaning.

**a. ITINERANT VENDOR**

Any person, either as principal or agent, who engages in a temporary or transient business of selling and delivering goods, wares and merchandise either from a fixed location within the Town or traveling place to place and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, room, apartment, lot, parking lot, parking space or spaces, street or other place, whether public or private, within the Town, for the exhibition and sale of such goods, wares and merchandise, either privately or at any auction. Any person who engages in transient selling shall not be relieved from complying with the provisions of this article by reason of associating himself with any established local dealer, trader, merchant or auctioneer, or by conducting transient selling in connection with, as part of or in the name of any established local dealer, trader, merchant or auctioneer, unless properly associated with a managing itinerant vendor as defined below who fully complies with the licensing provisions for a managing itinerant vendor for a particular show or event. For the purpose of this chapter, an itinerant vendor who participates in a show or event under the direction and control of a managing itinerant vendor will be deemed to be an agent of the managing itinerant vendor and will not be required to obtain an individual itinerant vendor license for such show or event.

**b. MANAGING ITINERANT VENDOR**

Any person who conducts, manages, or organizes a show of itinerant vendors for the purpose of exhibition and sale at any location which is open to the general public and at which goods, wares or merchandise are on display and offered for sale by any vendors.

c. PEDDLER

Any person whether principal or agent who travels from place to place by any type of conveyance, carrying his wares with him, offering and exposing the wares for sale or making sales and delivering articles to purchasers, or any person who, without traveling from place to place, sells or offers the same for sale from any type of vehicle or conveyance. A peddler generally offers for sale, consummates the sale and delivers the goods at one and the same time to the ultimate consumer.

Any person who solicits orders and, as a separate transaction, makes deliveries to purchasers as part of a scheme or design to evade the provisions of this definition shall be deemed peddling and shall be subject to the provisions of this article. The word "peddler" does not include any person who goes upon private property for the purpose of peddling, having been invited to do so by the owner or occupant of such property.

d. PERSON

Any person, firm, partnership, limited partnership, corporation, association, club, society, or other organization or legal entity.

e. SOLICITOR OR CANVASSER

Any person who travels from place to place by any type of conveyance taking or attempting to take orders for the sale at retail of goods, wares and merchandise or personal property of any nature whatsoever for future delivery, whether or not such person has, carries or exposes for sale a sample of the subject of such sale, or whether or not he is collecting advance payments on such sales. The word "solicitor" or "canvasser" does not include any person who goes upon private property to solicit or canvass, having been invited to do so by the owner or occupant of such property, and does not include persons under the age of 16 years who are representing local nonprofit organizations.

**Sec. 16-3. Exemptions from article.**

(a) Any Town-sponsored events, Town-wide celebrations, observances or events such as the Fall Festival, Annual Fireworks Party, and the Town of East Haven Farmers Market, which include more than five exhibitors or merchants, shall be exempt from this ordinance, except those provisions contained in Article 5 provided, however, that the sponsors shall apply to the Chief of Police for clearance for such special events. The request for clearance shall include the name and local address of the sponsor, proposed duration, number of exhibitions or merchants taking part in the sale, purpose of the event and a description of the goods and type of goods to be sold. The chief shall provide such clearance in writing. The Chief of Police shall be the sole authority in deciding whether a sponsor qualifies for exemption under this section. The refusal of the Chief of Police to issue a special events license may be appealed to the Board of Police Commissioners. (See Section 16-26 post.) The Chief of Police may impose conditions on the approval of the special events license, including required sanitation and cleanup measures, security measures and bond to guarantee performance of the conditions or to secure the payment of the sales tax due to the Town.

(b) Yard and garage sales shall be exempt from the provisions of this article.

(c) The sale of household goods or food products made or raised by the salesperson on his premises shall be exempt from this article, provided that such sales take place on the premises of the salesperson.

(d) Vendors, merchants, exhibitors and salesmen who exhibit, demonstrate or solicit orders for goods or merchandise in conjunction with and as part of an organized program of conventions, professional meetings, trade association meetings, seminars or other similar meetings held at hotels, motels or public or private meeting areas within the Town shall be exempt from the provisions of this article.

(e) The provisions of this chapter as to fees only shall not apply to any general sales auction, fair or bazaar held on the property of and for the benefit of an ecclesiastical society, church corporation, governmental entity or any corporation which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, as from time to time amended, provided that no exemption shall apply where the property is rented to or otherwise utilized by any third party. Provisions as to licensing requirements shall apply.

#### **Sec. 16-4. Conduct of business in general.**

(a) The provisions set hereunder are in addition to any and all requirements set forth in the General Statutes of the State of Connecticut, as same may be amended from time to time, as well as state regulations, federal law and other local law.

(b) Vending (including managing itinerant vending), canvassing or soliciting under the provisions of the East Haven Code of Ordinances shall be limited to the hours of 9:00 a.m. to 10:00 p.m. every day.

(c) No orders for goods or wares to be delivered in the future shall be taken without giving a written receipt for all orders taken within the Town, which receipt shall be signed by the solicitor 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 seller from the purchaser.

(d) All licensees hereunder shall be required to conduct themselves in a peaceable, orderly and lawful manner at all times. Licensees and employees of licensees shall wear proper attire (i.e., swimwear or similar clothing is prohibited). Shirts, pants, skirts, shorts or dresses and footwear are required.

#### **Sec. 16-5. Conduct of business on street or other public place.**

(a) No peddler, solicitor, canvasser or itinerant vendor or managing itinerant vendor, including any vendor of food in connection with any show or event, shall:

(1) Carry on his business upon any street, alley, sidewalk, park or any other public place unless his license specifies that peddling, soliciting, canvassing or vending in such public place is permitted thereunder, and in no case shall such provisions be made without approval by the Chief of Police or his authorized representative;

(2) Sell from any establishment or permanent location upon any street, alley, sidewalk, park or other public place; or

(3) Park or stand his wagon, automobile or other vehicle upon any sidewalk or sidewalk area, or upon any street, alley, highway or public thoroughfare so as to cause or increase

congestion, obstruct travel or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be conclusive as to whether the area is congested, or the public impeded or inconvenienced.

(4) Hook up to Town utilities in connection with the sale of any product.

(b) The East Haven Police Department may approve an application to use a public place; provided, however, that the EHPD may, after considering the location or area in which the applicant proposes to carry on his business, the type of business to be carried on and other applicable information, determine that the peddling, soliciting, canvassing or transient selling would constitute an obstruction of the public way or place, would constitute a safety or health hazard or other hazardous condition upon the public way or place, would not be in compliance with the laws of the Town, or would not be compatible with the intended use or traffic upon the public way or place, and may deny the license or issue a license with reasonable conditions.

(c) No stand for the purpose of vending shall be of a height or size so as to obstruct the vision of pedestrian or motor vehicle traffic. All stands shall be portable in nature.

(d) No vehicle or stand shall be so located or placed as to obstruct pedestrian or motor vehicle traffic or be detrimental or injurious to public safety or interfere with the use of any street, sidewalk or public place by the public at large.

(e) A licensee shall not vend within 1,000 feet of any property used as a school from one hour before the regular school day to one hour after the regular school day, provided this subsection shall not apply on days when school is not in session.

(f) All goods, wares or merchandise placed for sale by a street vendor shall be contained upon or within the vehicle or stand used by the street vendor or contained upon the person of said vendor. In no case shall any goods, wares or merchandise be placed directly upon a street, sidewalk or public place.

(g) Where food is sold, adequate trash containers shall be maintained by the food vendor, directly adjacent to the food service. For itinerant food vending facilities, the provisions hereunder are in addition to the requirements set forth pursuant to Section 8-51 et seq. ante.

(h) Possession or sale of aerosol confetti, silly string, stink bombs, poppers or other similar products by licensees and their employees hereunder is prohibited unless expressly allowed by the Chief of Police on a licensee's permit.

(i) No licensee shall shout, blow a horn, ring a bell or use any sound device for the purpose of attracting attention in a manner which creates a nuisance.

Sec. 16-6. through Sec. 16-9. (Reserved)

## **Article II. LICENSE**

### **Sec. 16-10. Required; managing itinerant vendor required for events of 10 or more itinerant vendors.**

(a) It is unlawful for any person to peddle, solicit, canvass or engage in itinerant vending [unless in the case of itinerant vending under the direction and control of a duly licensed managing itinerant vendor as provided herein within the limits of the Town without first obtaining a license as provided in this division.

(b) Moreover, at any show or event where 10 or more itinerant vendors will sell or exhibit goods or merchandise, a duly licensed managing itinerant vendor must assume responsibility and control of said show or event in compliance with the sections below. At such a show, each itinerant vendor shall be required to obtain a license and the managing itinerant vendor shall be required to obtain a license.

### **Sec. 16-11. License application.**

Applicants for licenses for all vending, soliciting, hawking or peddling, including the taking of orders for future delivery when full payment is required at the time of solicitation, itinerant vendors and managing itinerant vendors under this chapter shall file with the Chief of Police an application in writing on a form to be furnished by the East Haven Police Department, which shall give the information below. There shall be a record of all licenses granted pursuant to this chapter in a file provided for that purpose at the East Haven Police Department.

(a) Name and physical description of the applicant.

(b) Applicant's date of birth, driver's license or other identification number, Social Security number.

(c) Permanent home address, as well as local address and telephone number.

(d) A description of the business or activity to be conducted which shall include the following:

(1) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in the Town of East Haven and any particulars relating to the merchandise and its sale as may be required.

(2) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, including copies of same.

(e) If employed, the name, address and telephone number of the employer, or if acting as agent, the name, address and telephone number of the person or persons having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the Town of East Haven; the local and permanent address or addresses of any employees of such business; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated; and credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(f) The length of time for which the right to vend, peddle or solicit is desired and the place or places in the Town of East Haven where it is proposed to carry on the applicant's business.

(g) Two photographs of the applicant, taken within 60 days immediately prior to the date of filing of the application, measuring two inches by two inches, and showing the head and shoulders of the applicant in a clear and distinguishing manner.

(h) The fingerprints of the person or persons having the management or supervision of applicant's business or, in lieu thereof, at least two letters of recommendation from reliable property owners in the State of Connecticut, certifying as to the applicant's good character and business responsibility, or other evidence which establishes to the satisfaction of the Chief of Police the good character and business responsibility of such person or persons. In all cases where the size of the event exceeds 10 or more vendors or where weapons of any kind will be exhibited or where facts and circumstances otherwise so warrant, fingerprints in addition to written recommendations shall be required.

(i) A statement as to whether or not the applicant and the person or persons having the management or supervision of the applicant or any employee thereof have been convicted of any criminal offense, whether felony or misdemeanor, other than minor traffic violations. As to any such offense, the date and place of conviction, the nature of the offense, and the punishment or penalty imposed must be provided.

(j) The place or places, other than the permanent place of business of the applicant, where the applicant within the six months preceding the date of said application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted.

(k) Proof of possession of any license or permit which, under federal, 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 chapter. The licensing requirements hereunder shall not be construed to waive any other licensing or permit requirements under federal, state or local laws.

(l) For a managing itinerant vendor license, the applicant shall, in addition to the information required above, produce the following information, statements and identification relating to all itinerant vendors under his control and responsibility for the event applied for in a form and manner satisfactory to the Chief of Police to ensure adequate protection and safety of the public:

(1) A statement acknowledging that the managing itinerant vendor shall be responsible for the conduct of vendors under his or her control to ensure they conduct themselves in a peaceable, orderly and lawful manner.

(2) A list of participating itinerant vendors including the full name of each itinerant vendor, date of birth, home address, work address, Social Security number, items to be sold. Such list shall not be subject to change without the express written permission of the Chief of Police after seven days prior to the commencement of the show or event scheduled. Said list shall be maintained by the managing itinerant vendor for a period of not less than one year after the show or event licensed and shall be made available to the East Haven Police Department upon 10 days' written notice. The managing itinerant vendor shall also supply information to any police officer, purchaser, or prospective purchaser information which would assist in a complaint or investigation in connection with an itinerant vendor under his care and responsibility.

(3) A statement acknowledging that it shall be the duty of the managing itinerant vendor to ensure that itinerant vendors under his or her care and responsibility shall have valid food and health permits if applicable.

**Sec. 16-12. Investigation of applicant; issuance of license.**

(a) Upon receipt of an application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(b) If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, and/or will endanger the public health, safety or general welfare, the Chief of Police shall endorse on such application his disapproval and his reasons, shall notify the applicant that his application is disapproved and that no permit and license will be issued. In the case of an application for a managing itinerant vendor license, identification of an unsatisfactory itinerant vendor working under his direction shall be grounds for denial of a license of the managing itinerant vendor. A notice of disapproval shall be mailed to the applicant at the address shown on the application. In any case, the Chief shall make a decision regarding an application no later than ten (10) business days from its receipt by the East Haven Police Department. A failure to act on an application and render a decision by the Chief shall be deemed to be a disapproval of the application, which disapproval shall be appealable to the Board of Police Commissioners as denoted herein.

(c) If as a result of investigation the character and business responsibility of the applicant are found to be satisfactory (and, in the case of a managing itinerant vendor the character and business responsibility of the itinerant vendors who will be working under his supervision and control are found to be satisfactory), the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied to the applicant for the carrying of the business applied for and return said permit, along with the application to the license bureau, which shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the type of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such activity. The Department shall keep a permanent record of all licenses issued.

**Sec. 16-13. Separate license generally required for each person engaging in business, except for spouses working as itinerant vendors or under a managing itinerant vendor.**

No more than one individual person shall engage in business or operate under the same license under this article whether as principal or agent or as an assistant to any principal or agent. However, in instances where spouses are working as itinerant vendors or under a managing itinerant vendor, both spouses may operate under the same license and fee, provided the license has been issued in the name of both spouses upon review of complete license applications by both spouses and approval of same per Sections 16-11 and 16-12.

#### **Sec. 16-14. Licensing and fees for operations for profit.**

(a) In the case of all licenses required under this section, except as otherwise provided herein, the application and license fee which shall be charged for such license shall be established annually by the Board of Police Commissioners. However, from the time of enactment of this ordinance until the time of establishment of the first fee schedule by the Board of Police Commissioners, the fee for individual vending, soliciting, hawking or peddling shall be \$150.00 for one year.

(b) The annual license fees so provided shall be assessed on January 1 of each year, and on or after July first the amount of such fee for annual license shall be 3/4 the amount stipulated above for the remainder of the year.

(c) In the case of the managing itinerant vendor licenses, the fee for one year shall be \$250. In addition there shall be a per-show fee of \$50. However, in lieu of paying the additional per-show fee, a managing itinerant vendor may purchase a yearly per-show license at a cost of \$500. Further, there shall be a registration fee of \$10 for each itinerant vendor working under a managing itinerant license. The ten-dollar fee is for each event or show. A "show or event" is defined to mean an occurrence taking place over three consecutive days or less.

#### **Sec. 16-15. Licensing and fees for charitable, nonprofit and religious organizations.**

Licensing and applications for charitable, nonprofit and religious organizations utilizing Town property shall occur on a per-event basis with the managing itinerant vendor acting as agent for the organization, provided the applicant shall furnish proof of qualification pursuant to tax exempt statutes. The managing itinerant vendor licensing fee for such organizations shall be \$100 per event with a fee of \$5 per each itinerant vendor working under a managing itinerant vendor license. All other provisions of this chapter shall apply to such events and such managing itinerant vendor.

#### **Sec. 16-16. Insurance.**

(a) Where the activity, show or event is to occur on Town of East Haven property, every applicant shall be required to provide proof of liability insurance naming the Town as additional insured and, if necessary, execute an indemnity agreement in favor of the Town of East Haven in such form and amount as shall be approved by the Town Attorney in proportion to the size, scope, duration and other particulars of the event scheduled.

#### **Sec. 16-17. Identification badges.**

At the same time the license is issued, the East Haven Police Department shall issue to each licensee a badge, which shall be worn by the licensee in such a way as to be conspicuous at all times while the licensee is conducting business in the Town. The badge shall bear the appropriate words, "Licensed Peddler", "Solicitor", "Itinerant Vendor" or "Managing Itinerant Vendor", the period for which the license is issued, and the number of the license, in clearly discernible letters and figures.

#### **Sec. 16-18. License exhibition.**

Every person required to be licensed under the provisions of this chapter shall exhibit his or her license when requested to do so by any prospective customer or East Haven Police Department employee.



**Sec. 16-19. Transfer prohibited.**

It is unlawful for any person other than the licensee to use or wear any license or badge issued under the provisions of this chapter except as provided in Section 16-13.

**Sec. 16-20. Entry upon signed premises unlawful.**

It is unlawful for any person, while conducting the business of peddler or solicitor, whether licensed or unlicensed, to enter upon any residential premises in the Town where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import.

**Sec. 16-21. through Sec. 16-24. (Reserved)**

**Article III. STREET SALES OF CERTAIN COMMODITIES; RESTRICTIONS**

**Sec. 16-25. Application of general provisions.**

All licensees pursuant to this article are expressly subject to all general provisions contained in Sections 16-4 and 16-5 and all revocation, appeal and penalty provisions in Section 16-37 et seq.

**Sec. 16-26. Restricted commodities; license required to vend from vehicle.**

Except where exempted by state law, it shall be unlawful for any person to vend upon the public highways of the Town of East Haven, from any type of motor vehicle, any of the following commodities: Toys, candy, drinks or beverages, bottled or otherwise, tobacco in any form, frozen desserts, sweetmeats, ice cream in any form, extracts, dry goods and hardware, without first obtaining a license therefor in compliance with the provisions of this article.

**Sec. 16-27. Term of license.**

Licenses issued pursuant to this article will be valid for a period of one year from January 1 of each year to December 31 of each year. The fee for such annual license shall be \$150. The fee for licenses issued effective after July 1<sup>st</sup> of each year shall be at 1/2 the annual license fee.

**Sec. 16-28. License application.**

(a) An applicant for such license under this article shall complete an application provided by the East haven Police Department, which application shall contain the following information:

- (1) The name, address and phone number of the applicant, and the name, address and phone number of applicant's employer;
- (2) A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes;
- (3) A description of the motor vehicle to be used in vending, including the name of the registered owner, registration number, make and model and age of the vehicle;

- (4) A description of products to be sold; and
- (5) A statement as to whether the applicant has been arrested or convicted of any crime or misdemeanor, and if so, what crimes or misdemeanors.

(b) The applicant, at the time of executing such application, shall also submit the following:

- (1) Identification satisfactory to the Police Department which shall contain a specimen of the applicant's signature and fingerprints; and
- (2) A copy of a valid Health Department license enforceable for the same period of time as the vendor's license to be issued pursuant to this article.

**Sec. 16-29. Motor vehicle requirements.**

An applicant for such license under this article shall demonstrate to the satisfaction of the Police Department of the Town of East Haven that the motor vehicle to be used pursuant to the issuance of said license complies with the following requirements:

- (a) All applicable state laws and motor vehicle regulations;
- (b) That it is equipped with a convex mirror mounted on the front so the driver, in his normal seating position can see the area in front of the truck obscured by the hood.

**Sec. 16-30. License issuance; display; revocation.**

(a) Upon compliance by the applicant for a license hereunder with the provisions of this article, the Police Department of the Town of East Haven shall issue to the applicant a license to vend upon the public highways of the Town from a motor vehicle the permitted commodities stated herein. The Police Department shall not be required to grant such licenses to any person who shall have been convicted of any crime or misdemeanor involving moral turpitude, motor vehicle laws or any violation of this article. Any applicant who receives a license pursuant to this article shall prominently display said license in the motor vehicle he uses to vend.

(b) Licenses issued under the provisions of this article may be revoked by the Chief of Police pursuant to the provisions of Section 16-37 of the Code of Ordinances.

**Sec. 16-31. Nontransferability of license.**

A license issued pursuant to this article shall not be transferable or assignable.

**Sec. 16-32. Vending regulations and restrictions.**

(a) A licensee shall not vend on main thoroughfares or on streets where the speed limit exceeds 25 miles per hour.

(b) A licensee shall not vend within 1,000 feet of any property used as a school from one hour before the regular school day to one hour after the regular school day, provided this subsection shall not apply on days when school is not in session.

(c) A licensee shall vend only when the motor vehicle is lawfully parked or stopped.

- (d) A licensee shall vend only during the hours of 6:00 a.m. to 10:00 p.m.
- (e) A licensee shall vend only from the side of the truck away from moving traffic and as near as possible to the curb or edge of the street.
- (f) A licensee shall not vend to a person standing in the roadway.
- (g) A licensee shall not stop on the left side of a one-way street to vend.
- (h) A licensee shall not back his motor vehicle to make or attempt a sale.
- (i) A licensee shall not allow any person to ride in or on said motor vehicle except the licensee, his employee or authorized agent.
- (j) No licensee shall vend within 25 feet of any, bus stop, crosswalk or intersection or within any parking space, and not within 10 feet of any driveway.
- (k) No vehicle or stand or other item related to the operation of a vending business shall touch, lean against or be connected or affixed to any building or structure, including but not limited to lampposts, parking meters, mailboxes, traffic signal stanchions, fire hydrants, tree boxes, benches, bus shelters, refuse baskets, traffic barriers or Town utilities of any kind.

**Sec. 16-33. through Sec. 16-36. (Reserved)**

**Article IV. LICENSE REVOCATION, APPEAL, PENALTIES AND EXPIRATION**

**Sec. 16-37. License revocation.**

- (a) Licenses issued under the provisions of this chapter may be revoked by the Chief of Police, after notice and 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 by the licensee in the course of carrying on the business for which the license was issued;
  - (3) The violation of any provision of this chapter;
  - (4) Conviction of any crime involving moral turpitude or fraud, conviction of a felony;
  - (5) Conducting the business for which the license was issued in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public;
  - (6) Failure to provide information required under this chapter.
- (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 or address listed on the application at least five days prior to the date set for hearing. At any such hearing, the Chief of Police Shall be the

presiding decision-maker and notice of the decision of any such hearing shall be mailed to the licensee upon issuance.

#### **Sec. 16-38. Appeal.**

Any person aggrieved by the action of the Chief of Police in the denial or revocation of a permit or license as provided herein, shall have the right of appeal to the Board of Police Commissioners of the Town of East Haven. Such appeal shall be taken by filing with the Board, within 14 days after receipt of the notice provided in 16-37(b) herein or within 14 days of the action complained of, a written statement setting forth the grounds for the appeal. The Board shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant at least five days prior to the date set for the hearing. The decision and order of the Board on such appeal shall be final and conclusive.

#### **Sec. 16-39. Penalties.**

Any person violating any provision of this article shall, upon proof of violation, be subject to a fine in the amount of \$75 per violation per day.

#### **Sec. 16-40. Expiration.**

All annual licenses issued under the provisions of this article shall expire on the 31st of December in the year when issued. Licenses other than annual licenses shall expire on the date specified.

#### **Sec. 16-41. through Sec. 16-44. (Reserved)**

### **Article V. FALL FESTIVAL, ANNUAL FIREWORKS PARTY, AND FARMERS MARKET PERMITS AND LICENSES; SUMMER CONCERT VENDING LICENSES**

#### **Sec. 16-45. Fall Festival and Annual Fireworks Party permits and licenses; exception to vendor's license; duration; requirements; fees; penalty for violation.**

(a) It shall be unlawful for any unlicensed vendor to vend in the designated area(s) of the Fall Festival, the Town's Annual Fireworks Party, or the Town's Weekly farmers Market on the day(s) which such events are held without a valid special festival or fireworks permit.

(1) For the purposes of the Fall Festival, the designated area shall be the East Haven Town Green, any public streets or walkways contiguous with the Town Green, and shall include all areas within 1200 feet of the Town Green;

(2) For the purposes of the Annual Fireworks Party, the designated area shall include Bradford Avenue and all points south between Hobson Avenue and Jamaica Court.

(3) For purposes of the Town's Weekly Farmers Market, the designated area shall include the parking lot of East Haven Town Hall.

(b) There shall be three special exceptions to the existing vendors ordinance entitled "Special Vendor's Permit for Fall Festival," "Special Vendor's Permit for Annual Fireworks Party," and "Special Vendor's Permit for Farmers Market."

(c) These special exceptions shall only apply to vendors who wish to vend in the Town of East Haven during the annual Fall Festival, Fireworks event, or Farmers Market within the area(s) set aside for such events.

(d) Each special permit shall be issued by the East Haven Fall Festival, Inc., the Vietnam Veterans Association, or the Manager of the Farmers Market, as the case may be for each respective event, under the supervision of the Chief of Police, and will only be valid for the day(s) that the Fall Festival, Annual Fireworks Party, or Farmers Market takes place.

(e) Each application for such special permit will be required to meet the following regulations:

(1) Certification/approval from the East Haven Fall Festival, Inc., the Vietnam Veterans Association, or the Manager of the Farmers Market as the case may be, such certification not to be unreasonably denied or (delayed) determining whether or not to issue such special permit. Said East Haven Fall Festival, Inc., Vietnam Veterans Association, or Manager of the Farmers Market may require a fee reasonably related to the sales anticipated to be realized by each vendor and may establish reasonable locations and restrictions on the number of vendors of each type of item vended designed to promote the financial success of each group's event.

(f) The fee for such special permits will be \$1.

(g) These special permits will not affect the rights of those already licensed to vend for a full year in the Town of East Haven, except insofar as specified in 16-45(a) herein.

(h) Any person violating any of the provisions of this section shall be fined not more than \$100 for the offense nor less than \$25, and no more than \$200 and no less than \$50 for any second or subsequent offense.

**Sec. 16-46. Summer concert vending license requirements; fees; penalty for violation.**

(a) For the purposes of this section, "summer concert(s)" shall be defined as the weekly concerts sponsored and paid for by the Town during the summer and ordinarily held at the East Haven Town Green.

(b) It shall be unlawful for any unlicensed vendor to vend in the designated area(s) of Summer Concerts on the day(s) which such events are held without a valid vendor's license and special Summer Concerts permit.

(1) For purposes of the Summer Concerts, the designated area shall be the East Haven Town Green, any public streets or walkways contiguous with the Town Green, and shall include all areas within 1200 feet of the Town Green;

(c) For the purposes of this section, the maximum number special summer concerts shall be limited to three (3). Two permits shall be allowed to be issued for non-motor-vehicle carts on the Town Green. One permit shall be allowed to be issued for any type of vendor stationed on any side street, as assigned by the Chief of Police, contiguous with the Town Green.

(d) The fee for a permit under this section shall be \$75.00.

(1) A vendor who enjoys a yearly vending license shall be required to obtain and pay for, in addition to said yearly license, the special permit specified in this section.

(2) A vendor who has no other vending licenses and who only wishes to obtain a summer concert permit shall not be required to obtain a yearly permit as a condition of obtaining a summer concert permit.

(e) The requirements and conditions of this section shall be construed to be in addition to those contained in this chapter. Accordingly, nothing in this section shall be construed as to exempt a vendor seeking a summer concerts permit from having to satisfy all of the application requirements contained in this chapter."

This Ordinance shall be effective in accordance with the provisions of the East Haven Town Charter.

Submitted by: Danelle Feeley, Council Clerk

Date: \_\_\_\_\_

Approved by: Joseph Maturo, Jr., Mayor

Date: \_\_\_\_\_

Received by: Stacy Gravino, Town Clerk

Date: \_\_\_\_\_