

ARTICLE V. PEDDLERS AND SOLICITORS*

***Editor's note:** Ord. No. 02-03, adopted March 25, 2003, enacted a new Art. V as set out herein. The former Art. V pertained to similar subject matter and was derived from Ord. No. 2-91, §§ 1--6, adopted May 9, 1991.

Cross references: Streets, sidewalks and other rights-of-way, § 42-31 et seq.

State law references: Solicitation of charitable funds, G.S. § 21a-175 et seq.; hawkers and peddlers, G.S. § 21-36 et seq.; Home Solicitation Sales Act, G.S. § 42-134a et seq.

Sec. 14-201. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief of police means the Chief of Police of the Town of Berlin or his designee.

Peddler means any person who travels from house to house selling or bartering any goods, wares, or merchandise whether on foot or from a motor vehicle.

Person means any individual, corporation, partnership, association or other entity, whether principal or agent, unless specifically exempted by statute from the provisions of this article.

Solicitor means any person traveling by foot or vehicle from house to house 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 soliciting employs samples and whether or not deposits or advance payments are collected.

Vendor means any person who engages in temporary or transient business in the town either in one or more locations, selling goods, wares, merchandise or foodstuffs.

(Ord. No. 02-03, 3-25-2003)

Cross references: Definitions generally, § 1-2.

Sec. 14-202. Hours of business.

Persons are prohibited from traveling from house to house engaging in the business of peddler, vendor or solicitor within the corporate limits of the town except between the hours of 8:00 a.m. and 8:00 p.m. Persons engaged in the business of peddler, vendor or solicitor who do not travel from house to house are prohibited from engaging in such business within the corporate limits of the town except between the hours 5:00 a.m. and 8:00 p.m.

(Ord. No. 02-03, 3-25-2003)

Sec. 14-203. License required; exemption; fee.

Persons are prohibited from engaging in the business of peddler, vendor or solicitor within the corporate limits of the town without first obtaining a license as

prescribed in this section. Charitable, philanthropic, ecclesiastical and civic organizations shall be exempt from the provisions of this section, provided that any such organization shall register with the chief of police on a form provided by the police department prior to engaging in any vendor, solicitor or peddler activity. The registration fee shall be as listed in appendix D to this Code for any organization and may be waived for good cause. No fee shall be required from any veteran who qualifies under G.S. 21-37, nor from anyone when otherwise prohibited by law. A copy of such registration shall be provided to each registrant and shall be carried by any person while engaging in any vendor, solicitor or peddler activity on behalf of any such organization.

(Ord. No. 02-03, 3-25-2003)

Sec. 14-204. Transaction of business on state highways and rights-of-way.

Notwithstanding the provisions of section 14-203, vendors, peddlers and solicitors are prohibited from transacting business on state highways or state rights-of-way abutting thereto. Vendors transacting business on private property abutting a state highway shall provide ample parking for patrons, and no parking is permitted on the state highway or state right-of-way. A violation of such parking prohibition shall be a violation by the vendor and subject the vendor to sanctions in section 1-15.

(Ord. No. 02-03, 3-25-2003)

Sec. 14-205. Sale of ice cream, candy, popcorn and similar foodstuffs prohibited; exception.

Notwithstanding the provisions of section 14-202, selling or soliciting the sale of ice cream, candy, popcorn and similar foodstuffs by a vendor, peddler or solicitor within 500 feet in any direction of a public school on any day school is in session is prohibited from one-half hour prior to the time set by school authorities for the opening of school to one-half hour after the time set for the end of the school day. Selling or soliciting the sale of ice cream, candy, popcorn and similar foodstuffs in any park or playground in the town by a vendor, peddler or solicitor is prohibited unless, in addition to meeting the other requirements of this article, prior written permission is obtained from the parks and recreation commission.

(Ord. No. 02-03, 3-25-2003)

Sec. 14-206. Application and licensing procedure.

(a) *Application.* Applicants for a license under this article must file with the chief of police a sworn written application, in duplicate, on a form provided by the police department.

(b) *Investigation of applicant.* Upon the filing of an application, the chief of police shall investigate the fitness of the applicant to become licensed under this article. In doing so the chief of police may conduct a wanted persons check and a state police records check (SPBI) on the applicant(s). Should the applicant's fitness be found unsatisfactory, the chief of police shall deny the application and note on the application the reasons for the unsatisfactory finding. Should the applicant's fitness be found satisfactory, the chief shall note such satisfactory

finding on the application. The issue of fitness is determined by whether issuance of the license is consistent with protecting the health and welfare of the town residents.

(c) *Health certificate.* No person making application under this article to sell or solicit the sale of foodstuffs shall be issued a license until providing to the chief of police a certificate executed by the Director of Health of the Central Connecticut Health District stating that the Director of Health of the Central Connecticut Health District has approved the methods and equipment used by the applicant as being in accordance with the state public health code and regulations promulgated under such code.

(d) *Zoning certificate.* No person making application under this article shall be issued a license until providing to the chief of police a certificate executed by the Zoning Enforcement Officer of the Town of Berlin stating that the proposed method of sale in the application is consistent with the Town of Berlin Zoning Regulations.

(e) *Proof of sales and use tax permit.* No person making application under this article shall be issued a license until providing proof to the chief of police of having a valid state sales and use tax permit or an exemption permit from such tax.

(f) *Issuance; fees; period of validity.* The chief of police, upon a determination that the requirements of this section have been met and that a license can be issued, shall approve the application and issue a license to the applicant upon payment of license fees as listed in appendix D to this Code. All licenses issued under this article are valid for one year from the date of issuance and, upon expiration, require the submission of a new application and, if approved, payment of the license fee. Upon issuance of a license the chief of police shall note on the license whether the park and recreation commission has permitted the license holder to sell or solicit the items set forth in section 14-205.

(Ord. No. 02-03, 3-25-2003)

Sec. 14-207. Penalty.

Any person violating any provision of this article shall be guilty of a violation and shall be subject to a fine in the amount as listed in appendix D to this Code. Every day that a person continues in violation of this article shall be deemed a separate violation. The Police Department of the Town of Berlin shall enforce this article through the issuance of a summons to any person violating the provisions herein.

(Ord. No. 02-03, 3-25-2003)

Secs. 14-208--14-240. Reserved.