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CHAPTER 112: PEDDLING

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§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLING. Includes traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, books, magazines, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or without traveling from place to place, selling or offering the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance on public or private property; and further provided that soliciting orders and as a separate transaction making deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed PEDDLING subject to the provisions of this chapter. The word PEDDLING shall include the words HAWK and VEND. However, the word PEDDLING shall not include solicitation of funds by any charitable organization as defined in the ordinance entitled "Ordinance Concerning Solicitation of Charitable Funds" (as codified in Chapter 113 of this code of ordinances).

PERSON. Includes the singular and the plural and shall also mean and include any person, firm or corporation, association, club, co-partnership or society, or any other organization.

(Ord. passed 9-23-1983; Ord. passed 7-1-2011)

Editor's note:

TM Volume 14, page 269

§ 112.02 LIMITATIONS.

No person shall peddle within the limits of the following highways or at any house or other building having frontage on such highway:

- (A) The portion of Main Street from the Niantic River Bridge to Black Point Road; and
- (B) The portion of Pennsylvania Avenue from Main Street to Roxbury Road.

(Ord. passed 9-23-1983; Ord. passed 7-1-2011) Penalty, see § 112.99

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§ 112.03 LICENSE.

With respect to all other highways, no person except as otherwise authorized by law, shall peddle upon any of the public highways of the town, or from house to house within the town, unless he or she shall have obtained a license pursuant to § 112.04.

(Ord. passed 9-23-1983; Ord. passed 7-1-2011) Penalty, see § 112.99

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§ 112.04 LICENSE FEES.

The Chief of Police of the town is authorized to issue licenses to peddle, upon the payment of the following license fees:

Deleted: First Selectman

- (A) For each foot peddler, \$10 per day;
- (B) For each organization of or company employing peddlers, at the option of such organization or company in lieu of the license fee established by division (A) above, \$40 per week; and
- (C) For each peddler, using a team or vehicle, \$45 per year.

(Ord. passed 9-23-1983; Ord. passed 7-1-2011)

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§ 112.05 APPLICATION.

Prior to the issue of any license, the applicant shall file a sworn written application in duplicate with the Chief of Police which must contain or be accompanied by the following data:

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- (A) Name and description of applicant, with permanent home address and local address, if any;
- (B) A description of the nature of the business and the goods to be sold;
- (C) If employed, name and address of the employer, together with credentials establishing the exact relationship;
- (D) The length of time for which the right to do solicitation is desired, not to exceed, in any event, a period of 12 months;
- (E) The proposed method of contacting homeowners prior to initiating solicitation;
- (F) The place from which ordered goods are to be delivered;
- (G) The proposed method of delivery;
- (H) A copy of any and all brochures, order and/or contract forms, or other material to be used in connection with the solicitation;
- (I) A two-inch square photograph of the applicant taken within 60 days;
- (J) The names of at least two property owners of the town who will certify to the applicant's good character and business responsibility or in lieu of the names of references, such other evidence as to the good characters and business responsibility of the applicant, as will enable verification of such character and business responsibility;
- (K) The towns or locations, within or without the state, if any, where the applicant has conducted such solicitation prior to coming to the town;
- (L) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense, and the penalty assessed therefore; and
- (M) An agreement to comply with the provisions of this chapter.

(Ord. passed 9-23-1983; Ord. passed 7-1-2011)

Editor's note:

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§ 112.06 PROCESSING.

(A) Upon receipt by the Chief of Police of the original application, he or she will have ten days within which to determine whether any reason exists for denial of the requested license. In making such evaluation, the determination of qualification shall be governed by the following standards (as applied to the applicant's principal or employer, or, if there be more than one applicant, members of that group):

Deleted: First Selectman

- (1) Veracity of statements in the application;
- (2) Financial solvency; compliance with disclosure and rescission laws;
- (3) Prior claims or fraudulent practices, misrepresentations, trespass, breach of the peace or other unlawful conduct, or intimidating tactics, in the course of making home solicitations; or
- (4) Any similar information which indicates that the applicant lacks the moral or business character to be permitted to conduct home solicitations.

(B) Upon conclusion of the evaluation, the applicant shall be endorsed for approval or denial.

(Ord. passed 9-23-1983; Ord. passed 7-1-2011)

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§ 112.07 USE OF STREETS.

No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall any be permitted to operate in any congested area where peddling might impede or inconvenience the public. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(Ord. passed 9-23-1983; Ord. passed 7-1-2011) Penalty, see § 112.99

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§ 112.99 PENALTY.

Any person violating any provisions of this chapter shall be fined not more than \$100 and each day of a continuing violation shall be deemed a separate violation.

(Ord. passed 9-23-1983; Ord. passed 7-1-2011)

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