

Town of Montville Town Council
Public Hearing Meeting Agenda for Monday, March 11, 2013
6:00 p.m. – Town Council Chambers – Town Hall

1. Call to Order
2. Pledge of Allegiance followed by a moment of silence in honor of our military.
3. Roll Call
4. Public Hearing on the following proposed ordinance:

TOWN OF MONTVILLE
NOTICE OF ORDINANCE HEARING

The following Ordinance, copies of which may be obtained at the office of the Town Clerk during office hours, was introduced at a regular meeting of the Town Council held January 14, 2013 and a public hearing thereon and for its consideration by the Town Council will be held at Town Hall Council Chambers, March 11, 2013 at 6:00 P.M.

**ORDINANCE AMENDING CHAPTER 289, ORDINANCE NO. O-G-4,
“ORDINANCE REGULATING PEDDLERS, VENDORS AND SOLICITORS”**

The Town of Montville hereby ordains:

289-1 License required.

No person shall engage in the peddling, vending or selling of any provisions, foods, goods, wares or merchandise upon any of the public streets of the Town, or from house to house, without first having obtained a license from the Chief of Police or designated representative.

289-2 Exemptions.

The following classes of persons and businesses shall be exempt from the provisions of this chapter:

- A. Farmers and gardeners offering for sale the product of their farms and gardens;
- B. Sales made by minors, who are Town residents or newspapers, magazines and periodicals;
- C. Sales made to dealers and business establishments by commercial travelers or selling agents;
- D. Sales made to regularly established customers at their place of residence;
- E. Sales made by persons who are residents of the Town and who are sponsored by a religious, civic, charitable or educational organization having a place of business in New London County.

289-3 Temporary associations with local dealers and merchants.

No street vendor or itinerant vendor shall be relieved or exempted from the provisions or requirements of this chapter by reason of associating temporarily with any local dealer, auctioneer, trader or merchant or by conducting any temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader or merchant.

289-4 License fee; expiration of license.

- A. The fee for such license shall be \$25 per year or portion thereof for nonprofit organizations and \$200 or portion thereof for all other licenses.
- B. Said license shall expire on the 31st day of December each calendar year.

289-5 License application.

- A. The license application shall contain the following information:
 - (1). Name and address, including former names;
 - (2). Age, weight, height, color of hair and eyes;
 - (3). A brief description of the products to be sold and the trade name, if any, under such business will operate;
 - (4). If this applicant is to be employed by or associated with another licensee, permittee or applicant, the name of such person shall be included on the application;
 - (5). The applicants fingerprints;
 - (6). A statement as to whether or not the applicant has been convicted of any crime, including misdemeanors and motor vehicle violations, the nature of the offense, if any, and the punishment or penalty assessed;
 - (7). The name of any municipality and state from which the applicant has previously sought a license or permit as a peddler, street vendor or solicitor and the dates of such application;
 - (8). The registration number and the name of the owner of any motor vehicle which will be used in connection with the applicants business;
 - (9). A description of the route to be served or the temporary business location; include written permission from property owner if applicable, written approval from the state if located on a state right-of-way;
- B. Each person applying for a license shall have their photograph taken by the Police Department of the Town of Montville for inclusion on the license with the actual cost of the photo license paid by applicant.

289-6 Investigation of applicant by Chief of Police.

- A. Upon receipt of an application the Chief of Police or his designated representative shall, within 21 days, investigate the applicant's background to the extent necessary to protect the public welfare. Upon completion of such investigation he shall:
 - (1). Endorse on any application found unsatisfactory his disapproval and the reasons therefore and return same to the applicant by mailing to his address listed thereon;
 - (2). Endorse on any application his approval, execute a license and notify the applicant by mail that he can obtain same upon payment of the license fee. A copy of this chapter shall be given to all licensees at the town the license is issued.
- B. ~~The Chief of Police shall not issue a license to any vendor if his stand or temporary place of business will be within one mile of a permanent business which sells a similar product. A "permanent business" is defined as a business which is operated within a permanent structure and is assessed property taxes by the Town of Montville. The Chief of Police may not issue a license for any activity associated with this chapter if said activity will result in the creation of a hazard to the motoring public.~~

289-7 License to be displayed in visible location.

Each license holder shall be required to affix the license to the vehicle, cart, stand, carrying case or support structure used in peddling or vending in a location clearly visible to the public. The license shall be made available for inspection at the request of any citizen.

289-8 Vehicles to be inspected by Director of Health.

Vendors engaged in the sale of products for human consumption shall have their vehicles inspected by the Director of Health or his representative prior to filing for a license approval or renewal. Written proof of the inspection must be presented with the application.

289-9 Vendor to keep area clean; penalties for offenses.

All peddlers and vendors shall make adequate provisions for collection and disposals of all used containers, wrappings and other disposables, including garbage. Further, all street vendors engaged in food sales shall be responsible for keeping the area within 100 feet of their vehicle clean, neat and free of litter, including garbage. Failure to keep said area clean and free of litter and garbage shall result in a fine of \$99 per day, each day constituting a separate violation.

289-10 Revocation of license.

Any license granted under this chapter may be revoked by the Chief of Police for any false statement made by the applicant in his application or contained in the credentials or evidence furnished by him to secure a license, for violation of any Town ordinance or state or federal law or for creating any nuisance situation.

289-11 Vending or soliciting without license; penalties for offenses.

Any person found to be vending or soliciting in the Town of Montville without having secured and possessing the required license shall be fined \$100 per day, each day constituting a separate violation.

289-12 Repealer.

The Town ordinance entitled "Ordinance Requiring Peddlers License" passed at Special Town Meeting held on February 26, 1916 is hereby repealed.

Dated at Montville Connecticut this 11th day of February 2013.

Lisa Terry, Town Clerk

20. Adjournment