

Notice is hereby given that a Public Hearing will be held on October 6, 2016, 7:30 PM, Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut to consider the following changes in Ridgefield Code under Chapter 274; Article II: Peddling and Soliciting. Underline & bold italics represents addition to existing language; brackets and strikethrough {~~strikethrough~~} indicate deletion.

**Article II: Peddling** [Adopted 6-1-1983 (§§ 9-1 to 9-7 of the 1974 Code)]

**§ 274-4 Purpose.**

The purpose of this article is to promote greater public safety and welfare and to inhibit and deter potential consumer fraud.

**§ 274-5 Permit required; exceptions.** [Amended 8-24-1988]

- A.** No person or entity shall peddle, vend, hawk or sell upon any public streets, or from house to house, in the Town, any goods, wares or other merchandise, ~~except sales by farmers and gardeners of the produce of their farms and gardens, or the sale, distribution and delivery of ice, milk, teas, coffees, spices, groceries, meats, bakery goods and merchandise on conditional sales,~~ without a written permit issued by the Board of Selectmen. For the purposes of this article, the term "entity" shall be held to include corporations, partnerships, limited partnerships and any other type of business entity as well as agents or employees as representatives of the same.
- B.** The provisions of this article shall not apply to individuals or groups who are residents of the Town and are duly authorized to act for and on behalf of any recognized charitable *(501(c)3 IRC organization)*, civic, or religious organization.
- C.** ~~{This section shall not apply to sales by farmers and gardeners of the produce of their farms and gardens, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sales on approval, to conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation.}~~

**§ 274-6 Issuance and term of permit; fee; contents of permit.** [Amended 8-24-1988]

- A.** The Selectmen are authorized to issue a written permit as required by § 274-5 to any proper person or entity, which permit shall be issued at a rate as provided in Chapter 170, Fees, § 170-2 and shall be valid for one year. A permit fee shall not be required from a veteran who qualifies under C.G.S. § 21-37. [Amended 3-17-2010]
- B.** Permits issued to business entities shall authorize said entities to be represented by one named person only. ~~{If additional personal representatives are sought, additional written permits will be required for each such additional representative and additional fees shall be collected accordingly.}~~ *In the event any employee of such entity (other than the designated representative shown on the permit) is working in the truck or with the cart without the person shown on the permit, said employee shall be required to undergo a background check and shall carry on his or her person an identification card so indicating, provided by the Town. Permits shall not be transferred without the consent of the Board of Selectmen.*

- C. Permits issued shall be signed by the First Selectman or ~~{their}~~ a designated agent{s}, shall contain a passport-size photo as provided for in § 274-7, shall state the expiration date for such permit, shall include hours of operation for such permit and shall contain such other information consistent with the purpose of this article as the Selectmen may require. Said permit may specify the area or areas within the Town for which the permit shall be valid, and shall be conspicuously displayed for the benefit of the public.

**§ 274-7 Application for permit; suspension of permit.** [Amended 8-24-1988]

Every person or entity seeking a written permit under this article shall submit to the Selectmen a written application on such form as may be required by the Selectmen. Said application may require reasonable personal information for identification purposes. The applicant or its representative, should the applicant be an entity, shall furnish two passport-size photos of the applicant or its representative, one of which shall be retained with the application and one of which shall be affixed to the permit to be issued and displayed. Said application shall also request such other further reasonable information, including information regarding previous felony or misdemeanor convictions involving crimes of moral turpitude, ~~as shall not be prohibited by law~~ all of which shall be forwarded to the Ridgefield Police Dept. for a full background check. Said application shall also request a statement as to the goods and services to be covered by the requested permit, and the written permit issued will be limited accordingly. Failure to supply the information requested shall be a sufficient basis for the Selectmen to refuse to issue said permit. In the case of entities, a separate application, permit and fee will be required for each proposed entity representative, and each application shall be signed by both the representative and the entity which he or she represents. A permit may be suspended, after reasonable notice, by the Selectmen if any of the terms and conditions of its issuance are violated or if personal information comes to the attention of the Selectmen, through a police check or otherwise, of such a nature as would have caused the Selectmen to withhold issuance in the first instance. The licensee may request a hearing before the Board of Selectmen within ten days after receipt of such notice. Such request shall be in writing, signed by the petitioner and shall state the facts and grounds of grievance or appeal. Applications must be acted upon by the Selectmen within a period of 60 days from initial submission to the Board.

**§ 274-8 Substantially permanent or stationary operations.** [Added 3-3-1994] (Mobile Food Operations)

~~{Applications for permits for operations intended to be substantially permanent and/or stationary shall be accompanied by a written consent from the property owner and any businesses located on or immediately adjacent to the proposed location. Such a location will also require either approval or waiver from the Town Planner stating that the proposed operation is either consistent with or not governed by Ridgefield zoning. In no event shall a substantially permanent or stationary operation be approved if located in a residential zone. For the purposes of this section, "substantially permanent or stationary" shall be defined as an operation that is fixed and immobile for periods in excess of two consecutive hours of any given day. The Selectmen may, within their discretion, limit the hours of operation for which a permit may issue, and any Town ordinances which may restrict hours of operation for retail~~

sales, deliveries, etc., shall apply without the necessity of being noted on the written permits. The Selectmen may also require that the proposed operation be serviced or adequate provision has been made for running water and toilet facilities. The applicant shall also disclose the nature of the operation and all vehicular and business property to the Ridgefield Tax Assessor for treatment consistent with local taxation.)

Substantially permanent or stationary operations shall only be allowed in the following circumstances:

1. Mobile Food/Catering Operations on property under the jurisdiction of the Ridgefield Parks and Recreation Department for events authorized by said department, provided that all of the registration requirements of this ordinance have been satisfied.
2. Mobile Food/Catering Operations for special events sponsored by qualified 501(c)3 IRC charitable entities or by organizations which have been approved by the Town of Ridgefield to come under the Town's 501(c)3 IRC exemption.

Provided, however, permanent Mobile Food/Catering Operations existing as of the date hereof, being the "Zawack Shack" located on Ethan Allen Highway opposite the Days Inn, and Chez Lenard, located outside of 456 Main Street, shall be grandfathered in, provided they shall comply with the required registration provisions hereof.

Notwithstanding the above, and with the consent of the Route 7 Mobile Food/Catering Operations herein referred to, one additional Mobile Food Operation shall be permitted at the Route 7 location with the consent of the present Mobile Food/Catering Operations there located, between the hours of 6:00 am and 9:00 am serving coffee and pastries only.

The fee for such permits shall be \$200.00 per applicant.

#### **§ 274-9 Insurance.**

[Added 3-3-1994]

As a condition to permit issuance, the Board of Selectmen may require proof of insurance, either vehicular, property, casualty, or liability, as may be reasonable and customary for the nature of the proposed operation and in amounts consistent with the intensity and nature of the operation.

#### **§ 274-10 Penalties for offenses.**

Any person who engages in the activities set forth by § 274-5A without a valid written permit shall be fined the sum of \$250, or the maximum sum permitted by state statute, whichever shall be greater.

Rudy Marconi  
First Selectman