

Notice is hereby given that a Public Hearing will be held on October 19, 2016, 7:30 PM, Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut to consider 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.

Chapter 274. Peddling and Soliciting

[HISTORY: Adopted by the Town of Ridgefield as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Food service establishments — See Ch. 193.

Article I. Soliciting for Subscriptions

[Adopted 6-5-1974 as § 9-8 of the 1974 Code]

§ 274-1. Permit required.

No person shall sell or solicit subscriptions for any newspapers, magazines or other periodical publications, upon any public street or highway, or from house to house, without first obtaining permission from the Board of Selectmen. Permission shall not be granted unless and until all information as shall be required by said Board shall be furnished by such vendor or solicitor.

§ 274-2. Term of permit.

[Amended 3-17-2010]

The Selectmen are hereby authorized to issue a permit for such sale or solicitation as described in § 274-1 to any proper person for one day, one week or one month, but no permit shall be issued for a longer term than one month.

§ 274-3. Exceptions.

The provisions of this article shall not apply, insofar as the payment of a fee is concerned, to individuals or groups who are residents of the Town and act for, and on behalf of, any charitable, civic or religious organization.

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. Except as expressly set forth in § 274-5.B of this ordinance, ~~(N)no~~ person or entity shall peddle, vend, hawk or sell upon any public streets, or from house to house, or from a mobile food service operation, anywhere 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 terms used herein shall have the following meanings:

1. ~~{e}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.
2. ^A "Mobile food service operation" shall be held to include a self-contained food service operation, located in a vehicle or a movable stand, self or otherwise propelled, used to store, prepare, display or serve food for human consumption. It shall include but not be limited to hot dog stands, food carts, ice cream trucks, canteen trucks serving construction sites, and food trucks.
3. "Event" shall be held to include fairs, festivals, recreational competitions, and fund-raising activities that are scheduled in advance of the date on which they are held.

B. The provisions of this article shall not apply to the following:

1. ~~{i}~~ 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, or on behalf of any organization that has been approved by the Town of Ridgefield to come under the Town's 501(c)(3) IRC exemption.
2. Sales by farmers and gardeners of the produce of their farms and gardens.
3. 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.

4. Mobile food service operations for parties held on private property located in Residential and Other Housing Zones, as set forth in the Town of Ridgefield Zoning Regulations, when such parties do not exceed a duration of

~~{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 at the mobile food service operation 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 ~~{Selectmen}~~ 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 Department 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 Selectman within 10 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 ~~{30}~~60 days from initial submission to the Board.

§ 274-8. ~~{Substantially permanent or stationary operations}~~ Mobile Food Service Operation.

[Added 3-3-1994]

- A. Except as expressly set forth in § 274-8.B of this ordinance, no mobile food service operation shall be permitted in any Business Zone as set forth in the Town of Ridgefield Zoning Regulations.**
- B. No permits for a mobile food service operation in the Town shall be issued after the effective date of this provision, except as permitted below and when all of the registration requirements of this ordinance have been satisfied:**
- 1. Mobile food service operations conducted from vehicles that are not parked in the same location for more than 15 minutes.**
 - 2. Mobile food service operations on property under the jurisdiction of the Ridgefield Parks and Recreation Department, and/or the public street adjacent thereto, for events authorized by said Department.**
 - 3. One mobile food service operation located on the sidewalk adjacent to Parcel/Tax Assessor's ID E15-0175 (currently 456 Main Street, or Route 35), provided that any approval required from the state has been obtained.**
 - 4. One mobile food service operation located in the pull-off along the westerly side of Ethan Allen Highway (Route 7), generally opposite the existing Days Inn in the adjoining Town of Redding, Connecticut, provided that any approval required from the state has been obtained.**

5. A second mobile food service operation located in the pull-off along the westerly side of Ethan Allen Highway (Route 7), generally opposite the existing Days Inn in the adjoining Town of Redding, Connecticut, operating only between the hours of 6:00 AM and 9:00 AM and selling only beverages and baked goods, provided that any approval required from the state has been obtained.

C. Applications for permits for mobile food service 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~~ information on the proposed hours of operation, location of the operation in relation to the nearest street and driveway intersections, number and location of garbage disposal facilities, and provision for water service and toilet facilities, if any. The Selectmen may, within their discretion, limit the hours of operation for which a permit may be issued, and any Town ordinances ~~(which) that (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 not obstruct existing vehicular sight lines at nearby intersections and that it be serviced by 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. Mobile food service operations shall also comply with all applicable health and zoning requirements of the Town.

§ 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 \$50, or the maximum sum permitted by state statute, whichever shall be greater.